

ORDINANCE NO. 21 - 2120

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA: (1) AMENDING 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 REGARDING PERMITTED USES IN THE INDUSTRIAL (MANUFACTURING-HEAVY AND MANUFACTURING-LIGHT) ZONES FOR REGULATED AND NONREGULATED SUBSTANCES; AND (2) ADDING SECTION 9182.46 (NONCONFORMITY FOR USE OR STORAGE OF REGULATED SUBSTANCES) TO DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTING PROVISIONS) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING NONCONFORMITIES FOR USE OF REGULATED SUBSTANCES

WHEREAS, the California Constitution, in Article XI, Section 7, grants local governments the authority under their police powers to regulate land use; and

WHEREAS, a large percentage of the land in the City of Carson is zoned for, and occupied by, industrial land uses; and

WHEREAS, industrial land uses in the City frequently involve warehouses and other storage facilities, businesses related to transportation of materials, and industrial manufacturing facilities, due in part to the City's location between the ports of Los Angeles and Long Beach as well as its proximity to multiple oil refineries, making it a prime location for businesses engaged in storing, transporting, and distributing materials coming to and from such locations; and

WHEREAS, such industrial uses frequently involve CalARP Regulated Substances and Hazardous Materials (as such terms are defined below) as part of their business activities, and can thereby pose a threat to public health and safety in the event of an accidental release or other incident; and

WHEREAS, the City has endured a number of incidents highlighting the risks to public health, safety and welfare arising from industrial land uses involving CalARP Regulated Substances and/or Hazardous Materials in the City in recent years; and

WHEREAS, the City itself is not responsible for administration or enforcement of State CalARP or hazardous materials regulations (which are collectively referred to as the "Unified Program") within its boundaries; instead, such duties are within the jurisdiction of the Los Angeles County Fire Department, Health Hazardous Materials Division, in its capacity as the certified Unified Program Agency ("CUPA") for the City and subject to the oversight of CalOES; and

WHEREAS, despite the best efforts of the CUPA, not enough is being done to ensure the protection of public health, safety, and welfare related to the many industrial uses engaged in or seeking to engage in storage or manufacturing of CalARP Regulated Substances and/or Hazardous Materials in the City. The CUPA only conducts regular inspections of the regulated facilities

within the City once every three years. The City has sought to retain the CUPA to perform increased or additional inspections of the CUPA-regulated facilities in the City, and has been informed that is not possible; and

WHEREAS, to improve its regulatory control over industrial storage and/or manufacturing uses that involve CalARP Regulated Substances and/or Hazardous Materials in the City in order to protect public health, safety and welfare, the City Council now sees fit to adopt this ordinance to amend and strengthen the permitted use provisions set forth in the Carson Zoning Ordinance (Chapter 1 of Article IX of the Carson Municipal Code [“CMC”]) pertaining to such land uses; and

WHEREAS, Section 9141.1 of the Carson Zoning Ordinance sets forth the permitted uses in the City’s industrial zones, including the approval requirements and allowances concerning storage and manufacturing uses involving various categories of hazardous and nonhazardous materials in both the M-H (Manufacturing-Heavy) and M-L (Manufacturing-Light) Zones; and

WHEREAS, CalARP Regulated Substances, as that term is used herein, means and refers to the substances that constitute “regulated substances” pursuant to the California Accidental Release Prevention (“CalARP”) program, established and existing pursuant to Article 2 (Sections 25531 to 25543.3) of Chapter 6.95 of Division 20 of the California Health & Safety Code and the regulations set forth in Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, as such substances are defined in California Health & Safety Code Section 25532 and listed in Table 3 of Section 2770.5 of Title 19 of the California Code of Regulations (“Table 3”) and described and listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)). Notwithstanding the foregoing, a flammable substance listed in Section 2770.5, Table 2, of Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, is excluded from the definition of CalARP Regulated Substances when the substance is used as a fuel or held for sale as a fuel at a retail facility; and

WHEREAS, Hazardous Material, as that term is used herein, shall have the meaning set forth in Section 25501(n) of the California Health & Safety Code, as may be amended from time to time; and

WHEREAS, in furtherance of its police power and to protect and promote the public health, safety and welfare of the City’s residents and visitors, the City Council sees fit and intends to modify CMC Section 9141.1 to provide that: (i) industrial land uses involving storage or manufacturing of/with CalARP Regulated Substances in the M-H (Manufacturing-Heavy) or M-L (Manufacturing-Light) Zones are prohibited; and (ii) industrial land uses involving storage or manufacturing of/with any Hazardous Materials that are not otherwise prohibited (whether by the CalARP Regulated Substances prohibition of this ordinance or an existing prohibition in the Carson Zoning Ordinance) in the M-H or M-L Zones are subject to issuance of a conditional use permit; and

