

19) **Council Policy No. 400-16 – Good Neighbor Policy for Warehousing, Logistics, and Distribution Uses**

Receive public comments, if any, and continue the item to April 25, 2023.



## REPORT TO CITY COUNCIL

**To:** Honorable Mayor and Members of the City Council

**From:** Jason Simpson, City Manager

**Prepared by:** Damaris Abraham, Interim Assistant Community Development Director

**Date:** March 28, 2023

**Subject:** **Council Policy No. 400-16 – Good Neighbor Policy for Warehousing, Logistics, and Distribution Uses**

### Recommendation

Receive public comments, if any, and continue the item to April 25, 2023.

### Discussion

By Memorandum to City Manager Jason Simpson dated June 28, 2022, Councilmember Bob Magee outlined a “Proposed Good Neighbor Policy” to address issues regarding large warehouse/logistic centers near sensitive receptors such as residential structures, schools, day cares, hospitals, senior/assisted living homes, and outdoor recreational areas. The stated purpose and intent of the Good Neighbor Policy is to “... preserve the City Council’s vision and our 2040 plan.”

At the July 26, 2022 City Council meeting, the City Council established a Council subcommittee that included Council Members Bob Magee and Steve Manos to work with City staff to develop recommendations regarding policies and standards for the Good Neighbor Policy.

At the February 14, 2023 City Council meeting, the City Council continued consideration of the Draft Policy to the March 28, 2023 meeting to allow time for the subcommittee to meet and get feedback from the Business Community and for the public to provide comments. The subcommittee met with the Business Community on March 3, 2023 to discuss the proposed Draft Policy and the recommended standards.

## Good Neighbor Policy

Comments received so far on the Draft Policy include: applicability of 250,000 sq. ft. (i.e. whether it should be limited to a single building), facility hours of operation, minimum setback requirements from sensitive receptors, and clarification on the definition of sensitive receptors.

In addition, City staff will continue to monitor relevant legislative initiatives, including AB 1000 (Reyes) that failed in the Senate in 2022 but is likely to be reintroduced this legislative session. The proposed legislation would apply to new facilities that are 100,000 square feet or larger and the requisite 1000-foot buffer could be reduced to 750 feet if developers commit to using zero-emission vehicles.

At this time, staff requesting the item to be continued to the April 25, 2023 City Council meeting to allow additional time to address all the comments received. The draft redlined policy has been attached to the staff report for reference and for discussion purposes.

### **Attachment**

Attachment 1 – Draft Good Neighbor Policy Redlined

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## COUNCIL POLICY MANUAL

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**SUBJECT: “Good Neighbor Policy” for  
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### **PURPOSE**

In recent years, the Inland Empire has seen significant growth in the warehousing, logistics, and distribution industries. It is expected that market conditions for these industries will remain strong in the Inland Empire and that demand for more sites will also remain strong. As neighboring communities reach significant levels of build out, it is anticipated that Lake Elsinore will become an increasingly attractive location for these market segments. The City of Lake Elsinore recognizes that the construction and operations of these uses will generate negative impacts to residences and/or other sensitive land uses (“sensitive receptors”) that must be mitigated in order to maintain quality of life; protect public health, safety, and welfare; and ensure orderly development. Sensitive receptors generally include existing or approved residences, schools, active parks, playgrounds, community centers, assisted living, day care centers, nursing homes, hospitals, places of religious assembly or institution (excluding those located in Industrial zoning designations), and similar uses.

This policy provides a framework for larger-scale warehousing, logistics and distribution projects to be designed and operated in order to mitigate negative impacts on sensitive receptors and the environment and to preserve and advance the City Council's vision as set forth in the City's General Plan and Dream Extreme 2040 Plan. This policy is meant to apply Best Management Practices (“BMPs”) to help minimize potential impacts to sensitive receptors and will be used in addition to applicable requirements of the City's Zoning Code and the California Environmental Quality Act (CEQA). This policy does not replace the need for preparation of appropriate project-specific environmental review and application of any necessary mitigation measures. This policy provides a series of development and operational criteria that can be implemented to supplement project-level mitigation measures in order to adequately mitigate impacts related to warehousing, logistics and distribution land uses on sensitive receptors.

