

## **ORDINANCE NO. 21 -2120**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, 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 HAZARDOUS MATERIALS, AND ADDING SECTION 9182.46 (NONCONFORMITY FOR USE OR STORAGE OF REGULATED SUBSTANCES AND HAZARDOUS MATERIALS) TO DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTING PROVISIONS) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) 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**, Section 9141.1 of the Carson Zoning Ordinance sets forth certain permitted uses in the City of Carson's industrial land use zones, including those concerning storage and manufacturing allowances involving both hazardous and nonhazardous materials in both the M-H (Manufacturing-Heavy) and M-L (Manufacturing-Light) Zones; and

**WHEREAS**, 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)), when present or existing in any quantity and irrespective of the threshold quantities set forth in Table 3 or elsewhere in the CalARP program. 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 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, means and refers to any hazardous material listed in Section 25501(n) of the California Health & Safety Code when present or existing in a given location in any quantity; 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 to modify Section 9141.1 to provide (i) that land uses involving Regulated Substances in the M-H (Manufacturing-Heavy) or M-L (Manufacturing-Light) Zones at or above the "Threshold

Quantity” are prohibited, (ii) that land uses involving Regulated Substances below the “Threshold Quantity” and land uses involving non-CalARP “Hazardous Materials” of any quantity, in the M-H (Manufacturing-Heavy) or M-L (Manufacturing-Light) Zones, be made subject to issuance of a conditional use permit, and (iii) for an expanded list of non-CalARP, nonhazardous substances that are automatically permitted uses for storage, irrespective of whether the use involves only storage of Regulated Substances, storage of Regulated Substances in connection with any manufacturing process, or manufacturing involving Regulated Substances; 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 businesses that use or store Hazardous Materials or Regulated Substances of any quantity, as such terms are defined in Section 9141.1, are deemed nonconforming unless such businesses obtain Director approval under designation “LD” of Section 9141.1 which will allow businesses to continue to operate and become exempt from City’s nonconforming use regulations. A Director-approved permit will require disclosures of any use of Hazardous Materials or Regulated Substances and their quantities, and will require businesses to become subject to inspections regarding the presence of Regulated Substances or Hazardous Materials; and

**WHEREAS**, the City Council sees fit to expand the list of non-Regulated Substances, otherwise referred to as nonhazardous substances, which are automatically permitted uses for indoor storage in the M-H and M-L Zones, and to provide that outdoor storage of such non-Regulated Substances is permitted subject to Director approval to ensure that such uses will not have adverse aesthetic effects constituting or resembling public nuisance conditions 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); 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 being subject to the requirements contained in CMC 9172.23, Site Plan and Design Review, except temporary uses, and relocate such reference within Section 9141.1 so that it is below the legend, as it is apparent that 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, in and of itself, 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 ~~striketrough~~, additions shown in ***bold, italics, underlined***):

#### **“9141.1 Uses Permitted**

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

<b>USES PERMITTED IN INDUSTRIAL ZONES</b>	
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.
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.

<b>USES PERMITTED IN INDUSTRIAL ZONES</b>	
	<b><u>Use prohibited.</u></b> All commercial uses permitted by this part shall be subject to the requirements contained in CMC <a href="#">9172.23</a> , Site Plan and Design Review, except temporary uses. (See CMC <a href="#">9131.1</a> .) (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](#).

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
<b>Manufacturing of the Following Products:*</b>		
*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

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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
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

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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
<b><u>Regulated Substances.</u></b> <b><u>(At or above Threshold Quantity)</u></b>		
<b><u>Regulated Substances.</u></b> <b><u>(Below Threshold Quantity)***</u></b>	<b><u>C</u></b>	<b><u>C</u></b>
<b><u>Hazardous Materials.***</u></b>	<b><u>C</u></b>	<b><u>C</u></b>
<b>Manufacturing of Products from the Following Materials:</b>		

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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
<b><u>Any Regulated Substance.</u></b> <b><u>(At or above Threshold Quantity)</u></b>		
<b><u>Any Regulated Substance.</u></b> <b><u>(Below Threshold Quantity)***</u></b>	<u>C</u>	<u>C</u>
<b><u>Any Hazardous Material.***</u></b>	<u>C</u>	<u>C</u>
<b>Manufacturing of the Following Materials:</b>		

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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



	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
Explosives – nitroglycerine, nitromethane, nitroethane, cellulose nitrate, gunpowder, blasting powder.		C
<b><u>Regulated Substances.</u></b> <b><i>(At or above Threshold Quantity)</i></b>		
<b><u>Regulated Substances.</u></b> <b><i>(Below Threshold Quantity)***</i></b>	<u>C</u>	<u>C</u>
<b><u>Hazardous Materials.***</u></b>	<u>C</u>	<u>C</u>
<b>Industrial Activities Involving the Following Processes:</b>		
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	X	X

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
mounting; glass blowing (no blast furnace).		
Furniture redecorating and restoration, antique restoration, cabinet making, wood carving.	X	X
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

	ZONES	
	ML	MH
Vehicle dismantling or wrecking, junk and salvage processing, subject to the requirements of CMC <a href="#">9148.1</a> .		C
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

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
Mixing of lacquers, synthetic enamel, polyurethane paint.	C	C
Shellac mixing (with cooking).		C
Processing of coconut oil, cottonseed oil, linseed oil.		C
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

	ZONES	
	ML	MH
<b><u>Any process involving use of Regulated Substances. (At or above Threshold Quantity)</u></b>		
<b><u>Any process involving use of Regulated Substances. (Below Threshold Quantity)***</u></b>	<u>C</u>	<u>C</u>
<b><u>Any process involving use of Hazardous Materials.***</u></b>	<u>C</u>	<u>C</u>
<b>Resource Extraction:</b>		
Borrow pit.	C	C
Oil fields, oil wells, subject to the requirements of CMC <a href="#">9500</a> – 9537, Oil and Gas Code.	C*	C*
*Development agreement provisions apply as specified in CMC <a href="#">9502</a> and <a href="#">9508</a> .		
<b>Food Manufacturing and Processing:</b>		
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

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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
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
<b>Service and Repair:</b>		
Linen, towel or uniform supply.	X	X
Assaying, gas heater testing, pest control,	X	X

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
cesspool cleaning service, plumbing contractor, roofing contractor, tree surgeon.		
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 machinery repair, subject to the limitations of CMC <a href="#">9138.2</a> if within 300 feet of other than an industrial zone.	L	L
Laboratory – product testing, product research.	X	X
Laboratory – chemical, biological, anatomical.	C	C
<b>Equipment Sale and Rental:</b>		
Motor vehicles and heavy equipment of all types and sizes, contractor's equipment, agricultural equipment.	X	X
<b>Auction:</b>		
Auction – indoor or outdoor (no swap meet or flea market).	C	C

	ZONES	
	ML	MH
<b>Wholesale:</b>		
Wholesale activities of all types (except livestock and poultry).	X	X
Poultry (in ML Zone, all activities within an enclosed building).	L	X
<b>Storage:</b>		
Cold storage plant.	X	X
Petroleum coke.		C
<u>Pharmaceuticals – drugs, medicines, vitamin tablets (indoor).</u>	<u>X</u>	<u>X</u>
<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>



	ZONES	
	ML	MH
<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>
<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</u>	<u>D</u>	<u>D</u>

	ZONES	
	ML	MH
<u>generators, batteries, signs (electric, neon, billboards, etc.) (outdoor).</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>
<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>

	ZONES	
	ML	MH
<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>
<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>

	ZONES	
	ML	MH
<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>
<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>

	ZONES	
	ML	MH
<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>Animal feed, grain (indoor).</u>	<u>X</u>	<u>X</u>
<u>Animal feed, grain (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>
<u>Cotton (indoor).</u>	<u>X</u>	<u>X</u>
<u>Cotton (outdoor).</u>	<u>D</u>	<u>D</u>
<u>Small electrical parts (indoor).</u>	<u>X</u>	<u>X</u>
<u>Small electrical parts (outdoor).</u>	<u>D</u>	<u>D</u>
Warehousing of furniture, household goods, dry goods, clothing, textiles, durable goods, no perishable foods.	X	X
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:		

