



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

CONTINUED  
PUBLIC HEARING:

September 27, 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

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

## **I. Background**

This item was continued from the September 13, 2022 Planning Commission hearing. The Planning Commission opened the public hearing and continued it the September 27, 2022 hearing. Staff requested the continuance to allow staff to review the 16 letters received in opposition of the proposed Zone Text Amendment No. 193-2022 (the “ZTA”). These letters were mostly received less than 24 hours prior to the Planning Commission hearing. The continuance has allowed staff to summarize the comments for the Commission so the Commission can consider them in a more condensed and concise form. The comment letters and staff’s summary have been included as Exhibits 2 and 3.

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.

By expanding the City's CUP requirements, the proposed ZTA will also help expand the City's authority to conduct CEQA review for the subject development projects, which in turn will allow the City authority to impose conditions of approval to mitigate adverse environmental impacts of such projects.

### **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 and Facilities**

Lawfully established existing truck-related uses are not subject to the expanded CUP requirements of the ZTA, meaning they need not obtain a CUP and remain legal conforming uses.

Similarly, existing Industrial Warehousing and Logistics Facilities are not subject to the new development standards of the ZTA, except that where the property owner or business operator seeks to add 20,000 square feet or more of new gross building floor area or 10% or more new truck doors, then the development standards that are triggered within a specified distance (e.g., 300 feet or 500 feet) of a sensitive use would apply *only* to the newly-added portions of the facility that come within such proximity of a sensitive use.

These uses and facilities are otherwise allowed to continue and even expand their footprint in accordance with existing regulations.

### **Industrial Warehousing and Logistics Facility Definitions**

Buildings in industrial zones, when submitted as development applications, 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 provides that the City will assume that all development applications for speculative industrial buildings without a specific use(s) 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 list below highlights 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” (as defined in the ZTA to include: (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) of 20,000 square feet or more of gross Industrial Warehousing and Logistics Facility floor space, and to “intensification” (defined as increasing the number of truck loading doors of an existing facility by 10% or more) of existing facilities, regardless of whether a CUP is required for the use.

However, in the event of an addition to 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.

Note that the ZTA provides the Planning Commission shall be the approval authority for the determination of compliance with the required development standards for all Industrial Warehousing and Logistics Facility projects that are subject to the new CMC 9148.11, upon recommendation from the Director, following a public hearing, and subject to appeal to the City Council. Any existing Director approval authority in this regard would thus be eliminated.

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 be located 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.

A complete list of the new development standards is included in Section 9148.11.C. of the ZTA.

For comparison with the proposed hours of operation development standard in the ZTA, it should be noted that the District at South Bay/Countrymart project approval (for Cells 3, 4, and 5 of the property known as the “157 acres”), which provided for approximately 1.5 million square feet of industrial space, included restrictions on the hours of operation next to the residential areas. The condition of approval for that project restricts onsite outdoor activities and outdoor operations next to residential areas to 8:00 a.m. to 10:00 p.m., which is more restrictive than the hours of truck-related and other outdoor operations of the facilities in the proposed ZTA (6:00 a.m. to 10:00 p.m.). That condition of approval reads as follows:

“Hours of operation for the Light industrial areas will be generally permitted 24 hours per day. However, onsite outdoor activities and outdoor operations located in the following areas (the “Outdoor Restricted Areas”) shall be restricted to 8:00 a.m. to 10:00 p.m.:

- a. Areas in and around the loading docks of Buildings A and F;
- b. Parking and access areas between Buildings A and D;
- c. Parking and access areas between Building D and Lot 14; and
- d. Parking and access areas between Lot 14 and Building F

No outdoor industrial activities or outdoor operations, including truck reverse motion alarm/beeping (other than routine ingress and egress into and around the facility) shall be permitted within the Outdoor Restricted Area between 10:00 p.m. and 8:00 a.m.”

### **Attorney General Guidelines**

The proposed regulations are based in part on the Attorney General’s “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act Guidelines”, Exhibit 4 (“AG Guidelines”), available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf>, as well as a City of Fontana ordinance that was adopted in response to a lawsuit from the Attorney General over Fontana’s processing of a warehousing/logistics project.

The AG Guidelines state, “In carrying out its duty to enforce laws across California, the California Attorney General’s Bureau of Environmental Justice (Bureau)<sup>1</sup> regularly reviews proposed warehouse projects for compliance with the California Environmental Quality Act (CEQA) and other laws . . . This document builds upon the Bureau’s comment letters,

collecting knowledge gained from the Bureau’s review of hundreds of warehouse projects across the state. It is meant to help lead agencies pursue CEQA compliance and promote environmentally-just development as they confront warehouse project proposals . . . .”

**1** <https://oag.ca.gov/environment/justice>.

The Bureau of Environmental Justice website states:

“Every Californian should have the opportunity to live in a community that is healthy and safe. This is especially true for low-income communities and communities of color, who suffer disproportionate exposure to pollution and the corresponding health impacts from that exposure. In order to help protect community health and well-being, on February 22, 2018, Attorney General Becerra established the Bureau of Environmental Justice, and, on April 28, 2021, Attorney General Bonta announced the expansion of the Bureau. Today, the Bureau is comprised of 12 attorneys who are solely focused on fighting environmental injustices throughout the state of California and giving a voice to frontline communities who are all too often under-resourced and overburdened.

The Bureau of Environmental Justice’s mission is to protect people and communities that endure a disproportionate share of environmental pollution and public health hazards.

Under state law: “[E]nvironmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. (Gov. Code, § 65040.12, subd. (e)).

Fairness in this context means that the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be borne by sensitive populations or communities that already are experiencing its adverse effects.”

Additionally, the AG Guidelines state:

“When done properly, [warehousing/logistics] activities can contribute to the economy and consumer welfare. However, imprudent warehouse development can harm local communities and the environment. Among other pollutants, diesel trucks visiting warehouses emit nitrogen oxide (NOx)—a primary precursor to smog formation and a significant factor in the development of respiratory problems like asthma, bronchitis, and lung irritation—and diesel particulate matter (a subset of fine particulate matter that is smaller than 2.5 micrometers)—a contributor to cancer, heart disease, respiratory illnesses, and premature death.<sup>10</sup> Trucks and on-site loading activities can also be loud, bringing disruptive noise levels during 24/7 operation that can cause hearing damage after prolonged exposure.<sup>11</sup> The hundreds, and sometimes thousands, of daily truck and passenger car trips that warehouses generate contribute to traffic jams, deterioration of road surfaces, and traffic accidents. These environmental impacts also tend to be concentrated in neighborhoods already suffering from disproportionate health impacts.”

**10** California Air Resources Board, Nitrogen Dioxide & Health, <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health> (NOx); California Air Resources Board, Summary: Diesel Particulate Matter Health Impacts, <https://ww2.arb.ca.gov/resources/summary-diesel-particulate-matter-health-impacts>; Office of Environmental Health Hazard Assessment and American Lung Association of



California, Health Effects of Diesel Exhaust, <https://oehha.ca.gov/media/downloads/calenviroscreen/indicators/diesel4-02.pdf> (DPM).

**11** Noise Sources and Their Effects, <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm> (a diesel truck moving 40 miles per hour, 50 feet away, produces 84 decibels of sound).

### **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 with Ordinance attached
2. Comment letters received addressing Zone Text Amendment No. 193-2022
3. Staff summary of the comment letters addressing Zone Text Amendment No. 193-2022
4. Attorney General’s Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act Guidelines

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