WHEREAS, the aforementioned regulations are intended to apply only to land uses in the City’s industrial zones which involve (i) storage of CalARP Regulated Substances or Hazardous Materials in the absence of any manufacturing process, (ii) storage of CalARP Regulated Substances or Hazardous Materials in connection with any manufacturing process, (iii)

manufacturing involving CalARP Regulated Substances or Hazardous Materials, and/or (iv) other industrial processes involving CalARP Regulated Substances or Hazardous Materials. Examples may include warehouses, manufacturing facilities, and logistics facilities. This ordinance is not intended to apply to uses located in industrial zones that are permitted in commercial zones (whether automatically, with limitations, or by conditional use permit) as provided in CMC 9141.1 in the portion of the table entitled “Uses Permitted in Commercial Zones”; such uses are permitted in the industrial zones subject to the same requirements specified for such use in the commercial zones, except as otherwise specified in CMC 9141.1, and this ordinance is not intended to vary said provision. Commercial uses such as retail stores, restaurants, and automobile service stations frequently have small quantities of materials that may constitute Hazardous Materials or CalARP Regulated Substances, but which do not pose the same degree of risk to public health, safety or welfare as the industrial uses that are intended to be subject to this ordinance; and

WHEREAS, to avoid unduly severe adverse impacts on lawfully-established existing businesses resulting from the aforementioned use designations, the City Council sees fit to add new Section 9182.46 to the City’s Municipal Code governing nonconforming uses to provide that existing lawfully-established industrial land uses involving Hazardous Materials or CalARP Regulated Substances within the scope of the above-referenced restrictions are deemed nonconforming so as to commence running of the amortization period for termination of the nonconforming use under Section 9182.22 of the Carson Zoning Ordinance *unless* such uses obtain Director approval under CMC 9182.46, which would allow them to continue and be exempt from running of the nonconforming use amortization periods while the Director approval is in effect. Obtaining and maintaining such a Director-approved permit will require disclosures of any use of Hazardous Materials or CalARP Regulated Substances and the types and quantities thereof, and will require businesses to become subject to periodic City inspections regarding the presence of CalARP Regulated Substances or Hazardous Materials and compliance with the Carson Municipal Code; and

WHEREAS, the City Council also sees fit and intends to modify CMC Section 9141.1 to expand the list of categories of materials that are automatically permitted for indoor storage in the M-H and M-L Zones to include additional categories of non-Hazardous Materials that are currently automatically permitted for use in manufacturing in said zones, and to provide that any outdoor storage of such categories of non-Hazardous Materials in industrial zones is subject to Director approval to ensure that such uses will not have adverse effects constituting or resembling public nuisance conditions or violations of the CMC, including but not limited to those related to the accumulation of trash, litter, refuse, rubbish, junk, debris, or waste materials (see, e.g., Carson Municipal Code §4124, §§5300 *et seq.*, §5702, §9146.29); and

WHEREAS, the City Council further sees fit to remove, from the legend utilized as part of Section 9141.1, the reference to all permitted commercial uses except temporary uses being subject to the requirements contained in CMC 9172.23 (Site Plan and Design Review), and relocate such reference within Section 9141.1 so that it is below the legend, because it is apparent that the original inclusion of such reference in its current location in the legend was inadvertent and erroneous, and such inadvertence/error could create confusion regarding implementation of prohibited use designations because the “blank” permitted use designation in the legend is properly

reserved for, and is and was always reserved and intended to be reserved for, prohibited uses, consistent with the permissive nature of the Carson Zoning Ordinance.

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 has determined that adoption of this Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be 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.

SECTION 3. AMENDMENTS.

A. 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 read in its entirety as follows (deletions shown in ~~strike through~~, additions shown in ***bold, italics, underlined***):

“9141.1 Uses Permitted

Uses are permitted in the industrial zones as indicated in the following table:

USES PERMITTED IN INDUSTRIAL ZONES	
Legend	
X.	Automatically permitted use.
L.	Automatically permitted use provided special limitations and requirements are satisfied as noted herein, in Division 8 of this Part and in Division 8 of Part 3.
D.	Use permitted subject to the approval of the Director.

USES PERMITTED IN INDUSTRIAL ZONES	
LD.	Use permitted provided special limitations and requirements are satisfied as noted herein, in Division 8 of Part 2, and subject to the approval of the Director.
C.	Use permitted upon approval of a conditional use permit.
CC.	Use permitted upon approval of the City Council as prescribed under other provisions of the Carson Municipal Code.
	<i>Use prohibited.</i> All commercial uses permitted by this part shall be subject to the requirements contained in CMC 9172.23, Site Plan and Design Review, except temporary uses. (See CMC 9131.1.) (Ord. 84-704)
DA.	Use permitted upon approval of a development agreement by the City Council subject to the requirements contained in Chapter 15 of Article VI.

Note: All commercial uses permitted by this part shall be subject to the requirements contained in CMC [9172.23](#), Site Plan and Design Review, except temporary uses. (See CMC [9131.1](#).) (Ord. 84-704).

Note: In the following list, industrial activities are classified by product, by materials used, by use, and by processes employed. Since many industrial uses are complex in nature, it is necessary to consider all of the above-mentioned elements in classifying any specific industrial use. Uncertainties as to the proper classification for a specific use are to be resolved through Interpretations adopted in accordance with CMC [9172.24](#).

	ZONES	
	ML	MH
Manufacturing of the Following Products:*		

	ZONES	
	ML	MH
*Food manufacturing and processing activities are listed under a separate heading.		
Pharmaceuticals – drugs, medicines, vitamin tablets.	X	X
Perfume, cosmetics, toiletries (except soap).	X	X
Soap, bleaching powder, glue.		C
Novelties, buttons, brushes, toys, candles.	X	X
Ceramics, pottery, statuary.	X	X
Jewelry, watches, clocks, optical goods, musical instruments, scientific instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type.	X	X
Electric and gas fixtures, electric appliances, electric motors and generators, batteries (including rebuilding), signs (electric, neon, billboards, etc.).	X	X
Furniture, bedsprings, boxes, coffins, fences, sash and doors, venetian blinds, window shades.	X	X

	ZONES	
	ML	MH
Clothing, dry goods, draperies, bedding, rugs, upholstery, automobile seat covers, awnings, bags, rope, baskets.	X	X
Chamois.		C
Ink, polish, putty, enamel (except lacquer, synthetic enamel, polyurethane), ethylene glycol.	X	X
Lacquer, synthetic enamel, polyurethane.	C	C
Engines (no foundry).	X	X
Engines (with foundry).	C	C
Automobiles, trailers, boats, aircraft, heavy equipment.		X
Tile (indoor kiln).	X	X
Concrete block, brick, tile (outdoor kiln).		C
Poisons (Class A and Class B)* – pesticides, rodenticides, insecticides, herbicides.		C
*Classification according to the Los Angeles County Fire Department (R.M. Graziano's Tariff No. 25).		
Explosives – fireworks, dynamite, ammunition, weapons involving use or testing with explosive materials.		C

	ZONES	
	ML	MH
<u><i>CalARP Regulated Substances</i></u>		
<u><i>Hazardous Materials.***</i></u>	<u>C</u>	<u>C</u>
Manufacturing of Products from the Following Materials:		
Textiles, wool, yarn, fur, felt, canvas, leather, hair, feathers, paper, cloth.	X	X
Bone, horn, shells, cellophane, casein (except glue).	X	X
Wood, cork, fiberglass, clay, glass (no blast furnace), plastic (no pyroxylin).	X	X
Hydrocyanic acid, tar, coal tar, pyroxyline plastic, guncotton.		C
Aluminum, sheet metal, ornamental iron, steel.	X	X
Rubber (in ML Zone, rubber is not to be melted and, where a banbury mixer is used, the resulting dust is to be washed).	L	X
Petroleum.		C
<u><i>Any CalARP Regulated Substance.</i></u>		
<u><i>Any Hazardous Material.***</i></u>	<u>C</u>	<u>C</u>

	ZONES	
	ML	MH
Manufacturing of the Following Materials:		
Dextrin.	X	X
Cloth, textiles, upholstery, felt, canvas.	X	X
Wallboard, fiberglass, glass (no blast furnace).	X	X
Glass (with blast furnace).		C
Polyurethane foam.	C	C
Cellophane, celluloid, cellulose.		C
Steel.		C
Gas acetylene, chlorine, ammonia, synthetic ammonia.		C
Acid, caustic soda, soda ash, lye, lime.		C
Gelatin, grease, tallow.		C
Cement, gypsum, terra cotta.		C
Kalsomine, lamp black, size, phenol, potash, pyroxylin plastic.		C
Petroleum, petroleum cleaning compound, asphalt, tar, coal tar, creosote.		C
Organic peroxide.		C
Fertilizer.		C

	ZONES	
	ML	MH
Explosives – nitroglycerine, nitromethane, nitroethane, cellulose nitrate, gunpowder, blasting powder.		C
<u>CalARP Regulated Substances.</u>		
<u>Hazardous Materials.***</u>	<u>C</u>	<u>C</u>
Industrial Activities Involving the Following Processes:		
Sewing, weaving and knitting of textiles, dyeing of yarn and fabrics.	X	X
Cleaning of fabrics, curtains, carpets.	X	X
Mattress renovation.	X	X
Wool pulling.		C
Photo-finishing, film developing and processing, photoengraving, lithography, block printing, silk screening, printing, book binding.	X	X
Glass silvering, optical grinding, fitting and mounting; glass blowing (no blast furnace).	X	X
Furniture redecorating and restoration, antique	X	X

	ZONES	
	ML	MH
restoration, cabinet making, wood carving.		
Plastic molding (including hydraulic press).	X	X
Tire retreading and recapping.	X	X
Raw rubber processing (in ML Zone, rubber is not to be melted and, where a banbury mixer is used, the resulting dust is to be washed).	L	X
Rubber reclaiming.		C
Metal plating and finishing (in ML Zone, no perchloric acid).	L	X
Metal engraving, metal fabrication (no snap riveting) metal spinning, tool tempering, welding.	X	X
Foundry (no brass or bronze) – precision investment casting, die casting.	X	X
Foundry (including brass or bronze) forging, drop forge, drop hammer, boiler works, smelter, blast furnace, coke oven, scrap metal processing, metal fabrication (including snap riveting).		C
Vehicle dismantling or wrecking, junk and salvage processing, subject to the requirements of CMC 9148.1 .		C

	ZONES	
	ML	MH
Aircraft power plant testing.		X
Ore grinding and reduction.		C
Paper shredding.		C
Grinding, dressing or cutting of stone, granite or marble; sand washing.	X	X
Aggregate batch plant, aggregate dryer, rock or asphalt crushing, asphalt plant, sandblasting. (In ML Zone, only permitted on property which also has an ORL Zone designation, and must be at least 1,000 feet, as measured from lot line to lot line, from any residential zone, and any conditional use permit shall be subject to final approval or other action by the City Council.)	C	C
Starch mixing and bottling, paint spray booth, shellac mixing (no cooking), paint or enamel mixing (except lacquer, synthetic enamel, polyurethane).	X	X
Mixing of lacquers, synthetic enamel, polyurethane paint.	C	C
Shellac mixing (with cooking).		C
Processing of coconut oil, cottonseed oil, linseed oil.		C

	ZONES	
	ML	MH
Oil canning and packaging (in ML Zone, not more than 100 barrels stored aboveground).	L	X
Petroleum refining, oil reclaiming, coal or coal tar distillation.		C
Potash refining.		C
Bone distillation, fat rendering, offal reduction, curing or tanning of furs or hides, processing of animal by-products.		C
Creosoting.		C
Fertilizer works, manure spreading and drying.		C
Use of organic peroxides,* nitromethane, nitroethane.		C
*Having a severity classification of 3 or greater according to tests prescribed by the Society of the Plastics Industry and acceptable to the Los Angeles County Fire Department.		
Water treatment.	X	X
<u>Any process involving use of CalARP Regulated Substances.</u>		
<u>Any process involving use of Hazardous Materials.***</u>	<u>C</u>	<u>C</u>
Resource Extraction:		

	ZONES	
	ML	MH
Borrow pit.	C	C
Oil fields, oil wells, subject to the requirements of CMC 9500 – 9537, Oil and Gas Code.	C*	C*
*Development agreement provisions apply as specified in CMC 9502 and 9508 .		
Food Manufacturing and Processing:		
Ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, nuts and similar food products (no lard, pickles, sauerkraut, or vinegar).	X	X
Lard, pickles, sauerkraut, vinegar.		C
Box lunch preparation.	X	X
Fruits and vegetables – packing, canning, processing or extracting or bottling of juices (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	L	L
Fish barbecuing or smoking (oven less than 10 cubic feet, no fish cleaning, retail sales only).	L	L

	ZONES	
	ML	MH
Dressing of poultry or rabbits (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).		L
Slaughtering of animals.		C
Meat, fish, dog or cat food – packing, canning, processing.		C
Coffee roasting.		C
Cigars, cigarettes.	X	X
Chewing tobacco.		C
Service and Repair:		
Linen, towel or uniform supply.	X	X
Assaying, gas heater testing, pest control, cesspool cleaning service, plumbing contractor, roofing contractor, tree surgeon.	X	X
Carpenter shop, machine shop, metal working shop, sheet metal shop, tinsmith, gunsmith (no weapons manufacture involving use or testing with explosive materials), blacksmith, lapidary shop, electrical motor and appliance repair.	X	X
Boat repair, vehicle repair (no limit on size of vehicle), equipment and	L	L

	ZONES	
	ML	MH
machinery repair, subject to the limitations of CMC 9138.2 if within 300 feet of other than an industrial zone.		
Laboratory – product testing, product research.	X	X
Laboratory – chemical, biological, anatomical.	C	C
Equipment Sale and Rental:		
Motor vehicles and heavy equipment of all types and sizes, contractor’s equipment, agricultural equipment.	X	X
Auction:		
Auction – indoor or outdoor (no swap meet or flea market).	C	C
Wholesale:		
Wholesale activities of all types (except livestock and poultry).	X	X
Poultry (in ML Zone, all activities within an enclosed building).	L	X
Storage:		
Cold storage plant.	X	X
Petroleum coke.		C
<u>Pharmaceuticals – drugs, medicines, vitamin tablets (indoor).</u>	<u>X</u>	<u>X</u>

	ZONES	
	ML	MH
<u>Pharmaceuticals – drugs, medicines, vitamin tablets (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Perfume, cosmetics, shampoo, soap, toiletries, and other personal care products (indoor).</u>	<u>X</u>	<u>X</u>
<u>Perfume, cosmetics, shampoo, soap, toiletries, and other personal care products (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Novelties, buttons, brushes, toys, candles (indoor).</u>	<u>X</u>	<u>X</u>
<u>Novelties, buttons, brushes, toys, candles (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Ceramics, pottery, statuary (indoor).</u>	<u>X</u>	<u>X</u>
<u>Ceramics, pottery, statuary (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Jewelry, watches, clocks, optical goods, musical instruments, scientific instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type (indoor).</u>	<u>X</u>	<u>X</u>

	ZONES	
	ML	MH
<u>Jewelry, watches, clocks, optical goods, musical instruments, scientific instruments, electronic instruments, phonographs, phonograph records, radios, television sets, electronic parts, precision metal products, wire, springs, tools, sandpaper, emery cloth, grinding wheels, printer's type (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Electric and gas fixtures, electric appliances, electric motors and generators, batteries, signs (electric, neon, billboards, etc.) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Electric and gas fixtures, electric appliances, electric motors and generators, batteries, signs (electric, neon, billboards, etc.) (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Mattresses, bedsprings, coffins, fences, sash and doors, venetian blinds, window shades (indoor).</u>	<u>X</u>	<u>X</u>
<u>Mattresses, bedsprings, coffins, fences, sash and doors, venetian blinds, window shades (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Draperies, bedding, rugs, automobile seat covers, awnings, bags, rope, baskets (indoor).</u>	<u>X</u>	<u>X</u>

	ZONES	
	ML	MH
<u>Draperies, bedding, rugs, automobile seat covers, awnings, bags, rope, baskets (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Ink, polish, putty, enamel (indoor).</u>	<u>X</u>	<u>X</u>
<u>Ink, polish, putty, enamel (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Engines (no foundry) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Engines (no foundry) (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Automobiles, trailers, boats, aircraft, heavy equipment (indoor).</u>	<u>X</u>	<u>X</u>
<u>Automobiles, trailers, boats, aircraft, heavy equipment (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Tile (indoor kiln).</u>	<u>X</u>	<u>X</u>
<u>Tile (outdoor kiln).</u>	<u>D</u>	<u>D</u>
<u>Bone, horn, shells, cellophane, casein (except glue) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Bone, horn, shells, cellophane, casein (except glue) (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Wood, cork, clay, plastic (indoor).</u>	<u>X</u>	<u>X</u>
<u>Wood, cork, clay, plastic (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Aluminum, sheet metal, ornamental iron, steel (indoor).</u>	<u>X</u>	<u>X</u>

	ZONES	
	ML	MH
<u>Aluminum, sheet metal, ornamental iron, steel (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Rubber (natural or synthetic) (indoor).</u>	<u>X</u>	<u>X</u>
<u>Rubber (natural or synthetic) (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Dextrin (indoor).</u>	<u>X</u>	<u>X</u>
<u>Dextrin (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Cloth, upholstery, felt, canvas, fur, leather, hair, feathers (indoor).</u>	<u>X</u>	<u>X</u>
<u>Cloth, upholstery, felt, canvas, fur, leather, hair, feathers (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Wallboard, fiberglass, glass (indoor).</u>	<u>X</u>	<u>X</u>
<u>Wallboard, fiberglass, glass (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Yarn, fabrics, curtains, carpets, wool (indoor).</u>	<u>X</u>	<u>X</u>
<u>Yarn, fabrics, curtains, carpets, wool (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Photography-related materials (indoor).</u>	<u>X</u>	<u>X</u>
<u>Photography-related materials (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Tires (indoor).</u>	<u>X</u>	<u>X</u>
<u>Tires (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Stone, granite, marble (indoor).</u>	<u>X</u>	<u>X</u>

	ZONES	
	ML	MH
<u>Stone, granite, marble (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, food additives and preservatives, nuts and similar food products (indoor).</u>	<u>X</u>	<u>X</u>
<u>Ice, soft drinks, beer, wine, malt products, dairy products, candy, confections, pastries, bread, oleomargarine, sodium glutamate, honey, food additives and preservatives, nuts and similar food products (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Cigars, cigarettes (indoor).</u>	<u>X</u>	<u>X</u>
<u>Cigars, cigarettes (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Tints, paints, epoxies, resins, sealants (indoor).</u>	<u>X</u>	<u>X</u>
<u>Tints, paints, epoxies, resins, sealants (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Paper, industrial use paper (indoor).</u>	<u>X</u>	<u>X</u>
<u>Paper, industrial use paper (outdoor).</u>	<u>D</u>	<u>D</u>
Warehousing of furniture, household goods, dry goods, clothing, textiles,	X	X

	ZONES	
	ML	MH
durable goods, no perishable foods.		
Glass, lumber (no boxes or crates), naval stores, plaster, empty barrels, metal (no scrap), machinery, equipment.	X	X
Polyurethane foam.	C	C
Rock, sand, crushed aggregate and gravel:		
Not more than 2,000 tons.	X	X
More than 2,000 tons. (In ML Zone, only permitted on property which also has an ORL Zone designation and must be at least 1,000 feet, as measured from lot line to lot line, from any residential zone, and any conditional use permit shall be subject to approval or other action by the City Council.)	C	X
Clay and clay products.	X	X
Cement silo, grain elevator.		X
Petroleum and petroleum products (If associated with oil and gas production and related facilities, refer to CMC 9500 – 9537, Oil and Gas Code, for governing requirements):		
Not more than 2,500 barrels.	X	X

	ZONES	
	ML	MH
More than 2,500 barrels.		C
Cargo container (prohibited within 1,000 feet, as measured from lot line to lot line, of residentially zoned property or institutional uses).		L
Natural gas (If associated with oil and gas production and related facilities, refer to CMC 9500 – 9537, Oil and Gas Code, for governing requirements):		
Belowground – any amount.	X	X
Aboveground:		
Not more than 500,000 cubic feet.	X	X
More than 500,000 cubic feet.	C	
Oxygen, acetylene (subject to Fire Code requirements).	X	X
Agricultural chemicals (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	L	L
Liquid petroleum gas (If associated with oil and gas production and related facilities, refer to CMC 9500 – 9537, Oil and Gas		

	ZONES	
	ML	MH
Code, for governing requirements):		
Not more than 30,000 gallons.	X	X
More than 30,000 gallons		C
Fuel yard (not covered elsewhere, including propane).	X	X
Aircraft fuel and lubricant.		C
Explosives – dynamite (over 100 pounds), nitroglycerine, nitromethane, nitroethane, cellulose nitrate, gun powder, blasting powder.		C
Creosote, creosoted poles.		C
Fertilizer.		C
Junk, salvage, metal scrap, rags, bottles, nonferrous scrap (other than paper), subject to the requirements of CMC 9148.1 .		C
Waste paper, subject to the requirements of CMC 9148.1 .	C	C
<u>CalARP Regulated Substances.</u>		
<u>Hazardous Materials.***</u>	<u>C</u>	<u>C</u>
Poison (Class A or Class B)* – pesticides, rodenticides, insecticides, herbicides.		C

	ZONES	
	ML	MH
*Classification according to Los Angeles County Fire Department. (R.M. Graziano's Tariff No. 25).		
Organic peroxides** – (more than 50 pounds).		C
**Having a severity classification of 3 or greater according to tests prescribed by the Society of the Plastics Industry and acceptable to the Los Angeles County Fire Department.		
Motor vehicles (not including impounding yard).	X	X
Vehicle impounding yard, subject to the requirements of CMC 9148.1 .		C
Aircraft.		X
Transportation, Communications, Utilities and Public Service:		
Service yard – public utility or public service.	X	X
Jail farm, honor farm.	C	C
Aircraft beacons and navigational aids – operating.	X	X
Blimp port, heliport, helistop.	C	C
Railroad yard, repair shop, roundhouse.		C

	ZONES	
	ML	MH
Truck terminal, subject to the requirements of CMC 9148.9 .	C	C
Truck yard, subject to the requirements of CMC 9148.9 .		C
Transfer station for refuse, sewage treatment plant.		C
Access to other property lawfully used for purposes not permitted on subject property.	X	X
Intermodal container transfer facility.		C
Education:		
Trade school.	X	X
Recreation:		
Arcade (subject to the requirements of CMC 9138.4).	C	C
Archery range.	C	C
Outdoor drive-in theater.	C	C
Range for pistol, rifle, skeet, or trap shooting; turkey shoot.		C
Model airplane area (motor-driven or jet-propelled).		C
Fairgrounds, outdoor festival (permanent).	C	C
Race track – horse, automobile, motorcycle.		C
Zoo.		C

	ZONES	
	ML	MH
Agriculture:		
Earthworm farm (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	L	L
Mushroom farm (must be at least 300 feet from any residential zone, public school, public park, hospital or long-term health facility).		L
Egg candling.	X	X
Studios:		
Motion picture studio or set – indoor or outdoor.	X	X
Cemetery:		
Cemetery, mausoleum, columbarium, crematory.		C
Animal Services:		
Horse stable, riding academy – commercial or private (must be at least 100 feet from any residential zone, public school, public park, hospital or long-term health care facility).	C	C
Animal shelter, pound, kennel, training school.	C	C
Animal hospital, animal research institute.	X	X
Pet cemetery.		C

	ZONES	
	ML	MH
Electronic message center signs. (See CMC 9146.7.)	C	C
Outdoor Advertising:		
Outdoor advertising sign, including electronic digital displays, subject to the requirements of CMC 9146.7.	CC	CC
Recycling Facilities:		
Large collection recycling facility. (Subject to CMC 9148.4.)	L	L
Processing facility for recyclables, light. (Subject to CMC 9148.5.)	L	L
Processing facility for recyclables, heavy. (Subject to CMC 9148.5.)		C
Wireless Telecommunications Facilities (see CMC 9138.16):		
Minor wireless telecommunications facilities, subject to the requirement of CMC 9138.16.	L	L
Major wireless telecommunications facilities, subject to the requirement of CMC 9138.16.	C	C
Uses Permitted in Commercial Zones:		
Any principal use permitted in any		

	ZONES	
	ML	MH
commercial zone, whether automatically (X), with limitation (L), or by conditional use permit (C), is automatically permitted in the industrial zones, subject to the same requirements specified for such use in the commercial zones, except the following:		
Residential:		
Mobile home park.	Not permitted	
Group quarters for members of a religious order.	Not permitted	
Community residential care facility, boarding or rooming house, fraternity or sorority house, dormitory, residential hotel or similar group quarters, motel units with kitchens.	Not permitted	
Emergency shelters, up to 30 occupants within the City.	L	L
Emergency shelters, more than 30 occupants within the City.	C	C
Transitional housing, supportive housing and single-room occupancy (SRO) housing.	Not permitted	
Transportation related uses:		
Shared parking facilities.	C	C

	ZONES	
	ML	MH
Health services:		
Hospital, long-term health care facility, public health center.	C	
Ambulance service.	C	C
Public and quasi-public uses:		
Archaeological dig, provided the Director determines there is a reasonable prospect that significant scientific, cultural, or historical information will be obtained from the site.	D	D
Education:		
Elementary or secondary school public or private.	Not permitted	
Recreation:		
Golf driving range, pitch-and-putt course, golf course, subject to the limitations of CMC 9138.3 .	L	L
Arcade, subject to the requirements of CMC 9138.4 .	C	C
Retail services and offices:		
Adult business.	Not permitted	
Convenience stores.	C	C
Payday loans.	CUP	CUP
Massage service.	Not permitted	

	ZONES	
	ML	MH
Tattoo service. (New uses not permitted. Existing uses prior to June 7, 2006, required a CUP and are subject to CMC 9138.92.)	L	Not permitted
Alcoholic beverage sales and services:		
Alcoholic beverage sales in conjunction with variety store, drugstore, mini market, drive-through market, food store, or grocery store excluding a supermarket, take-out food, liquor store, subject to requirements of CMC 9138.5.	C	C
Alcoholic beverage sales and services in conjunction with cocktail lounge, bar, arcade, pool hall, billiards, card room, bowling alley, indoor theater, night club and eating establishment other than a bona fide restaurant, subject to requirements of CMC 9138.5.	C	C
Vehicles sales and service:		
Automobile service station, subject to the requirements of CMC 9138.14.	C	C
Automobile/vehicle washing, subject to the requirements of CMC 9138.14.	C	C

	ZONES	
	ML	MH
Automobile/vehicle service and repair, subject to the limitations of CMC 9138.14 .	C	C
Auctions for used automobiles, recreational vehicles, travel trailers, trucks or trailers, not over 2-ton capacity, motorcycles or motorscooters, subject to the requirements of CMC 9138.21 .	C	C
Temporary Uses:		
Election campaign office in a trailer. (Not permitted earlier than 90 days before the election. To be removed within 14 days after the election.)	L	L
Office or other permitted commercial use in a trailer or other mobile unit. (Permitted for a period not exceeding 6 months during construction of a building on the same lot while a building permit is in effect. The Director may approve reasonable time extensions if he finds construction is proceeding in good faith.)	L	L
Storage of construction materials and equipment at a construction site without the screening which would be required for permanent outdoor storage (only	L	L

	ZONES	
	ML	MH
during the period a building permit is in effect).		
Subdivision directional sign. (See CMC 9128.31 – 9128.35.)	LD	LD
Fireworks stand, fireworks storage. (See CMC 3101.0 – 3101.10.)	CC	CC
Tent revival. (See Chapter 6 of Article III.)	CC	CC
Carnival, mechanical rides, pony rides, outdoor festival and similar uses. (See CMC 63119 and 63119.1 .)	CC	CC
Circus, rodeo. (See CMC 63120 ; and Animal Control Ordinance, CMC 3300 – 3301.)	CC	CC
Sidewalk, parking lot, and tent sales. (See CMC 9148.7 .)	D	D
Yard sales. (See CMC 4600 – 4606.)	L	L
Uses Permitted in Manufacturing Zones:		
Auction house.	C	C
Indoor mini-mart.	Not permitted	
Commercial Cannabis (See Chapter 15 of Article VI)	DA	DA

*****Conditional use permits issued for these uses shall include a condition of approval imposed pursuant to CMC 9172.21(E), requiring that the owner(s) and occupant(s) of the premises (and any successors-in-interest): (i) file a certification with City stating under penalty of perjury (a) whether the use possesses or may possess or use Hazardous Materials, (b) itemizing the specific types of Hazardous Materials that will or may be possessed or used, specifying the quantities (both then-current and anticipated maximum quantities) that will or may be possessed or used at any given time, both on an itemized basis and cumulatively, and (c) reporting any outstanding violations of state Unified Program regulations and the status of efforts or measures taken to correct same. If at any time any information specified in the certification becomes outdated or is no longer accurate, the permittee must submit, within thirty (30) days after learning that the information is no longer accurate, an addendum to the certification which includes the corrected/updated information; and (ii) submit to City inspections of the permittee's premises at least once per year for compliance with the Carson Municipal Code and the permit conditions and identification of any and all Hazardous Materials present at the location, including reporting of such inspection to the Certified Unified Program Agency having jurisdiction in the City (the Los Angeles County Fire Department, Health Hazardous Materials Division) when the inspector finds any suspected violations of State Unified Program regulations identified during the inspections.**

"Hazardous Material," as used in this section, means and refers to any hazardous material listed in Section 25501(n) of the California Health & Safety Code, and as may be amended.

"CalARP Regulated Substances," as used in this section, means and refers to the substances that constitute "regulated substances" pursuant to the California Accidental Release Prevention ("CalARP") program, established and existing pursuant to Article 2 (Sections 25531 to 25543.3) of Chapter 6.95 of Division 20 of the California Health & Safety Code and the regulations set forth in Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, as such substances are defined in California Health & Safety Code Section 25532 and listed in Table 3 of Section 2770.5 of Title 19 of the California Code of Regulations ("Table 3") and described and listed in Section 68.130 of Title 40 of the Code of Federal Regulations pursuant to paragraph (3) of subsection (r) of Section 112 of the Clean Air Act (42 U.S.C. Sec. 7412(r)(3)), and as may be amended,. Notwithstanding the foregoing, a flammable substance listed in Section 2770.5, Table 2, of Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, is excluded from the definition of CalARP Regulated Substances when the substance is used as a fuel or held for sale as a fuel at a retail facility.

Any person, firm or corporation violating any provision of this Section shall be guilty of an infraction and shall be punishable as provided in Chapter 2 of Article I."

B. Section 9182.46 (Nonconformity for Use or Storage of Regulated Substances) of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby added to read in its entirety as follows:

"9182.46 Nonconformity for Use or Storage of Regulated Substances

Any existing use that was lawfully established as a permitted use but which uses or stores Hazardous Materials or CalARP Regulated Substances (as such terms are defined in CMC 9141.1) in a manner that is designated as a prohibited use by CMC 9141.1 as amended by Ordinance No. 21-2120, is deemed nonconforming under this Division 2 if such an existing use fails to apply for and obtain a Director approved permit under this CMC 9182.46 within sixty (60) days of the date Ordinance No. 21-2120 goes into effect (“Application Deadline”). The Director-approved permit will allow such a use to continue to operate and become exempt from the nonconforming use regulations of the City’s Zoning Ordinance notwithstanding the regulations of CMC 9141.1 pertaining to CalARP Regulated Substances and Hazardous Materials without starting the clock on the applicable amortization period for the use to be terminated or made conforming, effectively freezing the running of the amortization period while the Director-approved permit is in effect. Put another way, the applicable amortization period for the use to be terminated or made conforming shall commence on the date of the missed Application Deadline. The Director-approved permit will be deemed effective as of the date of submission of the completed application, as determined by the Director. However, failure to timely submit a completed application will not preclude the existing use from later applying for and obtaining the Director-approved permit to avail the existing use of the exemption, provided a completed application is submitted before expiration of the applicable amortization period. Also, if the Director-approved permit ever lapses and the permittee does not timely re-apply in conformance with this Section 9182.46, the remaining amortization period will commence running from the date of the missed re-application deadline. The applicable amortization period will freeze during all periods for which a Director-approved permit is in effect, inclusive of any permits issued on an aggregate basis pursuant to this Section. Applications for the Director permits must be submitted on a Director-approved application form for approval, must be accompanied by payment of an application fee in the amount determined by resolution of the City Council, and will require applicants to do the following:

(A) file a certification with City, concurrently with application submission, under penalty of perjury, (i) stating whether the applicant’s land use possesses or uses, or will possess or use, Hazardous Materials or CalARP Regulated Substances, and for what purpose, (ii) itemizing the specific types of Hazardous Materials or CalARP Regulated Substances that will or may be possessed or used, specifying the quantities (both then-current quantities and anticipated maximum quantities) that will or may be possessed or used at any given time, both on an itemized basis and cumulatively, and (iii) reporting any outstanding violations of state Unified Program regulations and the status of efforts or measures taken to correct same. If at any time any information specified in the certification becomes outdated or is no longer accurate, applicant must submit, within thirty (30) days after learning that the information is no longer accurate, an addendum to the application which includes and certifies the corrected/updated information; and

(B) agree to allow a City inspector to (i) inspect the premises of the land use at least once per year for compliance with the Carson Municipal Code, including this section and the Director-approved permit (including the most recent certification on file with the City for the use as of the date of the inspection), and (ii) submit reports of such inspection to the Certified Unified Program Agency having jurisdiction in the City (the Los Angeles County Fire Department, Health Hazardous Materials Division (CUPA)) when the inspector finds any suspected violations of CalARP or other State Unified Program regulations identified during the inspections.

The Director shall approve applications for Director-approved permits pursuant to this CMC 9182.46 upon confirmation that they comply with CMC 9182.46 (A) and (B), but if the applicant at any point fails or refuses to submit any required certification addendum or to submit to any of the annual inspections or reports, the Director-approved permit shall be deemed automatically lapsed without any City action or hearing needed, provided only that the Director notifies the applicant of the lapse in permit. If the permit lapses, the applicant may re-apply for the permit by no later than sixty (60) days of receipt of the Director's notice of lapse; however, the applicant or use shall be allowed to apply or reapply for a Director-approved permit pursuant to this CMC 9182.46 a maximum of three (3) times. Notwithstanding anything else, if at any time the information contained in any application or addendum pursuant to this CMC 9182.46 is determined by the Director to have been falsified or to be fraudulent, then upon notice from the Director, the applicant shall be automatically and permanently ineligible to receive any Director-approved permit pursuant to this section, and any already-issued Director-approved permit pursuant to this CMC 9182.46 shall automatically be deemed null and void effective retroactively as of the date of submission of the falsified or fraudulent application or addendum.”

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this 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 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. 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.

ATTEST:

Lula Davis-Holmes, Mayor

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney