



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: November 29, 2022

Subject: Consider Urgency Ordinance No. 2022-27

RECOMMENDATION(S):

1. OPEN the public hearing on Ordinance No. 2022-27, RECEIVE testimony, and CLOSE the public hearing.
2. ADOPT Ordinance No. 2022-27, an urgency ordinance extending a moratorium on the establishment or expansion of fulfillment centers, parcel hubs, and parcel sorting facilities in the North Richmond area through November 29, 2023.
3. DETERMINE that adoption of Ordinance No. 2022-27 is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3).
4. DIRECT staff to file a CEQA Notice of Exemption with the County Clerk-Recorder.

FISCAL IMPACT:

None.

BACKGROUND:

On January 18, 2022, the Board of Supervisors adopted Ordinance No. 2022-06, an urgency

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **11/29/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 29, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Francisco Avila,
925-655-2866

cc:

interim ordinance that established a moratorium on the establishment or expansion of fulfillment centers, parcel hubs and parcel sorting facilities (collectively and individually, "Heavy Distribution") in the unincorporated North Richmond area. This urgency ordinance, Ordinance No. 2022-27, extends the temporary moratorium on Heavy Distribution uses to November 29, 2023, while the County continues developing reasonable regulations to mitigate the impacts for such uses.

The issue stems from rapid expansion of e-commerce in recent years and need for local fulfillment centers and operations. The North Richmond area particularly has seen a proliferation of these types of uses. As a result, the North Richmond area faces increased truck traffic and the following related adverse impacts: increased safety risk to smaller vehicles, pedestrians, and bicyclists; increased damage to streets; and traffic congestion and reduced levels of service on streets and at intersections; and increased emissions and air quality impacts.

BACKGROUND: (CONT'D)

Staff has identified additional concerns that the cumulative impacts caused by the increase in Heavy Distribution in the North Richmond Area have not been sufficiently considered and analyzed given that Heavy Distribution often operates on a 24-hour basis and may cause deteriorating air quality, health, noise, vibration, and other disruptions to peace and quiet that may impact surrounding sensitive uses, such as schools and residences. The North Richmond community has been designated by the California Air Resources Board and Bay Area Air Quality Management District as one of only 15 communities in California to be part of State Assembly Bill (AB) 617's Community Air Protection Program. Under current County regulations, Heavy Distribution is consistent with the existing General Plan industrial land use designations in the North Richmond Area, and is permitted within the North Richmond P-1 district. DCD staff is considering a zoning text amendment to the North Richmond P-1 district to address the individual and cumulative impacts of Heavy Distribution through appropriate locational criteria and traffic and air quality impact mitigation requirements.

Extending this temporary moratorium on Heavy Distribution uses will allow staff an opportunity to consider a zoning text amendment to the North Richmond P-1 District that takes into account these issues. A threat to the public health, safety, and welfare would result if Heavy Distribution type land-use entitlements or building permits are accepted and approved under the existing North Richmond P-1 District. The failure to extend this temporary moratorium may result in significant irreversible impacts to businesses, residents, and other sensitive uses in the North Richmond Area that may not be adequately analyzed or mitigated.

CEQA COMPLIANCE

Adoption of the proposed urgency interim ordinance is exempt from CEQA because it can be seen with certainty that adoption of the ordinance will not have a significant effect on the environment. The proposed ordinance would extend a temporary moratorium on the establishment or expansion of a land use activity that might otherwise affect the environment. See CEQA Guidelines, Section 15061(b)(3).

CONSEQUENCE OF NEGATIVE ACTION:

The failure to extend the moratorium may result in significant irreversible impacts to businesses, residents, and other sensitive uses in the North Richmond Area from new or expanded Heavy Distribution land uses.

CLERK'S ADDENDUM

Speaker: No name given.

ATTACHMENTS

North Richmond Urgency Ordinance re Heavy Distribution-second extension