



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 13, 2022

SUBJECT: Zone Text Amendment No. 193-2022

APPLICANT: N/A

REQUEST: Consider adoption of Resolution No. 22-2840 recommending City Council adoption of Zone Text Amendment No. 193-2022, a Proposed Ordinance Amending the Carson Zoning Ordinance related to regulation of Industrial Warehousing and Logistics Facilities.

COMMISSION ACTION

AYE	NO		AYE	NO	
		Vice Chair Palmer			Monteclaro
		Docdocil			D. Thomas
		Diaz			Rashad
		Guerra			Hernandez
		Huff			Alt. Mfume Alt. Wilson

ITEM NO. 6B

I. Background

Zone Text Amendment No. 193-2022 (the “ZTA”) is a proposed text change to the Carson Zoning Ordinance pursuant to CMC 9172.11. The proposed ZTA is for the adoption of an ordinance to create standards to address impacts of new developments in City’s industrial zones on the community.

Increasingly, industrial buildings are built or used for short-term, high-cube storage, characterized by fast intake and rapid shipment of goods driven by customer demand, in contrast to traditional warehouses, which are used for more static long-term storage of manufactured goods. This trend results in uses that generate more vehicles and trips accessing the facility, with associated increases in potential impacts to safety and convenience of traffic, parking, circulation, air quality, and street quality, among other impacts.

Development and operation of warehousing, logistics, distribution, and other truck-related industrial facilities have direct impacts on the community and the environment, including: (1) additional traffic trips generated; (2) air quality concerns created by harmful diesel emissions and dust created by trucks and other machinery; (3) noise associated with operation and loading of trucks and other vehicles; (4) vibrations caused by operation of large trucks; (5) public health and safety concerns associated with possible traffic collisions and diesel and other emissions affecting nearby sensitive uses; and (6) increased costs related to maintenance of public infrastructure that is quickly deteriorated by operation of large trucks or large numbers of smaller vehicles.

The City’s location and proximity to major infrastructure and transportation facilities such as ports, airports, rail, and freeways make Carson a desirable location for all types of warehousing and logistics businesses, and particularly those engaged in transloading.

In light of recent case law and emerging trends in the industry, the City Council finds that the current Zoning Ordinance does not provide sufficient regulations to ensure that development and operation of all different types of warehouses, logistics facilities, fulfillment centers, distribution facilities, and other related facilities occurs in a manner that protects the public from adverse impacts to public peace, health and safety and that adequately protects against avoidable adverse environmental impacts, and is in need of an update to better address these issues.

The ZTA is necessary for the protection of the public peace, health, and safety of the City because in the absence of amendments to the City’s Zoning Ordinance, projects for new development (including construction of new buildings on vacant lots as well as demolition of existing buildings and construction of new buildings on the same lots) and expansion or intensification of industrial buildings and facilities of significant sizes in the M-H or M-L zones and their related uses will continue to be processed and permitted without sufficient supporting regulatory authority and in the absence of clear regulatory standards, and may thereby have adverse effects on the public peace, health and safety of the City’s residents. Enactment of the additional requirements set forth in this ordinance will help ensure that the City has sufficient regulatory control to prevent and protect against the adverse impacts such operations may otherwise cause, particularly when operating in close proximity to sensitive uses such as residences.

The ZTA is consistent with the City's General Plan and advances the General Plan goals and policies of protecting public safety, managing truck-intensive uses, ensuring compatibility of adjacent land uses, promoting the use of buffers between industrial and residential uses, reducing emissions related to industry to enhance air quality, and minimizing noise impacts to sensitive land uses.

II. Analysis

Requirement of Conditional Use Permit

CMC Sections 9141.1 and 9148.8 are proposed to be amended to expand the City's conditional use permit (CUP) requirements to reach more truck-related uses, particularly when in proximity to sensitive uses.

Currently, a CUP is required if a use involving (i) truck parking, maneuvering, loading and off-loading operations, stacking or servicing, or (ii) placement or stacking of trailers or any other similar container for cargo, merchandise, products, materials, etc., is to be located within 100 feet of a residentially zoned property.

The ZTA would expand this requirement to provide that a Conditional Use Permit will be required if any portion of property utilized for any truck-related use is within 500' of the lot line of any sensitive use.

Truck related uses are defined as: truck parking, maneuvering, loading and off-loading operations, stacking or servicing, placement or stacking of trailers or any other similar container for cargo, merchandise, products, materials, etc., *or any use as an "Industrial Warehousing and Logistics Facility,"* as that term is defined in the ZTA (discussed below).

Sensitive use is defined as any residence (including private homes, condominiums, apartments, and mobile home parks), school, preschool, daycare center, in-home daycare, health facility (including hospitals, long term care facilities, retirement and nursing homes), community center, place of worship, park, residential zone, or mixed use zone that allows residential uses.

Waiver of Requirement for Conditional Use Permit

The CUP requirement can be waived by the Director if the following is met:

- All portions of property utilized for any truck-related uses are a minimum two hundred fifty (250) feet from the property line of any sensitive use; and
- The truck-related use has less than three (3) loading zones, or no mitigation measures can be imposed that will alleviate existing or potential problems caused by the truck-related use that affects sensitive uses.

Effect on Existing Uses

Lawfully established existing uses are not subject to the expanded CUP requirements of the ZTA, meaning they need not obtain a CUP to avoid nonconforming status.