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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 <a href="#">9500</a> – 9537, Oil and Gas Code, for governing requirements):		
Not more than 2,500 barrels.	X	X
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		

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
facilities, refer to CMC <a href="#">9500</a> – 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 <a href="#">9500</a> – 9537, Oil and Gas 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

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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 <a href="#">9148.1</a> .		C
Waste paper, subject to the requirements of CMC <a href="#">9148.1</a> .	C	C
<b><u>Regulated Substances.</u></b> <b><u>(At or above Threshold Quantity)</u></b>		
<b><u>Regulated Substances.</u></b> <b><u>(Below Threshold Quantity)***</u></b>	<u>C</u>	<u>C</u>
<b><u>Hazardous Materials.***</u></b>	<u>C</u>	<u>C</u>
Poison (Class A or Class B)* – pesticides, rodenticides, insecticides, herbicides.		C
*Classification according to Los Angeles County Fire Department. (R.M. Graziano's Tariff No. 25).		



	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
Organic peroxides** – (more than 50 pounds).		C
<b>**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.</b>		
Motor vehicles (not including impounding yard).	X	X
Vehicle impounding yard, subject to the requirements of CMC <a href="#">9148.1</a> .		C
Aircraft.		X
<b>Transportation, Communications, Utilities and Public Service:</b>		
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
Truck terminal, subject to the requirements of CMC <a href="#">9148.9</a> .	C	C

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
Truck yard, subject to the requirements of CMC <a href="#">9148.9</a> .		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
<b>Education:</b>		
Trade school.	X	X
<b>Recreation:</b>		
Arcade (subject to the requirements of CMC <a href="#">9138.4</a> ).	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
<b>Agriculture:</b>		

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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
<b>Studios:</b>		
Motion picture studio or set – indoor or outdoor.	X	X
<b>Cemetery:</b>		
Cemetery, mausoleum, columbarium, crematory.		C
<b>Animal Services:</b>		
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
Electronic message center signs. (See CMC <a href="#">9146.7.</a> )	C	C

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
<b>Outdoor Advertising:</b>		
Outdoor advertising sign, including electronic digital displays, subject to the requirements of CMC <a href="#">9146.7</a> .	CC	CC
<b>Recycling Facilities:</b>		
Large collection recycling facility. (Subject to CMC <a href="#">9148.4</a> .)	L	L
Processing facility for recyclables, light. (Subject to CMC <a href="#">9148.5</a> .)	L	L
Processing facility for recyclables, heavy. (Subject to CMC <a href="#">9148.5</a> .)		C
<b>Wireless Telecommunications Facilities (see CMC <a href="#">9138.16</a>):</b>		
Minor wireless telecommunications facilities, subject to the requirement of CMC <a href="#">9138.16</a> .	L	L
Major wireless telecommunications facilities, subject to the requirement of CMC <a href="#">9138.16</a> .	C	C
<b>Uses Permitted in Commercial Zones:</b>		
Any principal use permitted in any commercial zone, whether automatically (X), with		

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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
Health services:		

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
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 <a href="#">9138.3</a> .	L	L
Arcade, subject to the requirements of CMC <a href="#">9138.4</a> .	C	C
Retail services and offices:		
Adult business.	Not permitted	
Convenience stores.	C	C
Payday loans.	CUP	CUP
Massage service.	Not permitted	
Tattoo service. (New uses not permitted. Existing	L	Not permitted

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
uses prior to June 7, 2006, required a CUP and are subject to CMC <a href="#">9138.92.</a> )		
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 <a href="#">9138.5.</a>	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 <a href="#">9138.5.</a>	C	C
Vehicles sales and service:		
Automobile service station, subject to the requirements of CMC <a href="#">9138.14.</a>	C	C
Automobile/vehicle washing, subject to the requirements of CMC <a href="#">9138.14.</a>	C	C
Automobile/vehicle service and repair, subject	C	C

	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
to the limitations of CMC <a href="#">9138.14</a> .		
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 <a href="#">9138.21</a> .	C	C
<b>Temporary Uses:</b>		
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 during the	L	L



	<b>ZONES</b>	
	<b>ML</b>	<b>MH</b>
period a building permit is in effect).		
Subdivision directional sign. (See CMC <a href="#">9128.31</a> – 9128.35.)	LD	LD
Fireworks stand, fireworks storage. (See CMC <a href="#">3101.0</a> – 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 <a href="#">63119</a> and <a href="#">63119.1</a> .)	CC	CC
Circus, rodeo. (See CMC <a href="#">63120</a> ; and Animal Control Ordinance, CMC <a href="#">3300</a> – 3301.)	CC	CC
Sidewalk, parking lot, and tent sales. (See CMC <a href="#">9148.7</a> .)	D	D
Yard sales. (See CMC <a href="#">4600</a> – 4606.)	L	L
<b>Uses Permitted in Manufacturing Zones:</b>		
Auction house.	C	C
Indoor mini-mart.	Not permitted	
<b>Commercial Cannabis (See Chapter 15 of Article VI)</b>	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) agree to allow a City inspector to inspect the business premises once per year and 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 Hazardous Materials 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 when present or existing in a given location in any quantity.

“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)), as such may be amended, when present or existing in a given location in any quantity and irrespective of any Threshold Quantity set forth in Table 3 or elsewhere in the CalARP program. 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 Regulated Substances when the substance is used as a fuel or held for sale as a fuel at a retail facility.

“Threshold Quantity,” as used in this section, shall have the meaning set forth in California Health & Safety Code Section 25532(p), and as may be amended.

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 and Hazardous Materials) 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 and Hazardous Materials**

Existing lawfully established businesses that use or store Hazardous Materials or Regulated Substances of any quantity, as such terms are defined in CMC 9141.1, are deemed nonconforming under this Division 2 if such businesses fail to apply for and obtain Director approval under designation “LD” of CMC 9141.1 within sixty (60) days of the date Ordinance No. 21 -   goes into effect (“Application Deadline”). Director approval will allow businesses to continue to operate and become exempt from City’s nonconforming use regulations without starting the clock

for the applicable amortization period for the use to be terminated or made conforming, effectively freezing the running of the amortization period. 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 permit approval 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 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 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 certification with City concurrently with application submission under penalty of perjury stating whether businesses use or store Hazardous Materials or Regulated Substances and the quantities (both current quantities and anticipated maximum quantities that the business may potentially use or possess at any given time) of each of them. If at any time the anticipated maximum quantity specified in the application becomes outdated or is no longer accurate, applicant must submit, within thirty (30) days after learning that the anticipated maximum quantity is no longer accurate, an addendum to the application which includes the updated maximum quantity information; and

(B) agree to allow City inspector to inspect the business premises once per year and 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 inspector finds any suspected violations of CalARP or other State Hazardous Materials regulations identified during the inspections.

The Director shall approve applications upon confirmation that they comply with CMC 9182.46 (A) and (B), but if the applicant fails or refuses to submit the required addendum or submit to any of the annual inspections, the permit shall be deemed automatically lapsed without any City action or hearing needed, provided that the Director notifies applicant of the lapse in permit. If the permit lapses, applicant may reapply for the permit by no later than sixty (60) days of receipt of the Director's notice of lapse; however, the applicant shall be permitted to apply or reapply for the permit a maximum of three (3) times. Notwithstanding anything else, if at any time the information contained in the application or any addendum is determined by the Director to have been falsified or is fraudulent, the applicant shall be ineligible to receive any Director-approved permit and any already issued Director-approved permit shall 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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Lula Davis-Holmes, Mayor

\_\_\_\_\_  
John W. Carroll, Sr., Chief Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sunny K. Soltani, City Attorney