This policy will be implemented by incorporation into the conditions of approval that are part of the approval process for individual development projects. This provides a mechanism by which applicants and the public are made aware of how these guidelines are specifically implemented on a project-by-project basis and will provide an opportunity for City staff to monitor ongoing compliance with the individual conditions of approval.

### **APPLICABILITY**

This policy applies to warehousing, logistics, and distribution land uses that include a cumulative square footage of any building larger than 250,000 or more inclusive of all buildings located in a single projectsquare feet in size. *Warehousing, logistics and distribution facility* means those

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facilities used for the storage and/or consolidation of manufactured goods and/or raw materials (excluding bulk storage of materials which are flammable or explosive or create hazardous or commonly recognized offensive conditions) before their distribution to retail locations or other off-site facilities. These facilities may include manufacturing, assembly, and/or fabrication operations. They are typically characterized by dock high loading doors that could be on opposing sides of the building (cross dock facility); significant movement and storage of products, materials, or equipment; truck activities frequently outside of the peak hour of the adjacent street system; and freeway access, including: freight yards/forwarding terminals, warehousing distribution/high cube distribution centers, moving agencies, parcel delivery terminals, railroad freight stations, shipping/receiving yards, and truck terminals.

This policy provides guidance that will be appropriate for most warehouse, industrial, or distribution land uses with buildings that ~~provide for a cumulative square footage of~~ 250,000 ~~or more, inclusive of all buildings located in a single project~~ square feet in size or larger.

The Planning Division shall use this policy to review warehousing, logistics and distribution projects and, in instances where a project does not conform to this policy, shall document findings of non-compliance that will be considered by the Planning Commission and City Council. The hearing body (Planning Commission or City Council) has sole discretion and authority to approve projects that deviate from the guidance provided in this policy, subject to site-specific conditions (such as the specifics of site topography, proximity of adjacent sensitive receptors, and other relevant factors), appropriate environmental review, and other factors that the City Council may consider at its sole discretion.

Project-level review under CEQA will continue to apply to any and all projects, regardless of their square footage and size, and may include technical reports including, but not limited, noise, air quality, and traffic related impact evaluations.

### **STANDARDS**

#### **Siting and Design:**

1. Warehousing, logistics, and distribution land uses with buildings that ~~provide for a cumulative square footage of~~ 250,000 ~~square feet~~ or larger, inclusive of all buildings located in a single project, that are located within 1,000 feet of an existing or planned sensitive receptor shall provide detailed justification supporting a proposed separation of less than 1,000 feet as measured from the property line of the sensitive receptor to the nearest point of any proposed warehousing, logistics and distribution building. In no case shall the minimum setback from an existing sensitive receptor to truck bays, loading docks, active truck operations areas, outdoor storage areas, or any buildings be less than 500-300 feet to any property line of a

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sensitive receptor. Other setbacks appropriate to the site’s zoning classification shall be incorporated in the design.

2. Warehousing, logistics and distribution land uses shall be designed to provide adequate on-site parking for commercial trucks and passenger vehicles and shall provide for adequate on-site queuing for trucks that is located away from sensitive receptors. The general queuing and spill-over of trucks onto surrounding public streets shall be prevented. Commercial trucks shall not be parked in the public right-of-way or nearby residential areas.
3. Entry gates into loading dock(s)/truck court area(s) shall be positioned at a minimum of 140 feet inside the property line. The stacking distance shall be increased by 70 feet for every 20 loading docks beyond 40 docks. Queuing, or circling of vehicles, on public streets immediately pre- or post-entry to a warehousing, logistics and distribution facility is strictly prohibited. Applicants shall submit to the Engineering Department, and obtain approval of, all turning templates to verify truck turning movements at entrance and exit driveways and street intersections adjacent to said warehousing, logistics and distribution buildings prior to entitlement approval.
4. Sites shall be fully screened with perimeter landscaping and masonry screening walls along all bordering streets and adjacent to the property lines of sensitive receptors. Perimeter screening shall measure a minimum of 15 feet in width and shall include, but not be limited to, a continuous vegetative screen of overstory trees that measure a minimum of 25 feet in height within ten (10) years of planting and a solid masonry wall of at least six (6) feet in height. Trees shall be provided at a ratio of one (1) 24” box tree per 20 linear feet. Plans for the perimeter landscape buffer shall be prepared by a landscape architect licensed to do business in the State of California and shall incorporate adequate access points for routine maintenance and meet the City’s Water Efficient Landscape Requirements (LEMC Chapter 19.08). Developments located within a Very High Fire Hazard Severity Zone shall prepare a Fuel Modification Plan that includes, but not limited to, fire-resistive, native plant species in landscaping. Landscape plans in for developments located in a Very High Fire Hazard Severity Zone shall be reviewed by the City Fire Marshal. The property owner will be responsible to establish a long-term maintenance mechanism to assure that the landscaping remains in place and functional in accordance with the approved landscaping plan and shall be responsible to ensure that the landscaping is maintained in a healthy, living condition, to include the replacement of dead, diseased, or dying plant materials as soon as practicable.

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5. Building planes visible from public view shall be articulated by changes in exterior building materials, color, decorative accents, and/or articulated features. Modulation and variation of building masses between adjacent buildings visible from public streets shall be provided. Pedestrian and ground-level building entries accessible to visitors should be designed using recessed entries, covered entries, projections, or roofs to provide shade and visual relief at a pedestrian scale.

Construction and Operation:

6. All construction and grading related activities shall comply with the South Coast Air Quality Management District (SCAQMD) Regulations in effect at the time work commences.
7. The following environmentally responsible practices shall be required during construction:
  - a. The applicant shall use reasonable best efforts, as determined by the Community Development Director, or designee, to deploy the highest rated California Air Resources Board (CARB) Tier technology that is available at the time of construction. Prior to permit issuance, the construction contractor shall submit an equipment list confirming equipment used is compliant with the highest CARB Tier at the time of construction. Equipment proposed for use that does not meet the highest CARB Tier in effect at the time of construction, shall only be approved for use at the discretion of the Community Development Director, or designee.
  - b. Use of electric-powered hand tools, forklifts, aerial lifts, materials lifts, hoists, pressure washers, plate compactors, and air compressors.
  - c. Designation of an area in any construction site where electric-powered construction vehicles and equipment can charge if the utility provider can provide temporary power for this purpose.
  - d. Identification in site plans of a location for future electric truck charging stations and installation of a conduit to that location.
8. A Property Maintenance Program shall be submitted for review and approval by the Community Development Director or designee prior to the issuance of building permits. The program shall provide for the regular maintenance of building structures, landscaping, and paved surfaces in good physical condition, and appearance. The methods and maximum intervals for maintenance of each component shall be specified in the program.

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9. Facility operators shall coordinate with CARB and SCAQMD to obtain the latest information about regional air quality concentrations, health risks, and trucking regulations.
10. Provisions of the City's Noise Ordinance (LEMC Chapter 17.176) shall be satisfied during all site preparation and construction activity. Site preparation activity and construction shall not commence before 7:00 AM and shall cease no later than 5:00 PM, Monday through Friday. Only finish work and similar interior construction may be conducted on Saturdays and may commence no earlier than 8:00 am and shall cease no later than 4:00 p.m. Construction activity shall not take place on Sunday, or any Legal Holidays. The applicant shall place a weatherproof 3' X 3' sign at the entrance to the project site identifying the approved days and hours of construction activity. The sign shall identify the name and phone number of the development manager to address any complaints.
11. Facility hours of business operation shall be reviewed on a project-by-project basis. Unless the operator demonstrates through site design and mitigation measures to adequately shield and reduce noise impacts to the sensitive receptors, Facility hours of business operations shall be limited to Monday through Friday 7:00 a.m. to 7:00 p.m. and no work shall occur on the weekends or Legal Holidays adjacent to sensitive receptors, ~~except when the operator demonstrates through site design and mitigation measures to adequately shield and reduce noise impacts to the sensitive receptors.~~ At no time shall refrigerated trucks parked outdoors run and/or idle outside of the facility hours of operation. Changes to the hours of operation shall be reviewed on a project-by-project basis and shall be included in the Conditions of Approval for the project.
12. At no time during normal business hours shall the noise generated from the adjacent industrial operation exceed 65 dba as measured from the closest property line of a sensitive receptor.
13. A City representative shall conduct periodic on-site inspections during and after construction to verify compliance or recommend better efforts toward compliance during grading, construction, and operational activities.

### **HISTORY**

Adopted by Resolution No. 2023-XXX

[Date]