Industrial Warehousing and Logistics Facility Definitions

Buildings in industrial zones are mostly speculative and have no proposed users. The users are identified by the building owners after the construction of the buildings are complete or nearly complete. The proposed ordinance assumes all speculative buildings without a specific user identified are “Industrial Warehousing and Logistics Facilities,” which fall into four (4) categories as listed below. These categories are in addition to the “warehouse”, as defined in CMC 9191.746, a “truck terminal” as defined in CMC 9191.698; and a “truck yard” as defined in CMC 9191.699; all of these are included in the definition of an “Industrial Warehousing and Logistics Facility” that would be subject to the provisions of this ZTA. The following four (4) categories are derived from the Institution of Transportation Engineers (ITE) Trip General Manual, 10th Edition:

- **Warehouse.** A warehouse meeting the description of Land Use 150, which is as follows: “A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas.”
- **Transload and Short-term Facilities.** A high-cube warehouse and/or a short-term storage warehouse meeting the description of Land Use 154, which is as follows: “A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. The HCWs included in this land use include transload and short-term facilities. Transload facilities have a primary function of consolidation and distribution of pallet loads (or larger) for manufacturers, wholesalers, or retailers. They typically have little storage duration, high throughput, and are high-efficiency facilities. Short-term HCWs are high-efficiency distribution facilities often with custom/special features built into structure for movement of large volumes of freight with only short-term storage of products.”
- **Fulfillment Center Warehouse.** A high cube fulfillment center warehouse meeting the description of Land Use 155, which is as follows: “A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. High-cube fulfillment center warehouses include warehouses characterized by a significant storage function and direct distribution of ecommerce product to end users. These facilities typically handle smaller packages and quantities than other types of HCWs and often contain multiple mezzanine levels. Each fulfillment center in the ITE database has been categorized as either a sort or non-sort facility. A sort facility is a fulfillment center that ships out smaller items, requiring extensive sorting, typically by manual means. A non-sort facility is a fulfillment center that ships large box items that are processed primarily with automation rather than through manual means. Separate sets of data plots are presented for the sort and non-sort fulfillment centers.

- Parcel Hub. A high-cube parcel hub warehouse meeting the description of Land Use 156, which is as follows: “A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. High-cube parcel hub warehouses typically serve as regional and local freight-forwarder facilities for time sensitive shipments via airfreight and ground carriers. These sites also often include truck maintenance, wash, or fueling facilities.”

Facilities developed and used solely for manufacturing purposes are excluded from the definition of “Industrial Warehousing and Logistics Facility.” Incidental office and/or retail spaces do not exempt a facility from the definition of “Industrial Warehousing and Logistics Facility.”

Development Standards

The following represent some of the new development standards that would be added by the ZTA, via a new CMC Section 9148.11. These standards would apply to new development of Industrial Warehousing and Logistics Facilities regardless of whether a CUP is required for the said uses, and provided: (i) the proposed project is for development of more than 20,000 square feet of gross floor space (whether as new building space proposed on vacant land or replacement an existing building to be demolished); or (ii) the proposed project is increasing the number of truck loading doors of an existing facility by 10% or more. However, in the event of an addition or expansion of an existing facility, the new development standards would only apply to the newly-added portions of the facility that encroach within such proximity of a sensitive use as would trigger the respective sensitive use distance-based restrictions of the ZTA. A complete list of the new development standards is included in Section 9148.11.C. of the ZTA.

1. Community engagement process;
2. Solid walls between 12’ and 16’ high adjacent to sensitive uses;
3. Landscape setbacks from adjacent sensitive uses
 - a. Buildings under 100,000 square feet buffer is 25’
 - b. Buildings over 100,000 square feet buffer is 50’
4. Loading doors and truck entries, truck drive aisles, and truck exits shall be oriented away from adjacent sensitive uses
5. Loading doors, truck entries and exits, truck drive aisles shall be at least 300 feet from the property line of any sensitive use
6. Minimum 140’ stacking distance to reduce chances of truck queuing on public streets
7. Truck entries should not to local residential streets

8. Installation of anti-idling signs indicating a 3-minute diesel truck engine idling restriction
9. Submission of Truck Routing Plan that includes hours of operations, types of items to be stored within the building, and proposed truck routing to and from the facility to designated truck routes and ultimately to the freeway system that avoids passing sensitive uses to the greatest extent possible.
10. Installation of signs in prominent locations on the facility premises indicating that off-site parking for any employee, truck, or other vehicle related to the operation or use of the facility is strictly prohibited.
11. Signs with contact information for complaints about excessive dust, fumes, or odors, and truck and parking complaints for the site
12. The electric vehicle (EV) charging stations and EV ready spaces for cars and trucks shall be at least 10% above Cal Green requirements.
13. If the Industrial Warehousing and Logistics Facility will be located within 500 feet of any sensitive use (property line to property line), the hours of truck-related and other outdoor operations of the facility shall be limited to 6:00 a.m. to 10:00 p.m.
14. Paving areas within 300 feet of the property line of a sensitive use shall be improved with low-noise asphalt to reduce noise

The ZTA provides that the Planning Commission would be the approval authority for the determination of compliance with the required development standards for “Industrial Warehousing and Logistics Facilities” that are subject to the new CMC 9148.11, upon recommendation from the Director and subject to appeal to the City Council.

CFD/DIF

Although this ordinance creates a new approval process for new Industrial Warehousing and Logistics Facilities, these projects are subject to (i) payment of Interim Development Impact Fees (IDIF) , and (ii) mitigation of their impacts on City services via annexation to the City’s Community Facilities District or establishment of another comparable funding mechanism to provide an ongoing source of funds for the ongoing services (CFD), in accordance with other City ordinances and resolutions (e.g., CMC Article XI for IDIF, Ordinance No. 1814 and Resolution No.’s 18-083 and 18-119 for CFD) as applicable and as may be amended, supplemented or replaced from time to time.

III. Environmental Review

Consideration of ZTA No. 193-2022 is exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment will have a significant effect on the environment. The purpose of the proposed zone text amendment is to impose expanded conditional use permit requirements and clear, current, and sustainable development and operational standards applicable to new Industrial Warehousing and Logistics Facilities (as defined herein) in order to protect

against the adverse public health, safety and environmental impacts of such facilities. CEQA review for such projects will be conducted on a project-by-project basis as applicable.

IV. Public Notice

Notice of the public hearing was posted on August 31, 2022, and advertised in the September 2, 2022 edition of the Daily Breeze. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

V. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 22-2840, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL ADOPT TEXT AMENDMENT NO. 193-2022, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9148.8 (TRUCK-RELATED USES LOCATED LESS THAN ONE HUNDRED [100] FEET FROM A RESIDENTIAL ZONE) OF, AND ADDING SECTION 9148.11 (INDUSTRIAL WAREHOUSING AND LOGISTICS FACILITIES) TO, DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) OF PART 4 (INDUTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, RELATED TO REGULATION OF INDUSTRIAL WAREHOUSING AND LOGISTICS FACILITIES”

VI. Exhibits

1. Proposed Resolution No. 22.2840
 - a. Ordinance No. 22-_____

Prepared by: Saied Naaseh, Community Development Director and City Attorney's Office

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 22-2840

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL ADOPT TEXT AMENDMENT NO. 193-2022, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9148.8 (TRUCK-RELATED USES LOCATED LESS THAN ONE HUNDRED [100] FEET FROM A RESIDENTIAL ZONE) OF, AND ADDING SECTION 9148.11 (INDUSTRIAL WAREHOUSING AND LOGISTICS FACILITIES) TO, DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, RELATED TO REGULATION OF INDUSTRIAL WAREHOUSING AND LOGISTICS FACILITIES

WHEREAS, the California Constitution, in Article XI, Section 7, and the California Government Code, in Sections 65000 *et seq.*, 38774, 38775, and 65850(b), generally grant local governments the authority under their police powers to regulate land use. The City of Carson is a Charter City, and its general land use authority is set forth in Section 207 of the City’s Charter; and

WHEREAS, Section 9141.1 of the City’s Zoning Ordinance (Chapter 1 of Article IX of the Carson Municipal Code) sets forth the permitted uses in the City of Carson’s industrial zones, including the M-H (Manufacturing-Heavy) and M-L (Manufacturing-Light) Zones, providing that warehousing of specified materials is an automatically permitted use in such zones. General development standards for truck maneuvering and loading facilities are provided in Division 2 of Part 6 of the City’s Zoning Ordinance. Carson Municipal Code (“CMC”) 9148.8 requires a conditional use permit for truck-related uses that are located in the industrial zones and less than 100 feet from a residential zone. CMC 9141.1 and 9148.9 require a conditional use permit and impose development standards for truck terminals (as defined in CMC 9191.698) and truck yards (as defined in CMC 9191.699) in industrial zones (with truck yards prohibited in the ML zone); and

WHEREAS, increasingly, industrial buildings are built or used for short-term, high-cube storage, characterized by fast intake and rapid shipment of goods driven by customer demand, in contrast to traditional warehouses, which are used for more static long-term storage of manufactured goods. This trend results in uses that generate more vehicles and trips accessing the facility, with associated increases in potential impacts to safety and convenience of traffic, parking, circulation, air quality, and street quality, among other impacts; and

WHEREAS, development and operation of, warehousing, logistics, distribution, and other truck-related industrial facilities have direct impacts on the community and the environment, including: (1) additional traffic trips generated; (2) air quality concerns created by harmful diesel emissions and dust created by trucks and other machinery; (3) noise associated with operation and loading of trucks and other vehicles; (4) vibrations caused by operation of large trucks; (5) public

health and safety concerns associated with possible traffic collisions and diesel and other emissions affecting nearby sensitive uses; and (6) increased costs related to maintenance of public infrastructure that is quickly deteriorated by operation of large trucks or large numbers of smaller vehicles; and

WHEREAS, the City's location and proximity to major infrastructure and transportation facilities such as ports, airports, rail, and freeways make Carson a desirable location for all types of warehousing and logistics businesses, and particularly those engaged in transloading; and

WHEREAS, in light of recent case law and emerging trends in the industry, the Planning Commission finds that the current Zoning Ordinance does not provide sufficient regulations to ensure that development and operation of all different types of warehouses, logistics facilities, fulfillment centers, distribution facilities, and other related facilities occurs in a manner that protects the public from adverse impacts to public peace, health and safety and that adequately protects against avoidable adverse environmental impacts, and is in need of an update to better address these issues; and

WHEREAS, the Planning Commission finds the proposed Zone Text Amendment Ordinance attached hereto as Exhibit "A" ("ZTA Ordinance") is necessary for the protection of the public peace, health, and safety of the City because in the absence of amendments to the City's Zoning Ordinance, projects for new development (including construction of new buildings on vacant lots as well as demolition of existing buildings and construction of new buildings on the same lots) and expansion or intensification of industrial buildings and facilities of significant sizes in the M-H or M-L zones and their related uses will continue to be processed and permitted without sufficient supporting regulatory authority and in the absence of clear regulatory standards, and may thereby have adverse effects on the public peace, health and safety of the City's residents. Enactment of the additional requirements set forth in the ZTA Ordinance will help ensure that the City has sufficient regulatory control to prevent and protect against the adverse impacts such operations may otherwise cause, particularly when operating in close proximity to sensitive uses such as residences; and

WHEREAS, the ZTA Ordinance is consistent with the City's General Plan and advances the General Plan goals and policies of protecting public safety, managing truck-intensive uses, ensuring compatibility of adjacent land uses, promoting the use of buffers between industrial and residential uses, reducing emissions related to industry to enhance air quality, and minimizing noise impacts to sensitive land uses; and

WHEREAS, nothing in the ZTA Ordinance is intended nor shall be construed to: (1) allow or permit any use that is currently prohibited under CMC Section 9141.1 or CMC Section 9141.3; or (2) limit or preclude applicability of any existing regulation or requirement of the CMC, except as otherwise specified in the ZTA Ordinance.

WHEREAS, on September 13, 2022, after notice duly given, the Planning Commission held a public hearing and heard testimony and considered all factors both oral and written with regards to recommendation of City Council adoption of the ZTA Ordinance.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and incorporates them herein by reference as findings of fact.

SECTION 2. The Planning Commission finds as follows:

- a) In or about April 2022, the City Council considered an urgency ordinance related to the subject matter of the Proposed ZTA Ordinance and thereafter referred the matter to a City Council subcommittee and to the City's Economic Development Commission and Planning Commission, which process resulted in preparation of the proposed ZTA Ordinance for consideration by the Planning Commission. To the extent the process for consideration of the proposed ZTA Ordinance pursuant to CMC 9172.11(A) was not formally initiated by the City Council in connection with the foregoing, the Planning Commission hereby orders initiation of consideration of the proposed ZTA Ordinance pursuant to CMC 9172.11(A).
- b) The proposed ZTA Ordinance is consistent with the General Plan of the City of Carson. The ZTA Ordinance advances the General Plan goals and policies of protecting public safety, managing truck-intensive uses, ensuring compatibility of adjacent land uses, promoting the use of buffers between industrial and residential uses, reducing emissions related to industry to enhance air quality, and minimizing noise impacts to sensitive land uses.
- c) The proposed ZTA Ordinance would apply Citywide, throughout the City's industrial (M-L and M-H) zones. CMC Section 9148.8, as would be amended by the proposed ZTA Ordinance, would apply a conditional use permit requirement to any new use as an Industrial Warehousing and Logistics Facility (as that term is defined in CMC 9148.11 of the proposed ZTA Ordinance) that is within 500 feet of a sensitive use (as that term is defined in said Section 9148.11). This expanded conditional use permit requirement would be additional to any other conditional use permit requirement(s) that may apply to a particular Industrial Warehousing and Logistics Facility use under the current provisions of the City's Zoning Ordinance, such as the conditional use permit requirements applicable to truck yards, truck terminals, and hazardous materials, as those terms are defined in the Zoning Ordinance. CMC Section 9148.11, as would be added to the CMC by the proposed ZTA Ordinance, would apply to all new development (whether via construction of new buildings on vacant lots, addition of new building space to existing facilities, or construction of new buildings replacing existing buildings to be demolished on the same lots, regardless of the size of the new building(s) relative to the building(s) to be demolished) of 20,000 square feet or more of gross floor area of Industrial Warehousing and Logistics Facility buildings, and to intensification (defined in the proposed ZTA Ordinance as an increase in the number of loading doors by 10% or more) of Industrial Warehousing and Logistics Facilities, as stated in subsection (A)(1) of the proposed CMC 9148.11. The development standards of CMC Section 9148.11 would apply in addition to any other applicable development standards of the City's Zoning Ordinance, and in the event of a conflict, the stricter standard would prevail.
- d) Although the proposed ZTA Ordinance creates a new approval process for new Industrial Warehousing and Logistics Facilities, these projects are subject to (i) payment of Interim Development Impact Fees (IDIF), and (ii) mitigation of their impacts on City services via annexation to the City's Community Facilities District or establishment of another comparable funding mechanism to provide an ongoing source

of funds for the ongoing services (CFD), in accordance with other City ordinances and resolutions (e.g., CMC Article XI for IDIF, Ordinance No. 1814 and Resolution No.'s 18-083, 18-119), as applicable and may be amended, supplemented or replaced from time to time.

- e) The reasons for the Planning Commission's recommendation of City Council approval of the proposed ZTA Ordinance are as set forth in this section and the recitals above, including that the proposed ZTA will serve to protect public health, safety and welfare and the environment.

SECTION 3. The Planning Commission finds that the proposed ZTA Ordinance is exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed ZTA Ordinance will have a significant effect on the environment. The purpose of the proposed ZTA Ordinance is to impose expanded conditional use permit requirements and clear, current, and sustainable development and operational standards applicable to new Industrial Warehousing and Logistics Facilities (as defined therein) in order to protect against the adverse public health, safety and environmental impacts of such facilities. CEQA review for such projects will be conducted on a project-by-project basis as applicable.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, hereby recommends that the City Council approve Zone Text Amendment No. 193-2022, attached hereto and incorporated by reference as Exhibit A, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA," AMENDING SECTION 9148.8 (TRUCK-RELATED USES LOCATED LESS THAN ONE HUNDRED [100] FEET FROM A RESIDENTIAL ZONE) OF, AND ADDING SECTION 9148.11 (INDUSTRIAL WAREHOUSING AND LOGISTICS FACILITIES) TO, DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, RELATED TO REGULATION OF INDUSTRIAL WAREHOUSING AND LOGISTICS FACILITIES."

SECTION 5. This decision of the Planning Commission shall become effective and final 15 days from the date of the action, in accordance with Section 9173.33 of the City's Zoning Ordinance, unless an appeal is filed in accordance with Section 9173.4 of the City's Zoning Ordinance.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of the Resolution, and shall transmit it to the City Council.

PASSED, APPROVED and ADOPTED this 13th day of September, 2022.

CHAIRMAN

ATTEST:

SECRETARY

EXHIBIT A

[proposed ZTA Ordinance – to be attached]

ORDINANCE NO. 22-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9148.8 (TRUCK-RELATED USES LOCATED LESS THAN ONE HUNDRED [100] FEET FROM A RESIDENTIAL ZONE) OF, AND ADDING SECTION 9148.11 (INDUSTRIAL WAREHOUSING AND LOGISTICS FACILITIES) TO, DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) OF PART 4 (INDUSTRIAL ZONES) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, RELATED TO REGULATION OF INDUSTRIAL WAREHOUSING AND LOGISTICS FACILITIES

WHEREAS, the California Constitution, in Article XI, Section 7, and the California Government Code, in Sections 65000 *et seq.*, 38774, 38775, and 65850(b), generally grant local governments the authority under their police powers to regulate land use. The City of Carson is a Charter City, and its general land use authority is set forth in Section 207 of the City's Charter; and

WHEREAS, Section 9141.1 of the City's Zoning Ordinance (Chapter 1 of Article IX of the Carson Municipal Code) sets forth the permitted uses in the City of Carson's industrial zones, including the M-H (Manufacturing-Heavy) and M-L (Manufacturing-Light) Zones, providing that warehousing of specified materials is an automatically permitted use in such zones. General development standards for truck maneuvering and loading facilities are provided in Division 2 of Part 6 of the City's Zoning Ordinance. Carson Municipal Code ("CMC") 9148.8 requires a conditional use permit for truck-related uses that are located in the industrial zones and less than 100 feet from a residential zone. CMC 9141.1 and 9148.9 require a conditional use permit and impose development standards for truck terminals (as defined in CMC 9191.698) and truck yards (as defined in CMC 9191.699) in industrial zones (with truck yards prohibited in the ML zone); and

WHEREAS, increasingly, industrial buildings are built or used for short-term, high-cube storage, characterized by fast intake and rapid shipment of goods driven by customer demand, in contrast to traditional warehouses, which are used for more static long-term storage of manufactured goods. This trend results in uses that generate more vehicles and trips accessing the facility, with associated increases in potential impacts to safety and convenience of traffic, parking, circulation, air quality, and street quality, among other impacts; and

WHEREAS, development and operation of warehousing, logistics, distribution, and other truck-related industrial facilities have direct impacts on the community and the environment, including: (1) additional traffic trips generated; (2) air quality concerns created by harmful diesel emissions and dust created by trucks and other machinery; (3) noise associated with operation and loading of trucks and other vehicles; (4) vibrations caused by operation of large trucks; (5) public health and safety concerns associated with possible traffic collisions and diesel and other emissions affecting nearby sensitive uses; and (6) increased costs related to maintenance of public

infrastructure that is quickly deteriorated by operation of large trucks or large numbers of smaller vehicles; and

WHEREAS, the City’s location and proximity to major infrastructure and transportation facilities such as ports, airports, rail, and freeways make Carson a desirable location for all types of warehousing and logistics businesses, and particularly those engaged in transloading; and

WHEREAS, in light of recent case law and emerging trends in the industry, the City Council finds that the current Zoning Ordinance does not provide sufficient regulations to ensure that development and operation of all different types of warehouses, logistics facilities, fulfillment centers, distribution facilities, and other related facilities occurs in a manner that protects the public from adverse impacts to public peace, health and safety and that adequately protects against avoidable adverse environmental impacts, and is in need of an update to better address these issues; and

WHEREAS, the City Council finds this Ordinance is necessary for the protection of the public peace, health, and safety of the City because in the absence of amendments to the City’s Zoning Ordinance, projects for new development (including construction of new buildings on vacant lots as well as demolition of existing buildings and construction of new buildings on the same lots) and expansion or intensification of industrial buildings and facilities of significant sizes in the M-H or M-L zones and their related uses will continue to be processed and permitted without sufficient supporting regulatory authority and in the absence of clear regulatory standards, and may thereby have adverse effects on the public peace, health and safety of the City’s residents. Enactment of the additional requirements set forth in this ordinance will help ensure that the City has sufficient regulatory control to prevent and protect against the adverse impacts such operations may otherwise cause, particularly when operating in close proximity to sensitive uses such as residences; and

WHEREAS, the proposed zone text amendment is consistent with the City’s General Plan and advances the General Plan goals and policies of protecting public safety, managing truck-intensive uses, ensuring compatibility of adjacent land uses, promoting the use of buffers between industrial and residential uses, reducing emissions related to industry to enhance air quality, and minimizing noise impacts to sensitive land uses; and

WHEREAS, nothing in this Ordinance is intended nor shall be construed to: (1) allow or permit any use that is currently prohibited under CMC Section 9141.1 or CMC Section 9141.3; or (2) limit or preclude applicability of any existing regulation or requirement of the CMC, except as otherwise specified herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

SECTION 2. CEQA. The City Council finds and determines that this ordinance is exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the

environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment will have a significant effect on the environment. The purpose of the proposed zone text amendment is to impose expanded conditional use permit requirements and clear, current, and sustainable development and operational standards applicable to new Industrial Warehousing and Logistics Facilities (as defined herein) in order to protect against the adverse public health, safety and environmental impacts of such facilities. CEQA review for such projects will be conducted on a project-by-project basis as applicable.

SECTION 3. CODE AMENDMENT. Section 9141.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to add a new row to the table of permitted uses under the section entitled “Transportation, Communications, Utilities and Public Service”, to read as follows:

Truck-Related Uses Located Less than 500 Feet from Sensitive Use (CMC 9148.8)	C	C
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SECTION 4. CODE AMENDMENT. Section 9148.8 (Truck-Related Uses Located Less than One Hundred (100) Feet from a Residential Zone) of Division 8 (Special Requirements for Certain Uses) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended to read in its entirety as follows (additions shown in bold italics, deletions shown in ~~strikethrough~~):

“9148.8 Truck-Related Uses Located Less than *Five Hundred (500)* ~~One Hundred (100)~~ Feet from a Residential Zone Sensitive Use.

A. If any portion of property utilized for any truck-related use described in this subsection (A)(1), ~~or (A)(2)~~ **or (A)(3)**, is less than ***five hundred (500) feet*** ~~one hundred (100) feet~~ from the lot line of any residentially zoned property ***sensitive use as defined in CMC 9148.11***, a conditional use permit shall be required.

(1) Truck parking, maneuvering, loading and off-loading operations, stacking or servicing.

(2) Placement or stacking of trailers or any other similar container for cargo, merchandise, products, materials, etc.

(3) Any use as an Industrial Warehousing and Logistics Facility, as defined in CMC 9148.11.

B. Approval of a conditional use permit required by this Section shall include development standards designed to mitigate existing and potential noise, dust, fumes, traffic and other adverse environmental impacts affecting neighboring residential areas ***and sensitive uses***. Examples of these development standards may include, but are not limited to, walls, fences, buffer zones, landscaping, and other mitigating measures. ***For Industrial Warehousing and Logistics Facilities as defined in CMC 9148.11, the specific standards and requirements set forth in CMC 9148.11***

shall also apply.

C. Notwithstanding subsections A and B of this Section, if, upon review by the Director, it is determined ~~(i) that a warehouse or manufacturing facility has less than three (3) loading zones, ramps, doors or docks, or all portions of property utilized for any truck-related use as described in subsection (A) of this section are a minimum two hundred fifty (250) feet from the property line of any such sensitive use; or that no mitigation measures can be imposed that will alleviate existing or potential problems caused by truck-related uses defined in this Section that affect residentially zoned properties;~~ ***and (ii) that the truck-related use has less than three (3) loading zones, or that no mitigation measures can be imposed that will alleviate existing or potential problems caused by the truck-related use that affects such sensitive uses,*** then the Director may waive the requirement for conditional use permit. Any property that has been constructed pursuant to an approved owner's participation agreement with the City's Redevelopment Agency or has an approved site plan and design review in accordance with CMC 9172.23, and whose present use is consistent with such owner's participation agreement or site plan and design review, is not subject to the requirements of this Section.

Lawfully established existing uses which do not conform to the requirements of this section as amended by Ordinance No. 22- shall not be subject to the provisions of Division 2 of Part 8 of this Chapter by reason of such nonconformity."

SECTION 5. CODE AMENDMENT. A new Section 9148.11 (Industrial Warehousing and Logistics Facilities) is hereby added to Division 8 (Special Requirements for Certain Uses) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code, to read in its entirety as follows:

"9148.11 Industrial Warehousing and Logistics Facilities.

A. Applicability and Definitions.

1. This section shall apply only to: (1) Development of 20,000 square feet or more of gross floor area of Industrial Warehousing and Logistics Facility buildings; or (2) Intensification of an existing Industrial Warehousing and Logistics Facility. Notwithstanding the foregoing, for an addition to an existing Industrial Warehousing and Logistics Facility (whether the addition constitutes development or intensification), the requirements set forth in this section shall only apply to the newly added portion(s) or operations of the facility that are within such proximity of a sensitive use as is specified in the respective distance-based restrictions of this section, and only to the extent of such restrictions.
2. The requirements of this section shall apply in addition to, or as part of, any applicable conditional use permit or other land use entitlement required pursuant to Part 4 of the Carson Zoning Ordinance for a use that constitutes an Industrial Warehousing and Logistics Facility. In the event there is no applicable land use entitlement for the particular use, the requirements of this section shall apply independently, to the development, construction, and (as applicable) subsequent operation of the facility, in addition to any other applicable development standards,

including but not limited to those set forth in Division 2 of Part 6 of the Carson Zoning Ordinance. To the extent any provision of this section may conflict with any such development standard, the stricter standard shall apply. To the extent this section imposes any operational requirements, such requirements apply only to operation as an Industrial Warehousing and Logistics Facility; if a facility ceases to operate as an Industrial Warehousing and Logistics Facility after obtaining an approval pursuant to this section, then upon confirmation by the Director, such operational requirements shall be deemed inapplicable to the operation as a non-Industrial Warehousing and Logistics Facility.

3. “Development,” as used in this section, includes: (i) construction of new buildings on vacant lots; (ii) addition of new building space to existing facilities; and (iii) construction of new buildings replacing existing buildings to be demolished on the same lots, regardless of the size of the new building(s) relative to the building(s) to be demolished.
4. “Industrial Warehousing and Logistics Facility,” as used in this section, shall mean and include any building or facility in the M-L or M-H zone that constitutes (i) a “warehouse” as defined in CMC 9191.746, (ii) a truck terminal as defined in CMC 9191.698; (iii) a truck yard as defined in CMC 9191.699, or (iv) any of the following, as described in the Institution of Transportation Engineers (ITE) Trip General Manual, 10th Edition:
 - a. **Warehouse.** A warehouse meeting the description of Land Use 150, which is as follows: “A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas.”
 - b. **Transload and Short-term Facilities.** A high-cube warehouse and/or a short-term storage warehouse meeting the description of Land Use 154, which is as follows: “A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. The HCWs included in this land use include transload and short-term facilities. Transload facilities have a primary function of consolidation and distribution of pallet loads (or larger) for manufacturers, wholesalers, or retailers. They typically have little storage duration, high throughput, and are high-efficiency facilities. Short-term HCWs are high-efficiency distribution facilities often with custom/special features built into structure for movement of large volumes of freight with only short-term storage of products.”
 - c. **Fulfillment Center Warehouse.** A high cube fulfillment center warehouse meeting the description of Land Use 155, which is as follows: “A high-cube

warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. High-cube fulfillment center warehouses include warehouses characterized by a significant storage function and direct distribution of ecommerce product to end users. These facilities typically handle smaller packages and quantities than other types of HCWs and often contain multiple mezzanine levels. Each fulfillment center in the ITE database has been categorized as either a sort or non-sort facility. A sort facility is a fulfillment center that ships out smaller items, requiring extensive sorting, typically by manual means. A non-sort facility is a fulfillment center that ships large box items that are processed primarily with automation rather than through manual means. Separate sets of data plots are presented for the sort and non-sort fulfillment centers.

- d. **Parcel Hub.** A high-cube parcel hub warehouse meeting the description of Land Use 156, which is as follows: “A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. High-cube parcel hub warehouses typically serve as regional and local freight-forwarder facilities for time sensitive shipments via airfreight and ground carriers. These sites also often include truck maintenance, wash, or fueling facilities.”

Facilities developed and used solely for manufacturing purposes are excluded from the definition of “Industrial Warehousing and Logistics Facility.”. Incidental office and/or retail spaces do not exempt a facility from the definition of “Industrial Warehousing and Logistics Facility.”

5. “Intensification,” as used in this section, means and refers to increasing the number of loading doors of an existing Industrial Warehousing and Logistics Facility by ten percent (10%) or more.
6. “Sensitive use,” as used in this section, means any residence (including private homes, condominiums, apartments, and mobile home parks), school, preschool, daycare center, in-home daycare, health facility (including hospitals, long term care facilities, retirement and nursing homes), community center, place of worship, park, residential zone, or mixed use zone that allows residential uses.

B. Application Requirements.

1. An application for development or intensification of a speculative industrial building or facility in the M-L or M-H zone that does not identify, commit to, or seek applicable entitlements for a particular use or range of specified uses of the facility once developed shall be presumed to constitute an application for development or intensification of an Industrial Warehousing and Logistics Facility unless and until the application is revised to specify and seek entitlements for a particular proposed use or range of specified proposed uses that do(es) not include or constitute an Industrial Warehousing and Logistics Facility.
2. As applied to this section and CMC 9148.8, the phrase “all required information” in CMC 9173.1 shall mean, without limitation, all information necessary to demonstrate compliance with all requirements of this section and CMC 9148.8, as determined by the Director in his or her sole discretion.

C. Industrial Warehousing and Logistics Facility Sustainability Standards. Industrial Warehousing and Logistics Facilities subject to this section shall comply with the following standards and requirements, in addition to the other applicable development standards set forth in the Carson Zoning Ordinance. The compliance determination shall be made by the Planning Commission (subject to appeal to the City Council pursuant to CMC 9173.4), upon recommendation from the Director. To the extent actual compliance with or implementation of any requirement of this section must occur after the Planning Commission’s compliance determination, the compliance determination shall be conditioned upon actual compliance with or implementation of such requirement(s). Except where specified as mandatory in this section, the Planning Commission shall have authority to waive any requirement of this section upon a finding that applicability of such requirement to the facility in question is not feasible and that waiver of the requirement, as applied to the facility in question, will not be detrimental to public health, safety or welfare.

1. Buffering and Screening; Adjacent Uses.

- a. Applicants for proposed Industrial Warehousing and Logistics Facilities shall engage in a community outreach effort to engage the existing community in determining issues of concern that can be addressed through site design and other means during the project application process. Suggested outreach efforts include but are not limited to, hosting or presenting at community meetings and job fairs. The Director is authorized to determine and promulgate regulations detailing the required community outreach efforts and noticing pursuant to this paragraph.
- b. Industrial Warehousing and Logistics Facilities shall have a solid decorative wall(s) of at least twelve feet in height, and up to sixteen feet as determined by the Planning Commission, where adjacent to any sensitive use, except the height may be lower than twelve feet where adjacent to the public right of way and in other appropriate locations as determined by the Planning Commission. Industrial Warehousing and

Logistics Facilities that have less than 100,000 square feet of gross floor area shall require a twenty-five-foot-wide landscaping buffer, measured from the property line of all adjacent sensitive uses. For Industrial Warehousing and Logistics Facilities that have gross floor area of 100,000 square feet or larger, a fifty-foot-wide landscaping buffer shall be required, measured from the property line of all adjacent sensitive uses; where a sensitive use is located across a street rather than adjacent, a twenty-five-foot-wide landscaping buffer shall be required from the street. The buffer area(s) shall include, at a minimum, natural ground landscaping, and solid screen buffering trees, as described below. Measures shall be taken to reduce opportunities for graffiti on all walls and building surfaces. Greater landscaped buffer requirements of this section shall supersede smaller setback requirements elsewhere in the Carson Zoning Ordinance; in such cases, the required setbacks shall be the size necessary to accommodate the required landscaped buffers as well as all other required development standards.

- c. Trees shall be used as part of the solid screen buffering treatment. Trees used for this purpose shall be evergreen, drought tolerant, minimum 36-inch box, and shall be spaced at no greater than 40-feet on center. Specific tree types and specifications may be recommended by the Director in consultation with the City's arborist. The property owner and any successors in interest shall maintain these trees for the duration of ownership, ensuring any unhealthy or dead trees are replaced timely as needed. All landscaping shall be drought tolerant, and to the extent feasible, species with low biogenic emissions. Palm trees shall not be utilized. All landscaping areas shall be properly irrigated for the life of the facility to allow for plants and trees to maintain growth.
- d. Loading doors and truck entries, truck drive aisles, and truck exits shall be oriented away from adjacent sensitive uses, and loading doors shall be oriented away from public streets. As a mandatory requirement, all loading doors, truck entries and exits, truck drive aisles shall be at least 300 feet from the property line of any sensitive use, except as specified in paragraph (e) of this subsection (C)(1). And to the greatest extent feasible, all loading doors, truck entries and exits, and truck drive aisles shall be located at least 500 feet away from the property line of any sensitive uses. In making feasibility decisions, the City must comply with existing laws and regulations and balance public safety and the site development's potential impacts to nearby sensitive use. Therefore, loading doors, truck entries and exits, and truck drive aisles may be located between 300 feet (or less as specified in paragraph (e)) to 500 feet from the property line a sensitive use at the discretion of the Planning Commission, but any such site design shall include measures designed to minimize overall impacts to nearby sensitive uses.
- e. For Industrial Warehousing and Logistics Facilities that have less than

100,000 square feet of gross floor area, loading doors which exclusively serve electric trucks may be located a minimum of 200 feet away from any sensitive use, measured from the property line of the sensitive use to the nearest loading door.

- f.** All measurements from sensitive uses required by this section shall be made using a direct straight-line method.
- g.** Industrial Warehousing and Logistics Facilities shall have installed and maintained, at the manufacturer's recommended maintenance intervals, air quality monitoring stations and air filtration systems proximate to all sensitive uses located adjacent to the facility for the life of the project. The air quality monitoring stations shall make the resulting data available publicly available in real time. Industrial Warehousing and Logistics Facilities shall comply with all applicable California Air Resources Board (CARB) and South Coast Air Quality Management District (SCAQMD) requirements.

2. Truck Traffic.

- a.** Entry gates into the loading door/truck court area of any Industrial Warehousing and Logistics Facility shall be positioned after a minimum of 140 feet of total available stacking depth inside the property line. The stacking distance shall be increased by 70 feet for every 20 loading doors beyond 40 doors. Queuing, or circling of vehicles, on public streets immediately pre- or post-entry to an Industrial Warehousing and Logistics Facility is strictly prohibited.
- b.** Industrial Warehousing and Logistics Facility operators shall submit and obtain City Traffic Engineer pre-approval, and Planning Commission approval, of all turning templates to verify truck turning movements at entrance and exit driveways and street intersections adjacent to industrial buildings. Truck entries shall be located on collector streets (or streets of a higher commercial classification), and vehicle entries shall be designed to prevent truck access on streets that are not collector streets (or streets of a higher commercial classification), including, but not limited to, by limiting the width of vehicle entries.
- c.** Anti-idling signs indicating a 3-minute diesel truck engine idling restriction shall be posted at Industrial Warehousing and Logistics Facilities along entrances to the site and in the loading areas and shall be strictly enforced by the facility operator.
- d.** Industrial Warehousing and Logistics Facility operators shall submit and obtain approval of a Truck Routing Plan to and from the state highway/interstate freeway system. The Plan shall comply with CMC 3260, including with respect to the designated routes for commercial vehicles

exceeding a maximum gross weight of six thousand (6,000) pounds. The plan shall describe the operational characteristics of the use of the facility operator, including, but not limited to, hours of operations, types of items to be stored within the building, and proposed truck routing to and from the facility to designated truck routes and ultimately to the state highway/interstate freeway system that avoids passing sensitive uses to the greatest extent possible. The plan shall include measures, such as signage and pavement markings, queuing analysis and enforcement, for preventing truck queuing, circling, stopping, and parking on public streets. The facility operator shall be responsible for enforcement of the plan. A revised plan shall be submitted to the Director prior to a business license being issued by the City for any new tenant of the property. The Director shall have discretion to determine if changes to the plan are necessary, including any additional measures to alleviate truck routing and parking issues that may arise during the life of the facility.

- e. Industrial Warehousing and Logistics Facility operators shall post signs in prominent locations on the facility premises indicating that off-site parking for any employee, truck, or other vehicle related to the operation or use of the facility is strictly prohibited. The City may require the facility operator to post signs on surface or residential streets indicating that off-site truck parking is prohibited by City ordinance and/or the Truck Routing Plan.
- f. Signs shall be installed at all truck exit driveways on the facility premises directing truck drivers to the approved truck routes pursuant to the Truck Routing Plan.
- g. Signs shall be installed in public view with contact information for a local designated representative who works for the facility operator and who is designated to receive complaints about excessive dust, fumes, or odors, and truck and parking complaints for the site, as well as contact information for the SCAQMD's on-line complaint system and its complaint call-line: 1-800-288-7664. Any complaints made to the facility operator's designee shall be answered within 72 hours of receipt.
- h. All signs under this Section shall be legible, durable and weather-proof.

3. Alternative Energy.

- a. All building roofs shall be solar-ready, which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed.
- b. The office portion of a building's rooftop that is not covered with solar panels or other utilities shall be constructed with light colored roofing material with a solar reflective index ("SRI") of not less than 78. This

material shall be the minimum solar reflective rating of the roof material for the life of the building.

- c. For all Industrial Warehousing and Logistics Facilities over 100,000 square feet of gross floor area, rooftop solar panels shall be installed and operated in such a manner that they will supply 100% of the power needed to operate all portions of the facility, including the parking areas.
- d. The electric vehicle (EV) charging stations and EV ready spaces for cars and trucks shall be at least 10% above Cal Green requirements. All required vehicle parking spaces provided for the facility shall be electric vehicle (EV) ready, with all necessary conduit and related appurtenances installed, prior to building occupancy. All required passenger parking spaces shall be equipped with working Level 2 Quick charge EV charging stations installed and operational, prior to building occupancy. Signage shall be installed indicating EV charging stations and specifying that spaces are reserved for clean air/EV vehicles. Unless superior technology is developed that would replace the EV charging units, the Industrial Warehousing and Logistics Facility operator and any successors in interest shall be responsible for maintaining the EV charging stations in working order for the life of the facility.
- e. Trucks shall be prohibited from parking in the passenger vehicle parking spaces provided for the facility, and signage shall be installed accordingly.

4. Operation and Construction.

- a. If the Industrial Warehousing and Logistics Facility will be located within 500 feet of any sensitive use (property line to property line), the hours of truck-related and other outdoor operations of the facility shall be limited to 6:00 a.m. to 10:00 p.m.
- b. All abutting street frontage of the Industrial Warehousing and Logistics Facility and all parking areas located within 300 feet of the property line of a sensitive use shall be improved with low-noise asphalt to reduce noise.
- c. Use of architectural and industrial maintenance coatings (e.g., paints) that have volatile organic compound levels of less than 10 g/L shall be required.
- d. During construction of the Industrial Warehousing and Logistics Facility, all trucks accessing the site shall have CARB-Compliant 2010 engines or newer approved CARB engine standards.
- e. All diesel fueled off-road construction equipment greater than 50 horsepower, including but not limited to excavators, graders, rubber-tired dozers, and similar “off-road” construction equipment shall be equipped with CARB Tier 4 Compliant engines. If the operator lacks Tier 4 equipment, and it is not available for lease or short-term rental within 50

miles of the project site, Tier 3 or cleaner off-road construction equipment may be utilized subject to Planning Commission approval.

- f. Hand tools, forklifts, and pressure washers shall be electric-powered.
- g. An area shall be designated in any construction site where electric-powered construction vehicles and equipment can charge.
- h. The site plan shall identify a location for future electric truck charging stations and installation of a conduit to that location.
- i. Diesel-powered generators shall be prohibited except in case of emergency or to establish temporary power during construction.

D. IDIF/CFD. Industrial Warehousing and Logistics Facility projects subject to this section are responsible for: (i) payment of Interim Development Impact Fees in accordance with CMC Article XI; and (ii) mitigation of their impacts on City services via annexation to the City's Community Facilities District or establishment of another comparable funding mechanism to provide an ongoing source of funds for the ongoing services in accordance with applicable City ordinances and resolutions.”

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Urgency ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 8. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

[signatures on the following page]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this
____ day of _____ 2022.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney