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NEW ZONING CODE: PHASE 1

PUBLIC REVIEW DRAFT

January 2024



CITY OF CARSON

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Introduction

This paper presents an annotated draft of the proposed Carson Zoning Code (Article IX, Chapter 1 of the Carson Municipal Code). It is intended to provide a basis for discussing proposed changes to the Carson Zoning Code to implement General Plan 2040 by highlighting proposed substantive changes. The proposed revisions include re-organization of the Code provisions and changes to the format to make the regulations easier to use. Subsequent changes to the draft will respond to issues raised by City staff and officials, the public, and other Code users. The annotated draft lists the parts, divisions, and sections that are recommended for inclusion in the updated Code, it has been prepared with the following objectives in mind:

- To organize and consolidate development provisions in a logical, user-friendly format using tables and graphics, where appropriate, to help convey meaning,
- To make zoning consistent with the policies and land use concepts of General Plan 2040 and federal and State law,
- To establish clear and objective standards for achieving high quality design in all neighborhoods and non-residential districts,
- To respond to community concerns about neighborhood preservation, project design, and community health and well-being,
- To facilitate economic growth and job development,
- To clarify review and decision-making responsibilities and procedures, and
- To modernize the current code with flexible standards that will allow Carso to respond to market demands.

Generally, the most frequently consulted sections of the Zoning Code appear towards the beginning, while more specific and less frequently used sections, including administration and permits, are at the end along with provisions that serve as references such as definitions and use types. This paper proposes that Article IX include two Chapters instead of five as the Municipal Code now has. As does the current Code, Chapters 1 and 2 will be the Zoning and Subdivision Regulations. Most of the content in Chapters 3 through 4 of the existing code can be incorporated in Chapter 1, Zoning but Chapter 5, Oil and Gas Code, will be a separate part of the Municipal Code.

Within each of these Chapters, the various parts and sections have been ordered to flow logically from one set of regulations to the next. Typically, the different parts of each Part and Division of the new Code will begin with statements regarding their purpose and applicability, followed by general standards and will then move to more specific regulations. Many Divisions end with references to other Parts of each Chapter, such as the provisions that establish additional regulations for specific uses.

The Code's format has been revised to make greater use of different fonts, including bold and italic text, to distinguish different provisions and highlight topics. For the same reason, we propose to include sub-headings to indicate the issue that the sub-sections cover. We also propose to use more tables and graphics to make it easier for code-users to find the information they need and to facilitate comparison between

provisions applicable to different districts. The next section summarizes the contents of the new code and highlights major changes from the existing regulations. It has been prepared as a summary that can be published on the city’s website and provided to the public and city officials as an overview of the new land use regulations.

Overview

This draft is an annotated version of the new Carson Zoning Code (Article IX, Chapter 1, Carson Municipal Code) with comments on revisions proposed to implement the new General Plan or applicable provisions of federal or State law. Each Part and Division of the Annotated Draft Code begins with commentary describing the proposed content and whether the Part or Division incorporates existing provisions, which may have been modified or edited to reflect proposed changes, or new provisions.

The numbering of different Parts, Divisions, and Sections has been generated using an automated numbering system and is only provisional. The numbering system generally follows that established in the Municipal Code, but an “automatic numbering” feature is used because this facilitates revisions if it is necessary to add new provisions or reorganize certain Divisions or sections. To make it easier for code-users to find the provisions they need, the updated code will list the sections included in each Division before the text.

Chapter 2, Subdivision Regulations, of Article IX, was originally enacted in 1977 and readopted in October, 1980, is generally consistent with the State Subdivision Map Act (Government Code Section 66410 *et seq.*). That Chapter will also be revised to be consistent with the new General Plan but, for the most part, the Subdivision Regulations only need changes to cross-reference changes to the other parts of Article IX. These revisions will be prepared after the proposed changes to Chapter 1 are completed and are not included in this document.

Chapter 1, Zoning, is proposed to have five parts, which are discussed in further detail below. The five parts are:

Part 1 – Introductory Provisions

Part 2 – Base, Overlay and Special Districts

Part 3 – General Regulations: Site Development Standards and Requirements for Specific Uses

Part 4 – Administration and Permits

Part 5 – General Terms: Definitions and Use Classifications

Part 1: Introductory Provisions

This part establishes the overall purposes of the Zoning Code text and zoning map and the general rules that govern their applicability and use. It will include the provisions in Divisions 1 through 4 of Part 1. Introduction, of the existing Code as well as a new Division 5 called Rules for Measurement. This new Division will explain how to perform calculations and measurements that are necessary to implement zoning regulations. Division 5 consolidates and, as necessary, revises existing requirements for measurement and calculation to ensure consistency and clarity (e.g. measuring heights, daylight planes, lot width and depth, setbacks, etc.). Some of these provisions are now found among the definitions in Part 9. Because Part

1 includes a variety of provisions regarding the breadth and applicability of the Code, such as its relationship to other municipal, state, and federal statutes, we propose to change its title to Introductory Provisions.

Part 1 also includes provisions that are in Division 3. Relationship of Zoning Regulations to Other Laws and Regulations, which further explain the applicability and scope of the Code, the severability of individual sections, and related issues. We also propose a new section on fees that identifies the City Council as the authority responsible for setting fees.

Part 2 – Base, Overlay and Special Districts

This part of the new Code will be divided into three Divisions—Base, Overlay, and Special Districts. District regulations will specify the land use and development and design standards for each of the base and overlay districts. New Zoning Code will include some new base to implement the goals and policies of the new Plan, but existing districts will be retained to the extent possible albeit with new or revised use and development regulations. In some cases, sub-districts will be proposed to further refine the Plan’s land use designations and reflect differences in character. To make the Code easier to use and reduce the total number of districts, existing districts will be combined where appropriate.

Each base district will have a purpose statement, a list of allowed uses specifying the level of discretionary review required, and development and design standards applicable to those uses. Tables will list these requirements along with cross-references to the regulations in Part 3, which establish requirements for a variety of uses that the Code allows in multiple districts. The Code will also include supplemental development regulations applicable to uses that are allowed in each of the base districts. (See Appendix B for a sample layout page.)

Part 2 will explain how the city administers regulations for areas subject to specific plans. The city has approved more than ten specific plans and may adopt more in the future. Some of the specific plan areas have been incorporated into the new Code as new districts. The new Code will include a list of approved specific plans and a map showing their location and boundaries. This Part will also set forth the purpose and scope of such plans and establish basic requirements for their adoption including a minimum area for new specific plans. It will also establish a consistent set of procedures for processing projects proposed in areas subject to an adopted specific plan. Part 2 will refer users to the applicable specific plan for standards and special requirements, such as design guidelines, that apply to the specific plan area. Any issue that the Specific Plan does not specifically address shall be subject to the requirements of the new Code. Where there is a conflict between a Specific Plan and General Plan 2040, the policies of the General Plan shall apply.

Purpose Statements

The revised Zoning Code will state a specific purpose for each district based on relevant General Plan implementing policies and Land Use Diagram designations. The purpose statements will explain in general language how the Code intends the district to be used and how it fits into the City’s land use policy. These statements will serve as a guide for the administration of district regulations and can provide a basis for the findings required for action on discretionary permits. They may also serve as specific reference criteria for rezoning to implement General Plan policies. Purpose statements will be written to clearly distinguish each district from others while ensuring that each district is clearly complementary to others.

Land Use Regulations

Allowed uses will be classified according to use classifications, which this paper discusses below, and will be presented in tables intended to provide a quick and easy summary of development possibilities in each district. Use tables will specify the level of review required, list any limitations on permitted uses, and provide cross-references to other sections of the Code where additional regulations apply.

Development Standards and Supplemental Regulations

The standards section for each district will list dimensional requirements for lots, build-to lines, setbacks, frontage types, location of parking, minimum open space (“outdoor living area”) and building heights, as well as limits on floor area and density. Supplemental regulations will include elements such as performance criteria that implement General Plan policies and ensure compatibility among uses in each district. Examples of supplemental standards in commercial areas will include but will not necessarily be limited to:

- Building design, orientation, and entrance location,
- Street façade design and window transparency,
- Pedestrian amenities,
- Landscaping, buffering, and screening,
- Transitional requirements where higher intensity districts abut residential neighborhoods, and
- Access requirements.

These standards may modify, expand upon, or allow exceptions to similar standards listed in the general development regulations in Part 3, General Regulations to achieve a district’s stated purposes.

Part 3 – General Regulations

This part of the new Code includes two sets of requirements—general development regulations (Part 3-A) and requirements for specific uses (Part 3-B)—that apply in addition to the requirements in Part 2. Part 3 will incorporate some standards in Part 6 of the existing Code and establish new standards as needed that will apply generally to some or all districts such as parking, landscaping, and transportation demand and trip reduction measures. The reasons for incorporating all of these provisions in one part of the updated Code is to make them easier for code-users to find, avoid duplication, and accommodate a broader range of uses in some districts.

The requirements for specific uses carry forward many provisions in Part 6 of the existing code revised as necessary to be consistent with the new Plan and applicable state and federal law. These General Regulation should incorporate some standards that are now included in Part 2 with the regulations for specific types of districts, such as the standards for accessory dwelling units, home occupations, child day care, vehicle repair, as well as some that are now included in Division III, Standards and Criteria for Residential Condominiums, and Division 4, Density Bonus Provisions for Residential Units. Standards and requirements only applicable to specific districts will be presented in the sections that establish development and supplemental regulations for those districts in Part 2 of the updated Code. Part 2 will cross-reference to these citywide standards as necessary instead of reiterating them.

Part 3 could include the sign regulations in Division 6 unless the City decides to remove these provisions from the Zoning Code, as some cities have done, in which case the Zoning Code will cross-reference the City regulations applicable to cannabis in Article VI, Taxes and Licenses, of the Municipal Code.

Part 4 - Administration and Permits

This part of the new Code expands upon and refines many of the provisions in Part 7. Procedures of the current Code. The Divisions have been organized to first list the specific responsibilities of decision makers who review, approve and handle appeals of the planning and zoning actions identified in Section 9171.1, Types of Procedure, of the existing Code. This Division will include a table listing types of approvals and responsibilities. Division 2, Common Procedures, will establish procedures applicable to all types of approvals. Part 5 will then proceed to establish requirements for specific processes and permits in an order meant to reflect their relative frequency of use. In addition to clarifying the complementary roles of the Director, Planning Manager, Planning Commission, and City Council, the Code will list the different findings that are required when deciding on planning and zoning applications. The existing findings will be revised as necessary to comply with changes to State law that require objective standards as a basis for decisions.

Part 5-- General Terms

The last part of the new Zoning Code will serve as a reference section. Part 5 will contain two divisions: use classifications and definitions.

Division 1, Use Classifications.

Use classifications describe one or more uses of land that have similar characteristics such as the type and amount of activity, type of product, how goods or services are sold or delivered, and certain site factors. Use classification provides a systematic basis for assigning present and future uses to zoning districts. The new use classifications will replace use lists such as the lengthy lists of product types associated with different industrial activities in the manufacturing zones, some of which include imbedded regulations (e.g. “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.)” Special regulations applicable to certain uses (e.g., “snack shop with outdoor dining space within the limits of the restaurant frontage”) will be listed in a separate column in the use tables or in notes following the table.

Establishing a series of use categories based on common functions, products and other characteristics, instead of lists of specific uses will improve the City’s capacity to accommodate changes in the economy and technology. If there is uncertainty regarding the classification of a specific use, the Planning Director will determine whether the use falls within one or more use classifications or is not within any existing classification by applying criteria such as:

- The description of the activity or activities in relationship to the characteristics of each use category,
- The relative amount of site or floor space and equipment devoted to the activity,
- The relative amounts of sales from each activity,
- The relative number of employees in each activity,
- Building and site arrangement,
- How the use advertises itself, and,
- Whether the activity is likely to be independent of the other activities on the site.

The proposed system will combine duplicative and overlapping terms that apply to uses that could be regulated in a similar manner (e.g., seasonal sales instead of Christmas tree sales and pumpkin sales). Revisions to the Code will eliminate outdated uses, such as boarding houses, which can be subsumed into a broader category (e.g., group housing) and Dwelling, Second Unit, which State law now calls Accessory Dwelling Units. The revised use types will exclude accessory and temporary uses and instead regulate them with standards and requirements. The proposed changes will make it possible to also eliminate the lists of individual uses within a classification by providing clear and unambiguous descriptions of each use type (e.g., Retail sales). Along with new and updated use types, the new Code will have definitions to help the public and city officials decide how to classify different uses.

Division 2, Definitions.

This Division will contain definitions of all key terms used in the Code, mainly drawn from definitions in the current Code, supplemented by new terms used in supplemental standards and new regulations and procedures. The objective is to revise and update definitions in Part 9 of the existing Code to provide a comprehensive set of terms that will facilitate understanding and administration of the new Zoning Code. Terms that are not used in the new Code will be revised or removed.

Plain English is preferred when drafting definitions and duplication of terms that also are included in the Use Classifications is avoided. Grouping of terms under a heading (e.g. “Fence-related Terms” and “Lot Line Types”) will make it easier to find and compare specific definitions. The existing Code already uses this approach in grouping together terms related to Recycling Facilities. Cross references within the definitions for common terms that may be defined by a single generic concept or consolidated with like terms (e.g. “Structure height: see Height” or “Cellar: see Basement”) will help code-users understand the overall organization of the definitions section. Numbers less than 10 will be spelled out, while numerals will be used for numbers of 10 or more.

The new Code will add some terms to the City’s current list of definitions to avoid ambiguity in zoning administration. These include terms specifically related to land use and development, including “change of use,” “construction,” “development,” and “land use,” and terms related to permit processing, including “allowable use,” “applicant,” “condition of approval,” and “effective date,” among others. Also added are terms that will facilitate regulating architectural features, building size, location, massing, and articulation: “balcony,” “bay window,” “buffer,” “build-to line,” “deck,” and “drive-through facility.”

Unnecessary detail and specific references to State law or State license types will not be included unless necessary to avoid confusion because these may change in the future. Similarly, definitions that establish rules for measurement related to average slope and street frontage, for example, will be covered separately in a new section of the Code.

Definitions do not include specific policies and standards because these should be within the zoning district regulations or the citywide regulations of the Code. Otherwise, it is not readily apparent that they would apply to a specific situation. Examples of such embedded policies include minimum lot area and separation requirements, hours of operation and parking requirements for convenience stores and landscaping and screening requirements for accessory unit size limitations, which are not consistent and so seem arbitrary, regulations for special events and tasting rooms, regulations for bona fide eating places, and convenience store size limits.

Additional terms for bicycle-related facilities, landscaping, lighting, and noise will be added after new regulations and performance standards are drafted to implement General Plan policies. How classes of zoning

districts, such as residential districts and industrial districts, can be cited will be established in General Provisions. Acronyms will be added at the end of the Code drafting process once it is known how they will be used in the new Zoning Code.

SAMPLE GRAPHICS AND BASE DISTRICT LAYOUT

Sample graphics layout page and example base districts are included as Appendices to illustrate how the graphics and district regulations would be presented in the updated Zoning Code.

NEXT STEPS

This first draft of the new Code will be revised based on City staff comments. Following review and approval of the revised outline, it will serve as the basis for the further revisions to the Draft. Parts and divisions of the new Zoning Code will be presented as “modules” for Planning Commission review, with introductory sections that will explain key differences from existing regulations and standards and highlight remaining policy questions for consideration.

Part I Introductory Provisions

Part 1 includes provisions that are like those in Part 1, Introduction, of the existing Zoning Code. The most significant change from the existing Code is the inclusion of a new Division 5. Rules of Measurement. Because they are important to understanding all the regulations, sections regarding the interpretation of language and numbers will be included in this division. Part 1 will also incorporate some of the provisions that appear in the existing Code including Part 8, Implementing Provisions (Division 1, Applicability of Regulations, Division 3. Relationship of Zoning Regulations to Other Laws and Regulations, and Division 4, Interpretation of Provisions.

Division 1. Title, Authority and Purpose

Division 1 carries forward and, as necessary, augments provisions various provisions in Divisions 1, Title, Authority and Purpose, and 2, Format, of the existing Code.

Sections:

- 9111.1 Title and Authority**
- 9111.2 Purpose**
- 9111.3 Applicability**
- 9111.4 Interpretation**
- 9111.5 Severability**
- 9111.6 Fees**

9111.1 Title and Authority

The provisions of Article IX, Division 1, of the Carson Municipal Code shall be known and cited as the “City of Carson Zoning Code”. The City of Carson Zoning Code is adopted pursuant to the authority contained in Section 65850 of the California Government Code.

9111.2 Purpose

The purpose of this Division shall be to implement the Carson General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare by regulating the location and use of buildings, structures, and land for residential, commercial, industrial, recreational, and other specified uses. More specifically, the Code is adopted to achieve the following objectives:

- A. To provide a precise guide for the physical development of the City in a manner that will progressively achieve the arrangement of land uses depicted in the Carson General Plan, consistent with the goals and policies of the General Plan,
- B. To foster harmonious and workable relationships between different land uses to ensure compatible infill development consistent with the General Plan,
- C. To support economic development and job creation and provide for the housing needs of all economic segments of the community,
- D. To promote high quality architecture, landscaping and urban design that will conserve the city's natural beauty, improve its appearance and enhance its physical character,
- E. To provide adequate open spaces for light and air,

- F. To facilitate the adequate provision and appropriate location of community facilities, institutions, parks, and recreational areas, and
- G. To promote the stability of existing land uses that conform with the General Plan, protecting them from adverse influences and harmful intrusions, and conserve and enhance the value of real property.

9111.3 Applicability

This Division shall apply, to the extent permitted by law, to all property within the corporate limits of the City of Carson and to property for which applications for annexation and/or subdivisions have been submitted to the City, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City or other local, State, or federal agencies. Any governmental agency shall be exempt from the provisions of this Code only to the extent that such property may not be lawfully regulated by the City of Carson.

- A. Compliance with regulations. Except as provided in this Code, land shall only be used, and structures shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, only in accordance with the following:
 - 1. No new building shall be erected, and no existing building shall be moved, altered, or enlarged, nor shall any land, building or premises be used, designed, or attempted to be used or designed for any purpose or in any manner other than a use listed in this Division, as permitted in the district in which the land, building, or premises is located.
 - 2. The lawful use or uses of all buildings, improvements and premises existing in any district at the time of the adoption of the Code codified in this Division may be continued except as provided by this Division.
 - 3. No building shall be erected, nor shall any existing building be moved, reconstructed, or structurally altered to exceed in height or floor area the limit established by this Division for the district in which such building is located.
 - 4. No building shall be erected, nor shall any existing building be moved, altered, enlarged, or rebuilt, nor shall any open spaces surrounding any buildings be encroached upon or reduced in any manner except in conformity with the property development standards for each district in which such building is located.
 - 5. No yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space similarly required for any other building, structure or dwelling except as may be provided under this Division.
 - 6. A building or use may only cross property lines if:
 - a. The building site complies with all requirements of this Division as though the total area comprised in the site were a single lot,
 - b. A covenant by the owner(s) of the lots is filed with the Director and recorded with the Los Angeles County Recorder's office before any use or combination of lots occurs. The covenant shall state the intention of the owner(s) to develop the lots as a single building site and shall be in the form required by the Director.
 - 7. Permitted uses. Any use that is not listed or enumerated in this title is prohibited. Unless specified in this Division, no land use may be established within the city by right. All persons wishing to establish a use within the city must file a written request with the Director

or his or her designee to determine if the proposed use is permitted and must apply for and receive approval for the proposed use as provided in this title.

8. Permits required.

- a. Any person desiring to operate, establish, expand, convert one use to another or relocate any use shall file with the planning division an application for the appropriate permit on a standard application form supplied by the Planning Division.
- b. It is the burden of the applicant to supply evidence to justify the granting of the desired use.

B. Relation to Other Regulations

1. **General.** The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the Carson City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code.
 - a. All uses and development authorized by this Code shall comply with all other such regulations and requirements.
 - b. Where conflict occurs between the provisions of the Code and any other City Code, Division, resolution, guideline or regulation, the more restrictive provisions shall control unless otherwise specified.
2. **Permit Streamlining Act.** It is the intent of this Code that all actions taken by the decision-making body pursuant to this Code that are solely adjudicatory in nature be within a time frame consistent with the provisions of Government Code Section 65920 et seq. (the Permit Streamlining Act). Nothing in this Code shall be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this Code that are legislative in nature or that require both adjudicatory and legislative judgments.
3. **Relation to private agreements.** This Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control.
4. **Relation to Prior Code.** The provisions of this Code supersede all prior Zoning Codes codified in Title IX of the Carson Municipal Code and any amendments. No provision of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.
5. **Application During Local Emergency.** The City Council may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Carson Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

- C. **Consistency with the General Plan.** Any permit, license or approval issued pursuant to this Code must be consistent with the Carson General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall prevail.
- D. **Effect on previously approved projects and projects in progress.** The following projects shall have a vested right to proceed without complying with this Code.
 - 1. **Projects with currently valid building permit.** Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications and permits on which said Building Permit was granted, provided that at least one inspection has been requested and posted for the primary structure on the site where the permit is issued and if construction is diligently pursued and completed within six months of permit issuance. No extensions of time except as provided for in the California Building Code shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Planning Department.
 - 2. **Previously approved development permit.** The erection, construction, enlargement, demolition, moving, conversion of and excavation and grading for any building or structure for which a valid development permit is in effect.
 - a. A development permit that does not contain an express limit on the time for exercising the permit shall be deemed valid only if a building permit is obtained within one year of the date of adoption of this Code.
 - b. The Director may approve a time extension for any development permit approved prior to the adoption of this Code pursuant to Part 4, Section 9412.10, Expiration and Extension, of this Code and a determination that the project meets the intent of this Code.
 - 3. **Applications deemed complete.** Any project for which an application was filed pursuant to Code Number TBD and deemed complete in accordance with Code Number TBD prior to the adoption of this Code.

9111.4 Interpretation

The Community Development Director has the authority to interpret any provision of this title. Whenever the Community Development Director determines that the meaning or applicability of any requirement is subject to interpretation, the Community Development Director or the Director's designee may issue an official interpretation. The director may also refer any issue of interpretation to the planning commission for their interpretation.

- A. In interpreting and applying the provisions of this title they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience, and general welfare.
- B. It is not intended that this title interfere with, abrogate, or annul any easement, covenant, or other agreement to which the city, community redevelopment agency, or parking authority is a party.
- C. In matters of consistency or conflict between provisions of this title, or between any such provision and any other applicable regulation, the regulation that results in greater restriction on the use of land shall govern, except in the following instances:

1. Where a different method to resolve conflict is expressly stated in an agreement to which the city, the former Carson Reclamation Authority (CRA), Housing Authority, or Successor Agency is a party, or in any ordinance, rule or regulation.
2. In the case of a specific plan adopted by the city, the provisions of the specific plan shall control.

9111.5 Severability

If any section, subsection, paragraph, sentence, clause or phrase 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 Carson City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

9111.6 Fees

The City Council shall by resolution establish and from time to time amend a schedule of fees for permits, appeals, amendments, and approvals required or permitted by this Code. Applications processed concurrently shall be subject to separate fees for each application filed unless specifically exempted by the City Council.

Division 2. Structure of Zoning Code

This Division includes some of the provisions in Division 2, Format, of the existing Code along with new sections necessary to explain how the Code is organized.

Sections:

- 9112.1 Organization of Regulations**
- 9112.2 Types of Regulations**

9112.1 Organization of Regulations.

This Zoning Code consists of five parts:

Part 1 – Introductory Provisions

Part 2 – Base, Overlay and Special Districts

Part 3 – General Regulations

Part 4 - Administration and Permits

Part 5 – General Terms

9112.2 Types of Regulations.

This Code includes four types of regulations that control the use and development of property:

- A. Land Use Regulations.** These regulations specify the land uses that are permitted, conditionally permitted, or specifically prohibited in each zoning district, subject to any additional requirements the Code imposes on specific uses. Land use regulations for base zoning districts and for overlay districts are in Part 2 of this Code. Certain regulations that are applicable to specific land uses in some or all districts are in Part 4, Requirements for Specific Uses, which also establishes the regulations governing nonconforming uses.
- B. Development Standards.** These regulations control the height, bulk, location and appearance of structures on development sites. Development standards for base zoning districts and overlay districts are in Part II of this Ordinance. Certain development standards applicable to some or all districts are in Part III. These include general site development regulations, performance standards, standards applicable to specific land uses, and regulations for parking, signs, communications facilities, and nonconforming structures.
- C. Administrative Regulations.** These regulations contain detailed procedures for the administration of this Code. They include procedures, processes, standards, and findings for ministerial permits and discretionary entitlement applications and other permits. Administrative regulations are in Part 5, Administration and Permits.
- D. General Terms.** Part 6 provides a list of and descriptions of the different use types this Code regulates and provides the meaning of terms and definitions the Code uses.

Division 3. Establishment of Zoning Districts

This Division replaces Divisions 3, Zoning Classifications, and 4, Zoning Boundaries, of the existing code. The Division identifies all the zoning districts established to implement the new General Plan and briefly lists their purposes. The Division will also establish and describe the Official Zoning Map and district boundaries with provisions for interpreting the boundaries of the various zones. To avoid confusion with the Use Classifications in Part 5 of the updated code, the title of this Division refers to Zoning Districts instead of Zoning Classifications.

The new Code eliminates most of the existing overlay districts and replaces them with new base districts (e.g. the Mixed-Use Districts listed below and described in Part 2, Division 2, Commercial and Mixed-Use Districts), the more detailed objective design and development requirements applicable to the base districts and detailed in Part 2, and the requirements for specific uses in Part 4. The new Code includes the recently adopted MHP-Mobile Home Park Overlay and a new CA-Commercial Automotive Overlay, to implement the General Plan and eliminates the other existing overlay districts. These will be replaced with new base districts (e.g. the Mixed Use Districts), more detailed design, development, and performance standards for specific uses (e.g. blimp-ports, cemeteries, colleges, etc.) in the base districts where they are permitted, and new procedures for site development and design review. The overlay districts that apply only to non-residential districts will be retained until Phase 2 of the Zoning Code update.

Sections:

- 9113.1 Establishment of Zoning Districts**
- 9113.2 Zoning Map**
- 9113.3 Zoning District Boundary Determinations**

9113.1 Establishment of Zoning Districts

The City of Carson is divided into the following zoning districts, which are described in Part 2, Divisions 1 through 8.

TABLE 9113.1: ZONING DISTRICTS

Map Symbol	Full Name
Residential Districts	
LDR	Low Density Residential
LMX	Low Medium Density Mixed Residential
MDR	Medium Density Residential
HDR	High Density Residential
Commercial and Mixed-Use Districts	
CG	Commercial, General
DMX	Downtown Mixed Use
CMX	Corridor Mixed Use
BMX	Business Mixed Use

CR	Commercial, Regional Center
CA	Commercial, Automotive
FLX	Flex Mixed Use
Industrial Districts	
IL	Manufacturing Light
IH	Manufacturing Heavy
Other Non-Residential Districts	
PSI	Public/Semi-Public and Institutional
POS	Parks and Open Space
Other Districts	
PD	Planned Development
SP	Specific Plan
SU	Special Use
Overlay Districts	
MHP-O	Mobilehome Park Overlay
BP	Blimp Port
CEM	Cemetery
COL	College
EMS	Electronic Marquee Signage
ORL	Organic Refuse Landfill

References to classes of basic districts. The following references apply throughout the Code:

- A. “Residential district” or “R district” means one or more of the following districts:
 - 1. LDR Low Density Residential
 - 2. LMX Low Medium Mixed Residential
 - 3. MDR Medium Density Residential
 - 4. HDR High Density Residential

- B. “Commercial and mixed-use districts” means one or more of the following districts:
 - 1. CG General Commercial
 - 2. CN Neighborhood Commercial
 - 3. DMX Downtown Mixed Use
 - 4. CMX Corridor Mixed Use
 - 5. BMX Business Mixed Use
 - 6. CR Regional Commercial
 - 7. FLX Flex Mixed Use

- C. “Industrial district” or “I district” means either ML Manufacturing, Light or MH Manufacturing, Heavy.

- D. Other “Non-residential district” means one or more of the following:
1. PSI Public/Semi-Public and Institutional
 2. OS Open Space
 3. SU Special Use
- D. “Overlay district” means a district where standards regulating a particular use or type of development apply in addition the regulations of the underlying Base District. The City has established two Overlay districts to implement the General Plan:
1. MHP-O Mobilehome Park Overlay
 2. CA-O Commercial Automotive Overlay
 3. BP Blimp Port
 4. CEM Cemetery
 5. COL College
 6. EMS Electronic Marquee Signage
 7. ORL Organic Refuse Landfill
- E. “Special districts” mean all PD Planned Development and SP Specific Plan Districts that were established by the City through adoption of a Specific Plan.

9113.2 Zoning Map

The boundaries and symbols shown on the Zoning Map shall be amended or revised only in accordance with Zone Code Amendments adopted pursuant to Part 5, Division TBD.

9113.3 Zoning District Boundary Determinations

Where uncertainty exists with respect to the boundaries of any of the district listed in Section 16.02.010 as shown on the zoning map or as otherwise established, the following rules shall apply:

- A. **Where Boundaries Approximately Follow Streets, Alleys, or Highways.** Where district boundaries are indicated as approximately following the centerline or street line of streets, the centerline or alley line of alleys, or the centerline or the right-of-way line of highways, such lines shall be construed to be such district boundaries.
- B. **Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines.** Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined using the scale shown on the zoning map.
- C. **Where Boundaries Approximately Follow Lot Lines.** Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the boundaries.
- D. **Where the Boundary Follows a Railroad Line.** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the railroad line.
- E. **Where the Boundary Follows a Body of Water.** Where the boundary of a district follows a stream, lake or other body of water, the boundary line shall be construed to be at the limit of the jurisdiction of the city unless otherwise indicated.

- F. **Submerged Areas Not Included in District.** All areas within the corporate limits of the city which are under water and are not shown as included within any district shall be subject to all the regulations of the district which immediately adjoins with water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.
- G. **District Regulations Apply to Schools, Parks, etc.** Any areas shown on the zoning map as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.
- H. **Where property has not been included in district.**
1. In every case where property has not been specifically included within a district, the matter shall be brought to the Planning Commission on the application of the planning division for establishment of zoning at the time any development is proposed therefor or upon sooner discovery that the property is not included in a zoning district.
 2. Where territory is proposed to be annexed to the city, and it has not been previously pre-zoned, the territory shall be pre-zoned by the Planning Commission on application of the planning division prior to the proposed annexation.
 3. In establishing the appropriate zoning districts as provided in this subsection, the Planning Commission shall consider the following:
 - a. Consistency with the Carson General Plan,
 - b. Existing land use and structures,
 - c. Existing services and facilities, and
 - d. In pre-zoning territory proposed for annexation, the previous zoning if consistent with the general plan.
- I. **Vacation of public ways.** Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all regulations of the ex-tended districts.
- J. **Interpretations.** In case of any remaining uncertainty, the Director shall determine the location of the district boundary. The Director's decision may be appealed to the Planning Commission in accordance with the procedures in Part 5, Division TBD, Appeals. Notwithstanding the forgoing, if the district boundary uncertainty arises in the context of a discretionary permit application, then the location of the boundary shall be determined by the decision-making body for that discretionary permit application.

Division 4. Rules for Construction of Language and Interpretation

Division 4 is a new part of the Code that will establish and consolidate rules for language and interpretation, some of which now appear in various places in the current Code. The existing rules will be supplemented with additional standards where necessary to create a comprehensive guide to Code interpretation.

Sections:

- 9114.1 Purpose**
- 9114.2 Rules for Construction of Language**
- 9114.3 Rules for Interpretation**

9114.1 Purpose

The purpose of this Division is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Division apply throughout this Title except where the context indicates a different meaning.

9114.2 Rules for Construction of Language

When interpreting the various portions of this Division, the following rules for construction shall apply:

- A. The following terms are generally used in this title as synonyms: permit, entitlement, approved use, and planning approval. Thus, "permit holder" refers to the holder of any of these items.
- B. When used in this title, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
- C. The present tense includes the past and future tenses, and the future tense includes the present. The singular number includes the plural number and the plural the singular, unless the natural construction of the word indicates otherwise.
- D. The words "includes" and "including" shall mean "including but not limited to," the words "shall," "must," "will," "is to," and "are to" are always mandatory.
- E. The particular controls the general.
- F. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.
 - 3. "Or" indicates that the connected words or provisions may apply singularly or in any combination.
 - 4. "Either . . . or" indicates that the connected words or provisions shall apply singularly but not in combination.
- G. In case of conflict between the text and a diagram or graphic, the text controls.
- H. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Carson, unless otherwise indicated. All references to public officials are to those of the City of Carson, and include designated deputies of such officials, unless otherwise indicated.

- I. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a week-end or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The time period shall end at the close of business on the last day of the period.
- J. The singular number and the plural are interchangeable.
- K. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

9114.3 Rules for Interpretation

The Director or the Director's designee shall make the interpretation for any definition not expressly identified in this Code or provide clarification and determination of these rules. The Director's determination is subject to appeal to the Planning Commission as provided for in Part 5, Division TBD.

Division 5. Rules for Measurement

This new Division explains how to perform calculations and measurements that are necessary to implement zoning regulations. Division 5 consolidates and, as necessary, revises existing requirements for measurement and calculation to ensure consistency and clarity (e.g. measuring heights, daylight planes, lot width and depth, setbacks, etc.). Some of these provisions are now found among the definitions in Part 9 but they need to be distinguished from definitions and also from the standards in Part 2.

Sections:

9115.1	Purpose
9115.2	General Provisions
9115.3	Fractions
9115.4	Determining Floor Area
9115.5	Determining Residential Density
9115.6	Determining Lot Area
9115.7	Determining Floor Area Ratio
9115.8	Determining Lot Coverage
9115.9	Determining Lot Frontage
9115.10	Determining Setbacks
9115.11	Measuring Distances
9115.12	Measuring Lot Width and Depth
9115.13	Determining Grade
9115.14	Determining Average Slope (Optional)
9115.15	Measuring Building Height
9115.16	Determining Number of Stories in a Building
9115.17	Measuring Height of Fences or Walls

9115.1 Purpose

The purpose of this Division is to explain how the various measurements to which this Code refers shall be calculated.

9115.2 General Provisions

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and provide sufficient detail, including relevant dimensions, to allow easy verification upon inspection by the Director.

9115.3 Fractions

Whenever this Code requires consideration of parking spaces, dwelling units, or other features of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

- A. General Rounding. Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number, and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

- B. Parking Spaces. Provisions on how to calculate the quantity of parking spaces are de-tailed in Part 3, Division 5, Off-Street Parking and Loading.

9115.4 Determining Floor Area

The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure measured from the interior face of the exterior walls or, in the case of a shared wall, from the centerline of a wall separating the two buildings. Floor area is used to calculate Floor Area Ratio (FAR), determine parking requirements and all relevant impact fees, but the different types of floor area used to determine required parking for different us-es, maximum FAR, and perform other calculations specific to different uses must be verified. Floor area is calculated in square feet.

A. Included in Floor Area.

Floor area includes unenclosed decks, balconies, porches, and platforms if used for commercial or restaurant activity. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent. Floor area also includes:

1. All habitable space as defined in the Building Code on all levels and mezzanines, interior balconies, lofts, and closets,
2. Restrooms, lounges, lobbies, kitchens, storage areas, and interior hallways and corridors,
3. Portions of basements that meet Building Code requirements for habitable space,
4. Enclosed and roofed porches and balconies,
5. Interior courtyards, atria, paseos, walkways, and corridors that are fully enclosed,
6. Storage and equipment spaces that are roofed and enclosed on all sides,
7. Covered parking at or above grade, and
8. Stairwells and elevator shafts counted once at floor level.

B. Excluded from Floor Area. Floor area does not include:

1. Stairways and stairwells (except at floor level),
2. Elevators and elevator equipment rooms and elevator shafts except at floor level,
3. Ramps to a subterranean or semi-subterranean parking structure or ramps between floors of a parking structure provided the ramp does not accommodate parking,
4. Loading spaces and docks used exclusively for loading and unloading,
5. Unenclosed decks, balconies, porches, and platforms not used for commercial or restaurant activity, and
6. Parking.
 - a. Structured parking areas located above finished grade where the vertical distance between finished grade and the floor of the parking level is five feet or less.
 - b. Sideloaded or detached garages. Sideloaded or detached garages not exceeding 400 square feet, located to the rear of residential structures, a minimum of 40 feet away from the front lot line, and accessed by a driveway.
 - c. Subterranean or underground parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is 5 feet or less and meet the following criteria:

- i. The parking area is located below finished grade along at least one street frontage,
 - ii. The portions of the parking area located above finished grade are a result of the site's slope and cannot feasibly be fully subterranean due to geological or physical site constraints, and
 - iii. The facades of any of the visible portions of the parking area located above finished grade are designed and landscaped to meet all applicable provisions of the Zoning Code.
 7. Attics except when approved for occupancy,
 8. Mechanical equipment rooms, electrical rooms, telecommunication equipment rooms, and similar space located below grade,
 9. Vehicular easements and easements for utility purposes, private streets and the pole portion of flag lots shall be excluded from the calculation of lot area.
 10. If a street dedication is required, the calculation shall be based on the total area of the lot before the street dedication.
- C. Commercial. In addition to above, the following rules apply when calculating commercial floor area:
 1. Covered and uncovered courtyards, arcades, atria, paseos, walkways, and corridors that are located at or near the street level and are accessible to the public are excluded from the floor area provided they are not used as sales, display, storage, service, or production areas.
 2. Unenclosed decks, balconies, porches, and platforms that are used for commercial or restaurant activity are included in the floor area.
- D. Floor Area for Parking Determination. When calculating floor area for determining required parking, gross floor area is calculated as stated above. For retail establishments, floor area is the space between exterior walls that is devoted to the display and selling of merchandise including space occupied by counters, fixture and storage cabinets and shelves.

9115.5 Determining Residential Density

Residential density is expressed as the number of housing units per net acre of developable land, which is calculated as the total lot area excluding land that is constrained for development by existing and approved public rights-of-way such as public streets; creeks, existing easements, and environmentally sensitive lands including beaches, lagoons, wetlands, other permanent water bodies, riparian and other habitats.

9115.6 Determining Lot Area

Gross lot area is the total area of a lot measured horizontally between bounding lot lines. Net lot area is used to calculate Floor Area Ratio (FAR), residential density, and perform other calculations specific to different uses. Net lot area does not include:

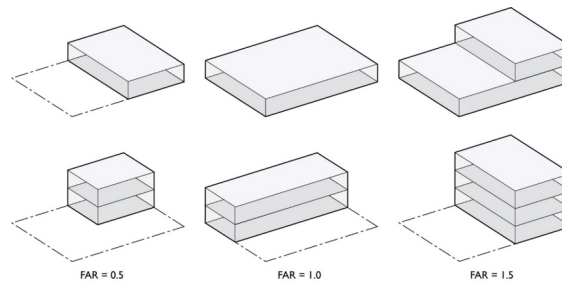
- A. Public streets, alleys, walkways, and other existing public rights-of-way,
- B. Proposed public rights-of-way such as alleys and streets and other necessary public sites, when approved for inclusion within a proposed development project,
- C. Flood plains, areas with a slope, and

- D. Other public or private easements where the owner of the site does not have the right to use the entire surface of land included in the easement.

9115.7 Determining Floor Area Ratio

Floor area ratio (FAR) means the ratio of the floor area of all principal and accessory buildings on a site, excluding the areas described above, to the area of the lot. To calculate the FAR, floor area is divided by lot area, typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

FIGURE 9115.7: DETERMINING FLOOR AREA RATIO



9115.8 Determining Lot Coverage

Lot coverage is the ratio of the ratio of the total footprint area of all structures on a lot to the lot area, typically expressed as a percentage. Areas directly below projections identified in Part 3, Division 1, Section TBD, Projections into Required Setback Areas, or directly below the following buildings and building features shall be excluded from the footprint area for purposes of determining parcel coverage:

- A. Areas directly below a fully enclosed second-story cantilever shall be considered part of the ground floor footprint area for purposes of calculating ground floor parcel coverage,
- B. Areas in any single-story portion of the building that exceed the height of the second story shall be considered part of the second-story footprint area for purposes of calculating second-story parcel coverage,
- C. Eaves, awnings, canopies, sunshades, sills, cornices, belt courses, or other similar solid architectural features not within minimum setback areas project up to the same distances as permitted pursuant to Part 3-A, Section 9311.6,
- D. Greenhouse windows, bay windows, or similar architectural features not within minimum setback areas projecting to the same dimensions as permitted pursuant to Part 3-A, Section 9311.6,
- E. First-story roofed front porches of principal buildings that are open on at least the front and one side elevation not within minimum setback areas,
- F. Upper-story setback areas that are open to the sky or covered by a roof structure that is at least 50 percent open to the sky,
- G. First-story outdoor areas open on at least two sides that are covered or below a permitted upper-story outdoor space,

- H. Projecting upper-story outdoor space not within minimum setback areas open on at least two contiguous sides and open to the sky or covered by a roof structure that is at least 50 percent open to the sky,
- I. Accessory dwelling units and junior accessory dwelling units established in accordance with Part 3-B, Division 10, Accessory Dwelling Units,
- J. Within the LDR and LMX Districts, areas directly below a fully enclosed second-story cantilever that total no more than 3 percent of the lot area, and
- K. Within the LDR and LMX Districts, accessory structures that are open to the sky or covered by a roof structure that is at least 50 percent open to the sky.

9115.9 Determining Lot Frontage

Lot frontage refers to that part of a lot abutting a street and determines the applicability of setback, access, and other requirements. The front lot line is the shortest line abutting a street line. The front yard on different types of lots is typically defined by the primary orientation and includes the following:

- A. Corner lot. The front of a lot bounded by two or more intersecting streets is the narrowest dimension of the lot with street frontage.
- B. Double frontage lot. When a lot that is not a corner lot has a pair of opposite lot lines along two more or less parallel public streets, both street lines shall be deemed front lot lines. Where buildings exist on the lot, frontage may be established by the orientation of the buildings, or if the building orientation does not clearly indicate lot frontage, by the location of the principal entrance.
- C. Flag lot. The front of a flag lot is the side from which access is taken.

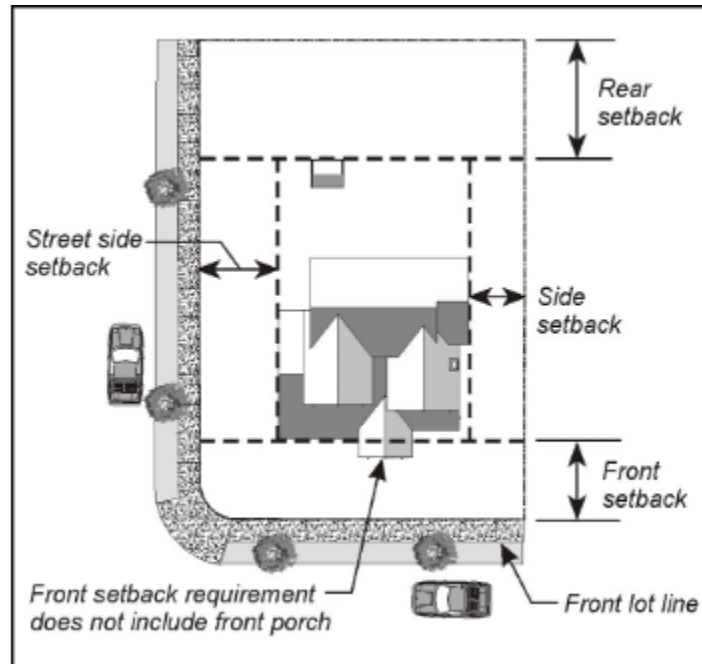
9115.10 Determining Setbacks

A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear lot line. The following regulations for determining yards apply when a lot abuts a proposed street or alley. For non-rectilinear parcels, setbacks shall be determined in accordance with the standards for measuring parcel width and depth in Section 9115.11, Measuring Lot Width and Depth.

- A. Yards abutting planned street expansions. If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.
- B. Yards on alleys.**
 - 1. If a side lot line abuts any alley, the yard shall be considered an interior side yard rather than a corner side yard.
 - 2. In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley may be considered as part of the required yard.
- C. Measuring setbacks or yards. Setbacks shall be measured as the distance between the nearest lot line and the closest point on the exterior of a building or structure, excluding porches or stoops, along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky unless an easement encroachment has been authorized or exceptions have been made, subject to compliance with the Building Code.

- D. Unknown property lines. Where the property line of a developed lot is not known, setbacks may be measured from the back of a sidewalk that meets existing Public Works requirements.

FIGURE 9115.10: DETERMINING SETBACKS

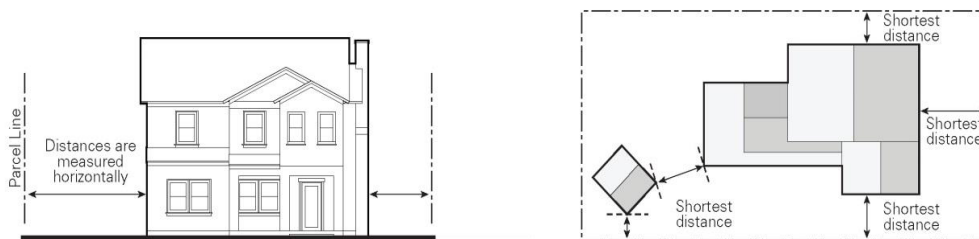


9115.11 Measuring Distances

- A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects. Notwithstanding the above, measurements for non-rectilinear lots shall be made in accordance with Section 9115.11.
- B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- C. **Measurements Involving a Structure.** Measurements of distance to a structure are measured to the closest exterior wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- D. **Measurement of Vehicle Queuing or Travel Areas.** The minimum travel distance for vehicles, such as garage entrance setbacks, is measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

- E. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project.

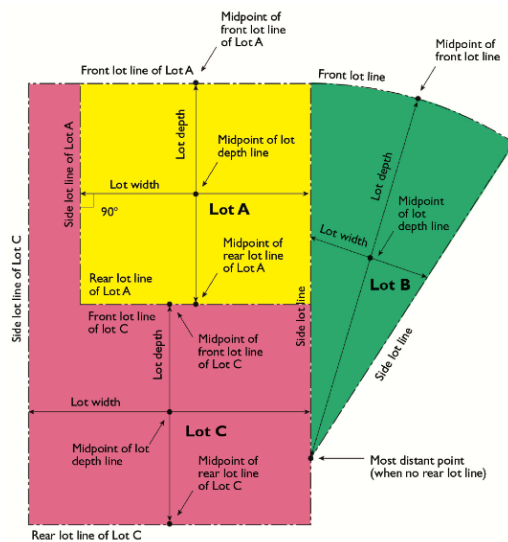
FIGURE 9115.11: MEASURING DISTANCES



9115.12 Measuring Lot Width and Depth

- A. **Rectilinear Lots.** Lot width shall be determined by measuring the distance between side lot lines. The measurement shall be determined by the length of a straight line drawn at right angles to the side lot lines and parallel with both the front and rear lot lines.
- B. **Non-rectilinear Lots.** A series of measurements based on the location of the side lot lines shall be required to determine varying lot widths at any given locations on the lot. Once the side and rear lot lines of a non-rectilinear lot are established (see definitions of "side lot line" and "rear lot line"), a series of measurements shall be made parallel to the front lot line.
- C. **Lot Depth.** The longest perpendicular length between a front and rear lot line or an imaginary extension of a rear lot line as necessary for non-rectilinear lot.

FIGURE 9115.12: MEASURING LOT WIDTH AND DEPTH

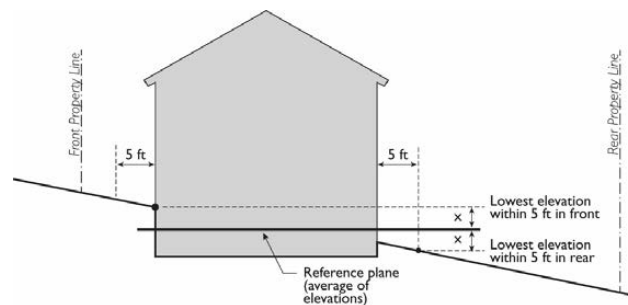


9115.13 Determining Grade

Grade is the location of the ground surface and is further defined in Part 5, Division 2, Definitions. For purposes of this Title, the grade of a building site used to determine building height shall be determined by one or more of the following:

- A. **Average grade.** A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.
- B. **Existing grade.** The existing elevation of the ground at any point on a lot prior to grading for development. Existing grade may also be referred to as natural grade.
- C. **Finished grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building after the lot is graded or development is completed.
- D. **Grade plane.** A reference plane representing the average level of finished grade building adjoining the building at exterior walls as defined in the California Building Code. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than five feet from the building, between the building and a point five feet from the building.

FIGURE 9115.13: MEASURING FROM GRADE PLANE (OPTIONAL)



9115.14 Determining Average Slope (Optional)

The average slope of a parcel is calculated using the formula $S = 100(I)(L)/A$, where:

S = Average slope (in percent)

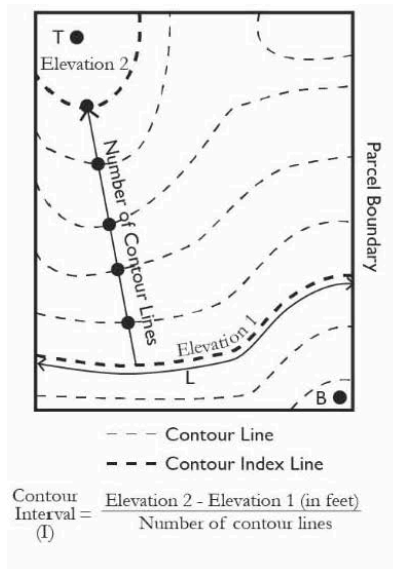
I = Contour interval (in feet)

L = Total length of all contour lines on the parcel (in feet)

A = Area of subject parcel (in square feet)

run = horizontal distance between the top and bottom elevations

FIGURE 9115.14: DETERMINING AVERAGE SLOPE (OPTIONAL)



9115.15 Measuring Building Height

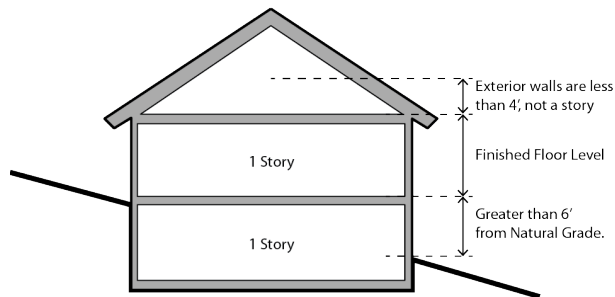
- A. On lots with a grade change of 10 percent or more between the front and rear property lines, building height is measured from the "grade plane" as determined in the following sub-section and is the maximum vertical distance measured from the "grade plane" to the roof ridge or the top of the parapet.
- B. The height of a residential addition is measured from the average level of that portion of the lot covered by the addition.
- C. On lots with a grade change of 10 percent or more between the front and rear property lines, building height is measured from the "grade plane" as determined in the following sub-section and is the maximum vertical distance measured from the "grade plane" to the roof ridge or the top of the parapet.
- D. The height of a residential addition is measured from the average level of that portion of the lot covered by the addition.
- E. The average height of a roof is measured as follows:
 - 1. For sloped, hipped, or gabled roofs, the average height of the roof is measured to the highest point between the ridge and where the eave meets the plate,
 - 2. For a roof with parapet walls, to the top of the parapet wall,
 - 3. For a gambrel roof, the average height of the roof is the distance between the ridge and the point where the uppermost change in the roof's slope occurs,
 - 4. For a mansard roof, the average height is measured to the floor of the roof deck,
 - 5. For a shed roof, average height is measured to the roof ridge.
 - 6. Dormers, as defined in Part 5, Division 2, shall not be included in the average height calculation.

- F. Where the height limits of the applicable zoning district require measurement to the top plate, the height shall be measured from the lowest elevation of the existing grade at the exterior wall of the structure to the top plate of the elevation.
- G. If a single structure crosses a zoning or height district boundary (e.g., where one structure is in two or more different zoning or height districts), the maximum height shall be measured separately for each portion of the structure in order to ensure compliance with the zoning or height district in which it is located.
- H. **Exceptions.** The height of the following shall not be included when calculating building height:
 - 1. Spire, belfry, cupola, dome, or other similar feature that does not contain conditioned space and is not intended for human occupancy, or public utility facilities, which by design or function must exceed the established height limits.
 - 2. The following may exceed the established height limit of the district provided they do not exceed the maximum height by more than 6 feet:
 - a. Chimney, flue, or vent stack,
 - b. Rooftop deck, patio, shade structure,
 - c. Flag pole,
 - d. Vegetation or railings associated with a rooftop garden or landscaping,
 - e. Skylights, and
 - f. Solar panels, wind turbines and rainwater collection systems.
 - 7. The following may exceed specified height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25 percent of the roof area, and are set back at least 10 feet from the edge of the roof. Mechanical equipment sheds may be subjected to additional screening requirements.
 - a. Amateur communications tower,
 - b. Elevator or stairway access to roof,
 - c. Greenhouse associated with a rooftop garden, and
 - d. Mechanical equipment sheds.

9115.16 Determining the Number of Stories in a Building

- A. A building story is that portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
- B. If the finished floor level directly above a basement or cellar is more than six feet above natural grade for more than 50 percent of the total perimeter, such basement or cellar shall be considered a story.
- C. A partial story under a gable, hip, or gambrel roof shall be considered a story when its top wall plates, on at least two opposite exterior walls, are four feet or more above the floor of such story.

FIGURE 9115.15: DETERMINING STORIES

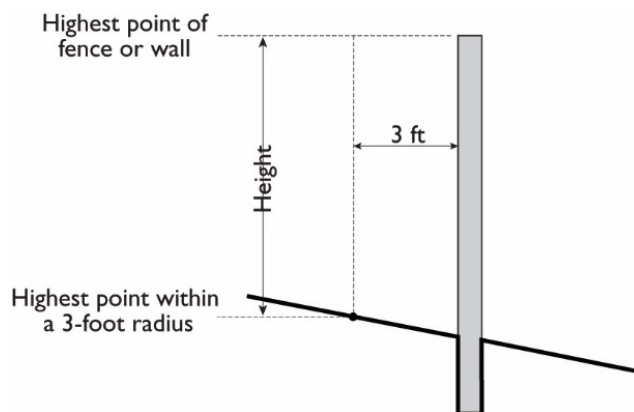


9115.17 Measuring Height of Fences or Walls

The height of a fence, wall or other screening shall be measured above the actual adjoining level of finished grade as defined in Part 5, Division 2, except that where there is a difference in elevation on opposite sides of such fence, wall or other screening, the height shall be measured from the highest elevation within a 3-foot radius on either side of the fence or other screening.

- A. **Measuring height of fences on retaining walls.** The height of a fence that is on top of a retaining wall is measured from the highest finished grade point within a three-foot radius of any point on such fence to the highest point of the fence on the highest side of the wall. Any fence or railing required to comply with minimum height in applicable Building Code requirements is permitted.
- B. **Measured in a continuum.** The height shall be measured in a continuum at each point along the wall or fence.

FIGURE 9115.17: MEASURING HEIGHT OF FENCES OR WALLS



Part 2 Base, Overlay and Special Districts

The regulations in Part 2 will specify the land use, development, and design standards for each of the base and overlay districts. Part 2 will be further divided into five divisions for each of the Plan's broad land use classifications--Residential, Commercial and Mixed-Use, Flex, Industrial, and Public and Open Space. Where appropriate, existing districts have been retained. New districts have been incorporated to implement the goals and policies of the 2040 General Plan. In some cases, sub-districts are proposed to further refine General Plan land use designations and reflect differences in character. To make the Code more user-friendly and reduce the total number of districts, existing districts have been combined where appropriate.

This version of Part 2 includes regulations for the residential, mixed-use, and commercial districts where the new Code will allow residential uses. It also includes the Mobile Home Park Overlay district and the provisions describing the purposes of the non-residential zones. Use regulations and development standards for the non-residential zones will not be amended during the first phase of the Code update and are not in this draft.

Division 1. Residential Districts

This Division will establish regulations to implement the General Plan's three residential land use classifications, which are distinguished by density as well as the prevailing type of development—Low Density (LDR), Medium Density (MDR) and High Density (HDR). Residential density is expressed as housing units per net acre of developable lot area (i.e., excluding land that is constrained for development by public rights-of-way such as public streets, creeks, or other easements). Development will be required to be within the density range (both maximum and minimum) where stipulated in the classification. In compliance with State law, accessory and "junior" accessory dwelling units (ADUs and JADUs) permitted by local and State regulations, and State-mandated density bonuses for provision of affordable or senior housing are not included when calculating the density or FAR permitted.

The new Zoning Code will include purposes for all districts in this Division with additional purposes that distinguish each of the sub-districts drawn from the 2040 General Plan. The Division will also include a table that identifies the permitted uses and lists the required type of planning approval with cross-references to applicable standards in other sections. Another table will summarize the development and design regulations with additional sub-sections as necessary to clarify requirements.

Sections:

- 9211.1 Purpose and Applicability**
- 9211.2 Land Use Regulations**
- 9211.3 Development Regulations**
- 9211.4 Supplemental Regulations**
- 9211.5 Two-Unit Projects in LDR and LMX Zones**
- 9211.6 Urban Lot Splits**
- 9211.7 Multi-Family Development Standards**
- 9211.8 Bungalow Court, Courtyard and Townhouse Development**

9211.1 Purpose

The specific purposes of the Residential ("R") Districts are to:

- A. Preserve, protect, and enhance the character of Carson’s residential neighborhoods.
- B. Provide each dwelling unit with adequate light, air, and open space.
- C. Protect residents from the adverse effects of nearby non-residential uses, public streets and highways, and other public infrastructure.
- D. Ensure that the scale and design of new development and alterations and additions to existing structures are a good architectural fit with surrounding development.
- E. Promote opportunities for housing for all income groups and for those with special housing needs; and,
- F. Provide sites for non-residential uses that are appropriate and necessary to serve neighborhood residents and allow them to meet some of their daily needs such as public and semi-public land uses like childcare and early education facilities, parks, community assembly, schools, emergency shelters, and some other public safety facilities, and small retail facilities.
- G. More specifically, the following Zoning Districts are established to achieve the objectives and implement the policies of the General Plan for the Low Density Residential, Low Medium Density Mixed Residential, and High-Density residential land use classifications:
 - 1. **Low Density Residential (LDR).** This District is intended to provide areas for single-unit housing with accessory dwelling units consistent with the requirements of this Code at densities of up to 10.0 units per acre. The District also provides limited public facilities, such as parks and family day care. Detached single-family dwellings are the primary use but attached single-family dwellings are permitted, provided each unit has ground-floor living area and private outdoor open space. The maximum FAR is 0.55.
 - 2. **Low Medium Density Mixed Residential (LMX).** This District is for a variety of lower-density residential development types that will expand housing opportunities for students and other households in higher income/higher resource areas near California State University, Dominguez Hills and in the southwestern part of the city. Permitted housing types, residential densities, maximum FAR, and building heights correspond to those for Low Density Residential on lots smaller than 15,000 square feet and those for Medium Density Residential on lots larger than 15,000 square feet. Multi-unit residential development is permitted on lots larger than 15,000 square feet. To encourage the development of smaller units, such as studio and one-bedroom units smaller than 600 square feet per unit, they are counted at half the density of larger units on lots larger than 10,000 square feet. Projects including larger units may be built on lots larger than 15,000 square feet at a density of up to 18.0 units per acre.
 - 3. **Medium Density Residential (MDR).** This District is intended to accommodate a range of housing types, including single-family detached, attached, and townhouse development at densities of 10.0 to 18.0 units per acre. Density may be increased by up to 20 percent with the provision of community benefits under the requirements of Part 4, Division 9, Community Benefits (Phase 2).
 - 4. **High Density Residential (HDR).** Residential development, with densities ranging from 18.0 to 30.0 units per acre for sites smaller than two acres in size, and up to 40.0 units per acre for sites larger than two acres. Density may be increased by up to 40 percent with the provision of community benefits. This designation would permit the full range of housing types, including multifamily but also single-family attached development subject to

standards in Sections 9211.3 and 9211.4. Building heights may be up to 40 feet or four stories or up to 60 feet or six stories for projects that incorporate community benefits.

9211.2 Land Use Regulations

This Section identifies the use types allowed in each of the Residential Zones to implement the 2040 General Plan. Use types and their respective classifications are listed and described in Part 5, General Terms and Definitions. If a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and sub-classifications not listed in the table or not determined to be substantially like the uses listed in Table 9211.2: Land Use Regulations-Residential Zones below are prohibited. The Additional Regulations column identifies other Sections of the Zoning Code with regulations applicable to each use. The Accessory and Temporary Uses allowed in the Residential zones are grouped together at the end of the table. The terms P = Permitted; MNP = Minor Use Permit; CUP = Conditional Use Permit; X = Not permitted; and L = Limitations Apply (See Notes at end of table) identify the types of planning approval the table lists for different uses.

TABLE 9211.2: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS					
P	Permitted subject to zoning compliance determination				
MNP	Minor Use Permit required				
CUP	Major Use Permit required				
L	See Notes at end of table				
X	Not permitted				
<i>District</i>	<i>LDR</i>		<i>MDR</i>	<i>HDR</i>	<i>Additional Regulations</i>
	<i>LDR</i>	<i>LMX</i>			
Residential Use Types					
Single-Family	<i>See sub-classifications below</i>				
<i>Detached</i>	P	P	P	X	See Part 5, Division I , Use Classifications, for description of Residential Use Types.
<i>Attached</i>	P	P	P	P	
Duplex	P	P	P	P	
Group Residential	<i>See sub-classifications below</i>				
<i>Small (6 or fewer)</i>	P	P	P	P	See Part 5, Division I , Use Classifications, for description of Group Residential Use Types and Part 3-B, Division 32, Group Residential .
<i>Large (More than 6)</i>	X	P	P	P	
Multifamily	X	P ¹	P	P	

TABLE 9211.2: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS					
P	Permitted subject to zoning compliance determination				
MNP	Minor Use Permit required				
CUP	Major Use Permit required				
L	See Notes at end of table				
X	Not permitted				
<i>District</i>	<i>LDR</i>		<i>MDR</i>	<i>HDR</i>	<i>Additional Regulations</i>
	<i>LDR</i>	<i>LMX</i>			
Shopkeeper Units	X	P	P	P	See Part 5, General Terms and Part 3-B, Division 38, Live/Work and Shopkeeper Units.
Single-Room Occupancy	X	X	X	MNP	See Part 5, General Terms and Part 3-B, Division 54, Single Room Occupancy Housing.
Residential Care	<i>See sub-classifications below</i>				
<i>Limited</i>	P	P	P	P	See Part 5, General Terms, Part 3-A, Division 6, Off-Street Parking and Loading, and Government Code Section 65650.
<i>General</i>	P	P	P	P	
Mobile Home Park	CUP	CUP	CUP	CUP	New Mobile Home parks require CUP and are subject to Part 3-B, Division 4, Mobile Home Parks. See Part 9216.1, Mobile Home Park Overlay, for requirements applicable to existing parks.
Supportive Housing	Supportive Housing is treated as a residential use, subject only to those restrictions that apply to other residential uses of the same development type in the same district.				
Transitional Housing	Transitional Housing is treated as a residential use, subject only to those restrictions that apply to other residential uses of the same development type in the same district.				
Commercial Use Types					
Live/Work	X	X	P	P	See Part 3-B, Division 36, Live/Work units.
Food and Beverage Retail Sales					
<i>Produce Store</i>	p ²	p ²	P	P	See Part 3-B, Division 14, Alcoholic Beverage Sales
<i>Grocery Store</i>	p ²	p ²	P	P	
Public and Semi-Public Use Types					
Community Assembly	(See sub-classifications below)				
<i>Small (Less than 5,000 sf)</i>	X	X	P	P	See Part 3-B, Division 23, Community Assembly
<i>Large (5,000 sf or more)</i>	X	X	CUP ³	MNP ³	
School (K-12)	MNP	MNP	P	P	See Part 3-B, Division 52, Schools
Transportation, Communications and Utilities Use Types					

TABLE 9211.2: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS					
P	Permitted subject to zoning compliance determination				
MNP	Minor Use Permit required				
CUP	Major Use Permit required				
L	See Notes at end of table				
X	Not permitted				
<i>District</i>	<i>LDR</i>		<i>MDR</i>	<i>HDR</i>	<i>Additional Regulations</i>
	<i>LDR</i>	<i>LMX</i>			
Communication Facilities					
<i>Antennas</i>	MNP/CUP	MNP/CUP	MNP/CUP	MNP/CUP	See CMC Sections 7300 and 9138.16
Accessory, Temporary, and Other Use Types					
Accessory Uses	<i>See sub-classifications below</i>				
<i>Accessory Dwelling Unit</i>	P	P	P	P	See Part 3-B, Division 10, Accessory Dwelling Units
<i>Family Day Care (14 or fewer)</i>	P	P	P	P	See Part 3-B, Division 27, Day Care, Adult and Child
Nonconforming Uses	See Part 3-B, Requirements for Specific Uses, Division 42, Nonconforming Uses				
Temporary Uses	See Part 3-B, Requirements for Specific Uses, Temporary Uses				
Limitations:					
1. Maximum densities to 18 units per acre for lots larger than 15,000 sq. ft. allow multifamily projects					
2. Only on arterials when floor area does not exceed 2500 sq. ft..					
3. Only on arterials.					

9211.3 Development Regulations

Table 9211.3: Development Regulations-Residential Zones prescribes the development standards for the Residential Zones. The regulations apply to the form-giving features of development projects to implement development and design policies in General Plan 2040. The numbered features in the illustration refer to corresponding regulations in the “Additional Regulations/#” column. Additional regulations are indicated in the rightmost column, where Section numbers refer to other parts of the Zoning Code and individual letters refer to subsections as Additional Development Standards that directly follow the table. The diagrams below depict primary structures. See Part 3-B for regulations applicable to accessory structures, accessory dwelling units, and mobile home parks.

TABLE 9211.3: DEVELOPMENT REGULATIONS – RESIDENTIAL ZONES					
District	LDR	LMX	MDR	HDR	Additional Regulations/#
Maximum Density (units/net acre)	Up to 10	10 to 18 on lots over 15,000 sq. ft. ¹	10 to 18 ²	18 to 30 ²	State-mandated density bonuses for affordable housing are in addition to densities otherwise permitted. The bonuses are applied to the base density/intensity for the land use classification.
Maximum Floor Area Ratio	Up to 0.55	NA	NA	NA	
Minimum Lot Size (sq. ft.)	5,000	5,000	5,000	5,000	
Minimum Lot Width (ft.)	50 or 55 for corner lot				j
Maximum Height (ft.)					
Main Building	20	30	30	40	See Part 1, Section 9115.14, Measuring Building Height. ②
Accessory Building	15	15	15	15	See Part 1, Section 9115.14, Measuring Building Height, and Part 3-B, Division 11, Accessory Buildings③ See Part 3-B, Division 10, Accessory Dwelling Units, for provisions applicable to ADUs.

TABLE 9211.3: DEVELOPMENT REGULATIONS – RESIDENTIAL ZONES					
<p>The diagram illustrates lot layout and setbacks. On the left, a plan view shows two lots with setbacks 1-8. Lot 1 is the front setback, 2 is the rear setback, 3 is the side setback, 4 is the rear setback, 5 is the side setback, 6 is the side setback, 7 is the front setback, and 8 is the side setback. A 'Primary Street' is shown at the bottom. On the right, a cross-section shows setbacks 1-3. A 'KEY' defines: --- Property Line, ■ Buildable Area, and - - - Setback Line.</p>					
District	LDR	LMX	MDR	HDR	Additional Regulations/#
Minimum Setbacks (ft.)					
Front	20 ft. or 20% of lot depth, whichever is less.				④
Interior Side	3 ft. for lots under 30 ft. wide, 10% of lot width for lots 30--50 ft. wide; 5 ft. for lots wider than 50 ft.		6 ft. for lots under 30 ft., 20% of lot width for lots 30-50 ft. wide, 10 ft. for lots wider than 50 ft.		n
Street Side	Twice width of interior side yard.				o
Rear	15 ft. or 15% of lot depth, whichever is less				p
Minimum Distance between Buildings (ft.)	5	5	10	10	
Maximum Lot Coverage (%)	35	50	50	50	See Section 9211.4, Supplemental Regulations, and Section 9211.9, Bungalow Court, Courtyard, and Townhouses. ⑧
Limitations: <ol style="list-style-type: none"> Units under 600 sq. ft. counted at 50% of density otherwise allowed on lots over 10,000 sq. ft. Up to 20% increase with additional active ground floor commercial or community benefits per Part 4, Division 8. Up to 60 feet and 6 stories with additional active commercial space or community benefits per Part 4, Division 8. 18 to 40 for sites larger than two acres. Up to 40% increase in density with community benefits per Part 4, Division 8. 					

9211.4 Supplemental Regulations

Supplemental regulations establish provisions for additional requirements applicable to some or all projects in the zoning districts. The regulations will be cross-referenced in the column headed Additional Regulations in the previous section. This Section also includes provisions for constructing up to two residential units on

existing single-family lots and for approving urban lot splits pursuant to the requirements of SB 9 as codified in Government Code Section 65852.21.

- A. Lot Coverage.** Driveways, sidewalks, and paving shall not cover more than 35 percent of a required front yard setback for residential property with a single-car driveway, 50 percent for a two-car driveway, and 40 percent for a driveway where the garage does not face a public street. The Director may approve an exception to allow up to 50 percent of the area between the residential structure and the public right-of-way to be paved subject to the requirements of [Part 4 Division 10, Exceptions](#), and based on the following additional findings:
1. The lot is sub-standard due to its size, width, or other characteristic or has other unique features.
 2. The paved area will be used for parking an automobile, recreational vehicle, or non-commercial vehicle with a capacity of not more than one ton subject to the following conditions:
 - a. There is no access to the rear yard or other approved location for parking,
 - b. No more than one required parking space is in the front or side yard area,
 - c. No motor home, recreational vehicle, truck, or other vehicle exceeding 8 feet in width or 32 feet in length shall be parked in the area between the residential structure and the public right-of-way; and,
 - d. Additional landscaping, screening, decorative paving, or another similar feature is provided to enhance the appearance of the setback and/or minimize the visibility of any parked vehicles.

9211.5 Two-Unit Projects in LDR and LMX Zones

The purpose of this section is to establish procedures and standards for the approval and creation of second primary units or two-unit residential projects in the Low Density Residential or Low Medium Density Mix Residential zones as provided for in State Government Code Section 65852.21. In the event of any inconsistency between this section and Government Code Section 65852.21, Government Code Section 65852.21 shall prevail.

- A. Parcel Requirements and Restrictions.** A parcel proposed for development of a second primary unit or a two-unit-residential project under this Section shall meet the following requirements.
1. Shall be in the Low Density Residential (LDR) or Low Medium Density Mixed Residential (LMX) zoning district,
 2. Shall not be located on a parcel that is any of the following, as more particularly described and defined in Government Code Section 65913.4(a)(6)(B) through (a)(6)(K):
 - a. Prime farmland, farmland of Statewide importance, or land zoned or designated for agricultural protection by an approved local ballot measure,
 - b. Wetlands,
 - c. Within a very high fire hazard severity zone as determined by the Department of Forestry and Fire Protection, unless the site has adopted fire hazard mitigation measures pursuant to existing building standards or State fire mitigation measures,

- d. A hazardous waste site that has not been cleared for residential use,
- e. Within a delineated earthquake fault zone unless the development complies with all applicable State and local seismic protection building code standards,
- f. Within a special flood hazard area subject to inundation by a one hundred (100) year flood, unless:
 - i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City; or
 - ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program,
- g. Within a regulatory floodway, unless the development has received a no-rise certification,
- h. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan,
 - i. Habitat for protected species; or
 - j. Land under a conservation easement.
3. Not located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a City or County landmark or historic property or district pursuant to a City or County ordinance.

B. Restrictions. A two-unit residential project under this section is not permitted if any of the following circumstances apply:

1. The proposed development would require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, Code, or law that restricts rents to moderate, low, or very low incomes levels,
 - b. A rent-controlled unit,
 - c. A unit that has been occupied by a tenant within the past three years,
 - d. A unit in a mobile home park,
 - e. Housing removed from the rental market within the past 15 years under the Ellis Act (California Government Code Chapter [12.75](#)); or
 - f. The proposed development would result in the demolition of more than 25 percent of the existing exterior structural walls.

C. Procedures.

1. The Director shall ministerially review and approve a two-unit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the two-unit project complies with the applicable requirements of this Code and qualifies for ministerial approval under Government Code Section [65852.21\(a\)](#).

2. Where a qualified two-unit application is submitted with an application for other development work that is subject to discretionary review, the application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
3. In addition to obtaining a Zoning Clearance for the two-unit project, the applicant shall be required to obtain a building permit and other applicable construction permits prior to the construction of the dwelling units.
4. At least days prior to making a decision on an application for a second primary unit or two-unit development, the Director shall mail a courtesy notice to the owner(s) of each property immediately adjacent to the property where the proposed development will be located informing the owner(s) of the submitted application.
5. Notwithstanding subsection (A) of this Section, the City may deny an application for a second primary unit or two-unit development if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed second primary unit or two unit development would have a specific, adverse impact, as defined in Government Code Section [65589.5\(d\)\(2\)](#), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
6. The Director's decision may be appealed under the provisions of Part 4, Common Procedures, Section 9412.13, Appeals.

D. Development Standards. In addition to the restrictions in sub-section C, a two-unit project shall conform to all development standards applicable to the LDR or LMX Zones, except as expressly provided in this Section. If the application of a development or standard would require one or both units to be less than 800 square feet, such standard shall be waived to the extent necessary to allow construction of a unit(s) of at least 800 square feet. Projects proposed under this Section shall also meet the following standards:

1. **LDR or LMX Standards Applicable.** A two-unit project shall conform to all development standards applicable to the LDR or LMX Zones, except as expressly provided in this Section. If the application of a development or standard would require one or both units to be less than 800 square feet, such standard shall be waived to the extent necessary to allow construction of a unit(s) of at least 800 square feet.
2. **Configuration.** A two-unit project under these regulations is a residential development with two attached or detached primary dwelling units.
3. **Height.** Maximum height of a two-unit project is 20 feet above finished grade to the highest point of the roof. Two stories are permitted.
4. **Size.** A second primary unit, and both units in a two-unit development, shall be no larger than 800 square feet in floor area each.
5. **Setbacks.** No setback beyond the existing setback shall be required for an existing permitted structure or for a unit constructed in the same location and to the same dimensions as an existing permitted structure. In all other circumstances, second primary units, and both units of a two-unit development, shall be set back at least four feet from the side and rear lot lines.

6. Open Space. Usable open space shall be provided as required and must meet the standards of [Section 9211.7, Multi-Family Development Standards](#).
7. Separate Entrances. A second primary unit, and both units in a two-unit development, shall each have a separate entrance. An internal connection between the units is not allowed.
8. Facilities. Each dwelling unit shall include permanent provisions for living, eating, and sleeping, including a kitchen and bedroom closet or other storage.
9. Wastewater and Utilities.
 - a. Prior to issuance of a building permit for a second primary unit or either unit of a two-unit development, a video of the sewer lines that will be connected to the unit(s), or another appropriate sewer capacity test, may be required to show there are no sewer line constraints, as determined by the City Engineer. Any sewer line constraints shall be resolved to ensure adequate sewer capacity for all units on the parcel, as determined by the City Engineer, prior to issuance of a building permit.
 - b. Prior to issuance of a building permit for a second primary unit or either unit of a two-unit development that will be connected to an on-site wastewater treatment system, the applicant shall provide documentation of a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years. If the City Engineer finds that the on-site wastewater treatment system is inadequate to serve the proposed units, the system shall be repaired, replaced, or otherwise modified to ensure adequate capacity for all units on the parcel, as determined by the City Engineer, prior to issuance of a building permit.
 - c. Second primary units and both units in a two-unit development, must each have their own direct utility connection to the utility service provider for water, electric, and gas service.
10. Tree Replacement. If the construction of a second primary unit or two-unit development will result in the removal of one or more trees with a trunk diameter of six inches or greater either on private property or in the public right-of-way, then, as a condition of obtaining a certificate of occupancy, the owner shall plant one new 15-gallon tree for each tree removed.

E. Off-Street Parking.

1. Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in any of the following instances:
 - a. The lot is located within one-half mile walking distance of either a high-quality transit corridor or a [major transit stop](#), or
 - b. There is a car share vehicle located within one block of the lot.
2. Each parking space shall be independently accessible and not obstruct access to the other parking space.
3. Parking spaces shall be a minimum of 18 feet in length and 9 feet in width.
4. Tandem parking is prohibited between units.

5. The required parking spaces may be uncovered and provided within the front setback and parallel to an existing driveway if the combined width of the driveway and the parking pad does not exceed 20 feet and is setback at least two feet from the side property line.

F. Design.

1. Second primary units and each unit in a two-unit development shall meet the design and development standards applicable to a new primary dwelling unit on the same parcel.
2. The architectural design and detailing, roof material, exterior color, and finish materials of a second primary unit shall be the same as those of the primary dwelling unit. Both units of a two-unit development shall have identical roof material, exterior color, and finish materials.

G. Restrictions on Rental and Conveyance.

1. Second primary units and the units in a two-unit development shall not be rented for a term of less than 31 consecutive days.
2. A second primary unit may not be converted into a condominium or otherwise sold separately from the other primary unit on the parcel. Neither unit in a two-unit development may be converted into a condominium or otherwise sold separately from one another.

H. Termination of Use.

1. No building permit shall be issued to remove permanent features of the two-unit project, including the provisions for eating, cooking and sanitation, and separate exterior entrance until written approval to terminate the use of living space is granted by the Director.
2. The Director has the discretion to grant an owner's written request to terminate the use of a dwelling unit. The Director shall consider the length of time the unit has been in use, the original conditions of approval, any variances or waivers granted for the unit, and the impact on the City's affordable housing supply as stated in the adopted Housing Element.
3. As a condition of termination, the Director shall require the owner to make modifications to the property to comply with: 1) current building code requirements and 2) current development standards in effect at the time the request is made to terminate use, including but not limited to, setbacks, heights, parking, and landscaping. The owner shall apply for a building permit to make such modifications as required by the County's Building Codes.

9211.6 Urban Lot Splits.

This Section establishes procedures and standards for approving a tract map for an urban lot split in compliance with the requirements of State Government Code Section [66411.7](#).

A. Permitted Applicants.

Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or as a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp., S corp., etc.) except for a "community land trust," as defined in Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or a "qualified nonprofit corporation" as described in Revenue and Taxation Code Section 214.15.

- B. Parcel Requirements.** A parcel proposed for subdivision through an urban lot split shall meet the following requirements.
1. Located in the Low Density Residential (LDR) or Low Medium Density Mixed Residential (LMX) zoning district,
 2. Shall have at least one residential dwelling unit located on it on the date that the urban lot split is approved, unless the parcel is owned by a “community land trust,” as defined in Revenue and Taxation Code Section [402.1](#)(a)(11)(C)(ii), or a “qualified nonprofit corporation” as described in Revenue and Taxation Code Section [214.15](#);
 3. Shall have only residential uses on it on the date the urban lot split is approved,
 4. Shall not be located on a parcel that is any of the following, as more particularly described and defined in Government Code Section [65913.4](#)(a)(6)(B) through (a)(6)(K):
 - a. Prime farmland, farmland of Statewide importance, or land zoned or designated for agricultural protection by an approved local ballot measure,
 - b. Wetlands,
 - c. Within a very high fire hazard severity zone as determined by the Department of Forestry and Fire Protection, unless the site has adopted fire hazard mitigation measures pursuant to existing building standards or State fire mitigation measures,
 - d. A hazardous waste site that has not been cleared for residential use,
 - e. Within a delineated earthquake fault zone unless the development complies with all applicable State and local seismic protection building code standards,
 - f. Within a special flood hazard area subject to inundation by a one hundred (100) year flood, unless:
 - i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City; or
 - ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program.
 - g. Within a regulatory floodway, unless the development has received a no-rise certification,
 - h. Lands identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan,
 - i. Habitat for protected species; or
 - j. Land under a conservation easement.
 5. Not located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a City or County landmark or historic property or district pursuant to a City or County ordinance,
 6. Not created through a previous urban lot split, and

7. Not adjacent to a parcel that was previously subdivided through an urban lot split by the owner of the parcel on which the urban lot split is proposed or any person acting in concert with the owner.
8. Development of the proposed urban lot split shall not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, code, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very- low income,
 - b. Housing that is subject to any form of rent control, or
 - c. Housing that has been occupied by a tenant in the last three years.
9. Neither the owner of the lot being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent lot using an urban lot split as provided for in this section.
10. A parcel proposed for subdivision under this section shall not be a parcel on which the owner of residential real property has exercised the owner's rights under Government Code Chapter 12.75 (commencing with Section [7060](#)) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits and application.

C. Ministerial Review Procedures for Urban Lot Splits. Notwithstanding any other provision of this Code, an application for an urban lot split shall be considered ministerially, without discretionary review or a hearing, and shall be approved, denied, or approved subject to conditions if the Director finds that the lot map for the urban lot split meets all the requirements of this Part of the Code and the applicable requirements of State law.

1. The Director shall approve an urban lot split if it conforms to all applicable objective requirements of this Code and the Subdivision Map Act, except as otherwise expressly provided in this section.
2. The Director may deny an urban lot split upon finding that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific impact.
3. At least seven days prior to deciding on an application for an urban lot split, the Director shall mail a courtesy notice to the owner(s) of each property immediately adjacent to the property where the proposed lot split will be located informing the owner(s) of the submitted application.
4. The Director's decision may be appealed under the provisions of Part 4, Common Procedures, [Section 9412.13, Appeals](#).

D. Conditions of Approval for Urban Lot Splits. The owner of the parcel being split shall sign an affidavit, in a form approved by the City Attorney, stating that:

1. The proposed urban lot split will not violate the requirements of subsection (C) of this Section,

2. Neither the owner, nor any person acting in concert with the owner, has previously subdivided an adjacent parcel using an urban lot split; and
3. The owner intends to occupy a residential dwelling unit on one (1) of the parcels created by the urban lot split as their primary residence for a minimum of three (3) years from the date of the approval of the urban lot split. This subsection (D)(3) shall not apply if the owner of the parcel is a “community land trust,” as defined in Revenue and Taxation Code Section [402.1\(a\)\(11\)\(C\)\(ii\)](#), or is a “qualified nonprofit corporation” as described in Revenue and Taxation Code Section [214.15](#).
4. The Director may, in addition, impose any of the following conditions of approval to ensure that a parcel map for an urban lot split complies with the General Plan and this Title.
 - a. Dedication of all easements over the resulting parcels required for the provision of public services and facilities, as determined by the Director.
 - b. A requirement that the lots have access to, provide access to, or adjoin the public right-of-way.
 - c. Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:
 - i. The lot is located within one-half mile walking distance of either a high-quality transit corridor or a [major transit stop](#); or
 - ii. There is a car share vehicle located within one block of the lot.
5. The City shall not require as a condition of approval of an urban lot split:
 - a. Dedications of rights-of-way or the construction of offsite improvements, or
 - b. The correction of existing zoning nonconformities on the parcel that will be divided.

E. Limitations Applicable to New Parcels.

1. Parcels created by an urban lot split shall only be used for residential uses, notwithstanding the fact that other uses may be permitted in the zoning district in which the parcels are located.
2. Residential units constructed on parcels created by an urban lot split shall not be rented for a term of less than 31 consecutive days.
3. A parcel created through an urban lot split may not be further subdivided by a subsequent urban lot split.
4. Separate conveyance of the lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibilities between the owners of the two lots.
5. Notwithstanding any other provision of this Code, no more than two units are permitted on any parcel created by an urban lot split. For the purposes of this Section, “unit” means

any dwelling unit, including, but not limited to, a primary dwelling unit, a unit or units created pursuant to [Section 9211.5, Two-Unit Projects in LDR and LMX Zones](#), an accessory dwelling unit, or a junior accessory dwelling unit.

6. As a condition of approval of an urban lot split, the owner of the parcel to be divided shall execute a deed restriction, in a form approved by the City Attorney, which shall be recorded on each of the resulting parcels and shall limit the use of each parcel in accordance with the standards of this Division, including but not limited to the requirements in this Section. Violation of the deed restriction shall be considered a violation of this Code and may be enforced in a manner that this Code may be enforced.

9211.7 Residential Development on Lots Adjacent to Industrial Uses or Previously Zoned for Industrial Use.

New residential development and additions to residential structures exceeding 30 percent of existing approved floor area on sites in previous industrial use or within one-quarter mile of a legally-established industrial use shall meet the following standards.

A. Setbacks and Landscape Buffers.

1. In addition to the requirements of [Part 3-A, Division 3, Landscaping](#), a landscaped setback of a minimum 15 feet in depth and a minimum three feet in height, shall be provided along the adjoining property lines or street frontage that directly faces any portion of an existing industrial use.
2. All landscaping shall be drought-tolerant, include only non-invasive plant species, and include a mix of shrubs, turf, trees, or vertical landscaping.
3. The landscaping shall be maintained in a healthy condition, with regular watering, pruning, weeding, fertilizing, litter removal, and replacement of plants when necessary.
4. Solid Walls. Solid walls shall be provided along the property lines or along required landscaping adjoining the applicable industrial uses and shall have a uniform height of at least six feet.
5. Open Space. Any common open space shall be buffered from the adjacent industrial facilities by a building, structure(s), or landscaping of a minimum of three feet in height. The landscaped buffer shall be a minimum of three feet in depth on the premise.

B. Building and Site Design

1. Windows in building facades within one-quarter mile of any site zoned for industrial use shall be double-glazed (double-paned).
2. Residential buildings shall be designed to minimize the size and number of building openings on the side of the building closest to the pollution sources
3. Balconies shall not be allowed on the side of a building facing any parcel zoned for industrial use or any route regularly used by trucks larger than X tons.
4. Open space and recreation areas shall be located on the opposite side of residential buildings from pollution sources.
5. High-efficiency air filtration systems shall be provided as recommended by Public Works, Building and Safety Division and certified by the California Air Resources Board (CARB).

6. Air intake facilities for ventilation systems shall be located on the opposite side of residential buildings or the exterior wall of residential farthest from the pollution sources.

C. Other Requirements.

1. Building owners shall notify home buyers and renters of possible air, noise, and odor impacts from industrial uses on sites within one-quarter mile of the residential unit.
2. Applications proposing residential development or any sensitive use, including, but not limited to, schools, health facilities, senior centers, shall require development and site plan review. For any project that requires a Minor or Major Use Permit, the Director shall notify the South Coast Air Quality Management District and request review and comment.

9211.8 Multi-Family Development Standards

These regulations establish new requirements for all multi-family residential development consolidating provisions applicable to both rental and condominium projects. The new requirements replace the standards for condominium development in Chapter 3, Standards and Criteria for Residential Condominiums and the provisions in Division 5, Section 9125.5. A with regulations that will implement the General Plan's Housing Element and meet the State mandate for objective development standards.

- A. Landscaping and Residential Open Space.** Residential open space "outdoor living area" must be provided as common or private open space. Private areas consist of balconies, decks, patios, or fenced yards directly accessible from the residence. Common open space consists of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, rooftop areas, or other such improvements as are appropriate to enhance the outdoor living environment of the development and landscaped courtyard entries that are oriented towards the public street.
1. **Minimum Open Space.** Multi-family residential projects shall provide and permanently maintain at least 200 square feet of open space per unit meeting the following requirements:
 - a. The total area designated for open space and recreation including both private and common areas shall include an average of at least 60 square feet of private open space for each unit.
 - b. Up to half of the open space in the entire development may be provided as common area for passive or active recreation.
 - c. At least 33 percent of the perimeter of the private open space of each unit, or 100 percent of the roof of the open space of each unit, shall be open to the outdoors.
 - d. Projects of one acre or larger shall contain a children's playground at least 1,300 square feet in area.
 2. Up to half of the open space in the entire development may be provided as common area for passive or active recreation.
 3. Open space areas shall not include but may be located adjacent to required setback areas.
 4. At least 33 percent of the perimeter of the private open space of each unit, or 100 percent of the roof of the open space of each unit, shall be open to the outdoors.
 5. Projects of one-half acre or larger shall contain a children's playground at least 1,300 square feet in area.
 6. Private open space areas may be balconies, decks, patios, fenced yards, and similar areas outside the residence. Common open space consists of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, or other improvements that enhance the outdoor environment. Landscaped courtyard entries that are oriented towards the public street and create a welcoming entry feature are also considered common areas.
 7. **Minimum Dimensions.**
 - a. **Private Open Space.**
 - i. Ground-level (e.g., yards, decks, patios) shall have no dimension less than 10 feet.

- ii. Above ground level (e.g., balconies) shall have no dimension less than six feet.
 - b. Common Open Space. Minimum dimension of 15 feet
 - 8. Surfacing. A surface within the common open space shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing with a slope not exceeding 10 percent.
 - 9. Accessibility.
 - a. Private Open Space. The space shall be accessible to only one living unit by a doorway or doorways to a habitable room or hallway.
 - b. Common Open Space. The space shall be accessible to all living units on the lot and shall be served by any stairway or other access way qualifying as an egress facility from a habitable room.
- B. Laundry Facilities.** All residential developments with five or more dwelling units shall provide common laundry facilities, except developments with facilities provided within each unit.
 - 1. Keyed Access. Laundry facilities shall be provided with access keyed for “tenants only.”
 - 2. Location. The facilities shall be evenly distributed throughout the multi-family development and easily accessible to all tenants.
- C. Storage Areas.** At least 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with a minimum dimension of 30 inches. The design, location, and size of the storage space shall be subject to the approval of the Director.
- D. Modifications.** The Director may approve modifications to the requirements of this Section as provided for in [Part 4, Division 10, Exceptions](#).

9211.9 Bungalow Court, Courtyard, and Townhouse Development

A. Purpose.

This Section establishes supplemental standards for bungalow court, courtyard housing, and townhouse development types as defined in Part 5, [General Terms](#), of this Code. These regulations are intended to provide additional opportunities to increase the supply of smaller dwelling units and rental housing units on smaller lots in residential districts by allowing alternate forms of lower-density multi-unit development consistent with State law and the General Plan. It also is intended to establish design and development standards for these projects to ensure that they are compatible with existing lower-density residential development by not detracting from their prevailing character.

B. Requirements.

Bungalow court, courtyard housing, and townhouse development may be proposed and approved on any site within a residential district where there are vacant and undeveloped lots or on sites where homes have been demolished or vacated, and undeveloped parcels adjacent to major corridors where the density will not exceed the General Plan maximum.

C. Development Types.

Bungalow court, courtyard housing, and townhouse development shall comply with the requirements of this Code and the standards in Table [9211.9](#).

1. Lot Standards. The Director or Planning Commission may allow development on lots smaller than required by the base district regulations but no less than 2,000 square feet in area and 25 feet in width when the dimensions do not vary by more than 10 percent from the requirements in Table [9211.9](#) and the units will be occupied by households earning no more than 120 percent of the [Areawide Median Income](#).

FIGURE 921 I.9-A: BUNGALOW COURT

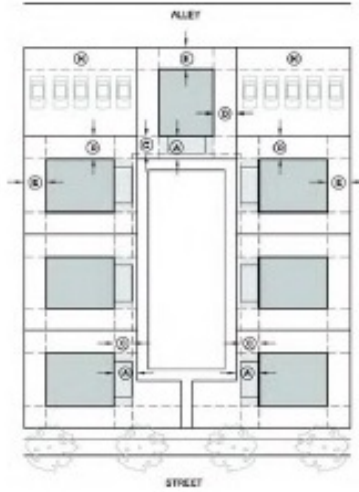


FIGURE 921 I.9-B: COURTYARD HOUSING

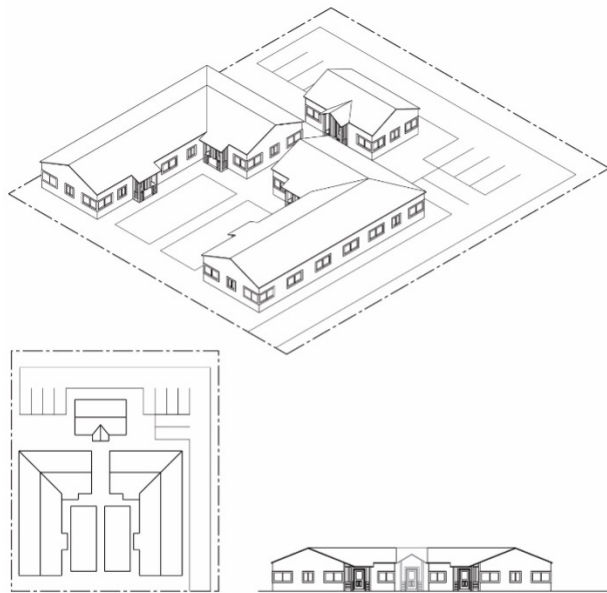
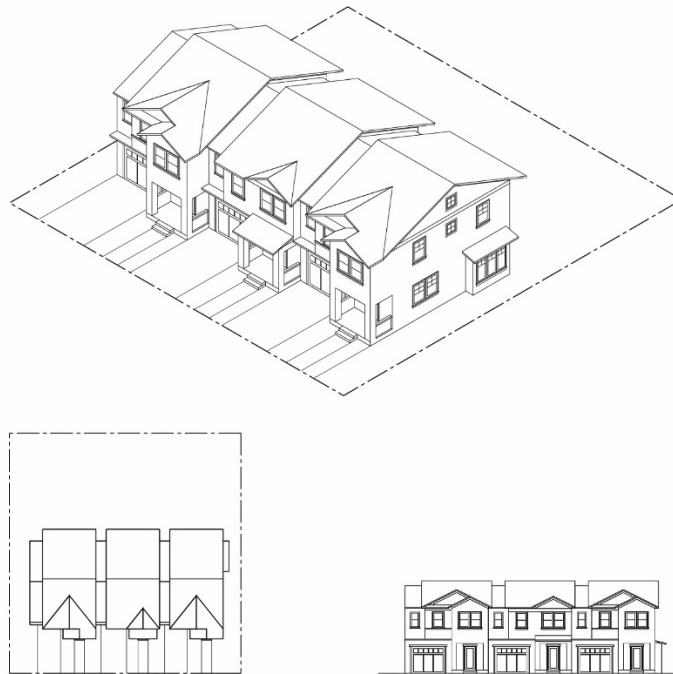


Table 9211.9: Development Standards –Bungalow Court, Courtyard, Townhouse Development			
	<i>Bungalow Court</i>	<i>Courtyard</i>	<i>Townhouse</i>
Development Standards			
Minimum Lot Width (ft.)	25	75	80
Maximum Floor Area Ratio (FAR)	0.55 ¹	0.55 ¹	1.0
Maximum Lot Coverage (% of site)	55	55	65
Building Height and Form			
Maximum Height (ft.)	35/2 stories	35/2 stories	40/3 stories
Maximum Building Length (ft.)	NA	NA	110
Minimum Setbacks²			
Building Site (ft.)			
<i>Front</i>	20 or 20% of lot depth, whichever is less		
<i>Side</i>	5		
<i>Rear</i>	10 or 15% of lot depth, whichever is less		
Individual Lots (ft.)			
<i>Front</i>	10 from edge of center court or 20 feet from edge of center walk.		
<i>Side</i>	1-story portion: 0 or minimum 3 if any setback is provided; 2nd and 3rd story portions: 5; for townhouses, required setbacks apply to the ends of rows of attached units		
<i>Rear</i>	10		
Parking and Access			
Maximum Garage Width (ft.)	25		
Access Location	Entrances to off-street parking and loading should be located on a non-primary façade. ³		
Building Orientation			
Orientation	Facades shall be oriented towards the public street or to a common courtyard, if provided. ⁴		
Entrance	Main entrance to each ground floor dwelling shall be visible to and located directly off a common courtyard or directly from the street and may include covered porch extending no more than 5 feet from building façade.		
Minimum Usable Open Space			
Private (sq. ft. per unit)	60	60	60
Common (sq. ft. per unit)	10% of lot area provided as a central courtyard		None required
Total (sq. ft. per unit)	200	200	200
Additional Requirements			
Minimum Visible Landscaping (% of site)	30	30	25

Minimum Enclosed Storage Area (cubic ft. per unit)	100 or 10% of net floor area of unit, whichever is greater
<p>Notes:</p> <ol style="list-style-type: none"> 1. Applies to lots smaller than 15,000 sq. ft. FAR and density as allowed by the base district of the site, as provided in Section 921 I.3, Development Regulations. 2. Building setbacks apply along the perimeter of a building site, and lot setbacks apply to individual lots within a building site. In the event of conflict between building setback requirements and lot setback requirements, the project must comply with whichever results in the greater setback. 3. See Part 3-A, Division 6, Off-Street Parking and Loading. Parking entrances of parcels with more than one street frontage should be located on the secondary street or alley. Where garage doors face a public street, garage width shall not exceed 50% of the width of the front facade of the building unit. Where garage doors face a private street or access driveway, garage width for two-story townhomes shall not exceed 60% and three-story townhomes shall not exceed 70% of the width of the front facade of the building unit. 4. Street-facing facades must comply with standards in Part 3-A, Division 2, Fencing, Walls, and Screening. 	

FIGURE 921 I.9-C: TOWNHOUSE DEVELOPMENT



Division 2. Mixed-Use Districts

These zones provide areas that include both residential uses and complementary commercial uses. The mixed-use districts are intended to accommodate free-standing residential or commercial uses and projects that combine residential and non-residential development in the same building or on the same site. Retail and department stores, eating and drinking establishments, hotels, commercial recreation, financial, business, personal services, residential, educational, and social services, and office uses are permitted within mixed-use districts. The Flex mixed-use district accommodates a range of light industrial uses subject to performance and development standards to ensure they will not adversely affect adjacent uses including housing on sites identified in the General Plan Housing Element 2021-2029.

Sections:

- 9212.1 Purpose and Applicability**
- 9212.2 Land Use Regulations**
- 9212.3 Development Regulations**
- 9212.4 Supplemental Regulations**

9212.1 Purpose and Applicability

The mixed-use districts are intended to accommodate a mixture of uses including multi-unit residential development, commercial, retail, and office development, complementary personal and business services, and public uses to meet the needs of Carson residents and businesses. The objective is to provide a range of neighborhood amenities and services near residences and contribute to creating an image of the city as a livable community with “complete neighborhoods” with a variety of everyday amenities within easy walking distance of where residents live. The purpose of these regulations is to:

- A.** Position Carson as a place that embraces the 'hybrid' model of work, where residents can enjoy a suburban lifestyle with urban amenities and state of the art infrastructure,
- B.** Leverage the city's location relative to the regional transportation system as well as the presence of California State University, Dominguez Hills,
- C.** Promote redevelopment of outdated commercial areas to provide affordable, flexible, and high-quality office and/or research and development facilities to attract small, incubating technology companies,
- D.** Attract and support uses that will help to develop a local arts economy,
- E.** Create an identity for individual commercial areas,
- F.** Establish flexible regulations that allow for uses and programs to evolve and adapt to the fast-paced changes of the retail industry,
- G.** Ensure a timely, fair, and predictable permit process,
- H.** Promote the development of retail uses currently lacking in the community to serve residents' daily needs, including grocery stores, restaurants, and drugstores/pharmacies, among others; and,
- I.** Support and maintain small businesses.

More specifically, the Mixed-Use Districts are established to implement the policies of General Plan 2040 for the Mixed-use land use classifications as follows:

J. Downtown Mixed-use (DMX)

The Downtown Mixed-use District is established to create a Downtown Core that will be the primary focal point and destination for the community and visitors. The DMX District includes City Hall as well as the South Bay Pavilion Mall, along with a variety of other business, entertainment, cultural, and civic uses, and higher-density residential development. Development standards are intended to support mid-rise mixed-use development that will create an urban character with minimal setbacks and active ground floor spaces to create pedestrian interest.

K. Corridor Mixed-use (CMX)

The Corridor Mixed-use District is intended to promote and support mixed-use development along major corridors such as Carson Street east of the Downtown Core. Development and use regulations create a transition from the Downtown Core to the surrounding residential neighborhoods and provide retail uses and services that meet the daily needs of residents. Mixed-use may be in either a vertical or horizontal format, although purely commercial and purely residential uses are permitted. Other uses that are determined to be compatible with surrounding areas, including sensitive uses, would require a conditional use permit.

L. Flex (FLX)

The Flex Mixed-use District promotes the development of commercial and light-industrial uses on sites previously zoned and used for manufacturing and industrial activity and leverage the zone's proximity to the regional transportation network.

1. Flexible use regulations that provide for development of a variety of commercial and light industrial uses by right subject to compliance with prescriptive standards to ensure that projects do not adversely affect neighboring development,
2. Prescriptive standards and requirements to ensure that permitted uses are designed to enhance the appearance of the FLX District and adjacent development,
3. Performance standards to avoid or minimize traffic, air quality, noise or other impacts that would discourage investment, interfere with surrounding business and potential harm employees and residents within and around the FLX District,
4. Residential uses are not permitted in the FLX District except on the sites included in the housing site inventory in the Housing Element and on the property located at the north-west corner of University Drive and Wilmington Avenue, subject to specific conditions and requirements. The sites are identified in the Carson General Plan's Housing Element 2021-2029 and shown in Figure 9212.2, Flex District Housing Development Sites.

9212.2 Land Use Regulations

Use classifications are defined in Part 5, General Terms and Definitions. If a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and sub-classifications not listed in the table or not found to be substantially like the uses below are prohibited. Section numbers in the right-hand column refer to other Sections of the Zoning Code.

TABLE 9212.2 COMMERCIAL AND MIXED-USE LAND USE REGULATIONS				
P	Permitted subject to zoning compliance determination			
MNP	Minor Use Permit required			
CUP	Major Use Permit required			
X	Not permitted			
L	See Notes at end of table for limitations			
<i>District</i>	<i>DMX</i>	<i>CMX</i>	<i>FLX</i>	<i>Additional Regulations</i>
Residential Use Types				
Single-Family	<i>See sub-classifications below</i>			
<i>Detached</i>	X	X	X	Existing single-family and duplex uses may remain per Part 3-B, Division 44, Nonconforming Uses
<i>Attached</i>	X	X	X	
Duplex	X	X	X	
Multi-Unit	P	P	L ¹	
Group Residential	MNP	MNP	L ¹	See Part 3-B, Division 31, Group Residential .
Mobilehome Park	X	CUP	CUP	See Part 2, Division 6, Mobile Home Park Overlay District and Part 3-B, Division 43, Mobile Home Parks . Existing Mobile Home Parks may remain per Part 3-B, Division 44, Nonconforming Uses
Residential Care Facility	<i>See sub-classifications below</i>			
<i>General</i>	P	P	L ¹	See Part 3-B, Requirements for Specific Uses, Division 51, Residential Care Facilities
<i>Limited</i>	P	P	L ¹	
Shopkeeper Unit	P	P	L ¹	See Part 5, General Terms and Part 3-B, Division 38, Live/Work and Shopkeeper Units
Single-Room Occupancy	X	X	L ¹	See Part 5, General Terms and Part 3-B, Division 54, Single-Room Occupancy Housing .
Supportive Housing	Supportive Housing is treated as a residential use, subject only to those restrictions that apply to other residential uses of the same development type in the same district.			
Transitional Housing	Transitional Housing is treated as a residential use, subject only to those restrictions that apply to other residential uses of the same development type in the same district.			
Public and Semi-Public Use Types				
Adult Day Care	<i>See sub-classifications below</i>			
<i>Small</i>	X	MNP	X	

TABLE 9212.2 COMMERCIAL AND MIXED-USE LAND USE REGULATIONS				
P	Permitted subject to zoning compliance determination			
MNP	Minor Use Permit required			
CUP	Major Use Permit required			
X	Not permitted			
L	See Notes at end of table for limitations			
<i>District</i>	<i>DMX</i>	<i>CMX</i>	<i>FLX</i>	<i>Additional Regulations</i>
<i>Large</i>	X	X	X	See Part 3-B, Requirements for Specific Uses, Division 28 , Day Care, Adult and Child
Cemetery	X	X	X	
Childcare	P	P	X	See Part 3-B, Requirements for Specific Uses, Division 22 , Childcare and Early Education
College and Trade School	<i>See sub-classifications below</i>			
<i>Small</i>	P	P	MNP	See Part 3-B, Requirements for Specific Uses, Division 24 , Colleges, Universities and Trade Schools (Phase 2)
<i>Large</i>	X	CUP	MNP	
Community Assembly	<i>See sub-classifications below</i>			
<i>Small</i>	P	P	P	See Part 3-B, Requirements for Specific Uses, Division 25 , Community Assembly Uses
<i>Large</i>	MNP	MNP	MNP	
Emergency Shelters	P	P	P	See Part 3-B, Requirements for Specific Uses, Division 30 , Emergency Shelters
Government Office	P	P	P	
Hospitals and Clinics	<i>See sub-classifications below</i>			
<i>Clinic</i>	MNP	P	P	
<i>Extended Care</i>	X	P	X	
<i>Hospital</i>	X	CUP	X	
Low-Barrier Navigation Center	P	P	P	See Part 3-B, Division 39 , Low-Barrier Navigation Center
Park and Recreation Facilities	MNP	P	P	
Public Safety Facility	MNP	P	P	
School (K-12)	<i>See sub-classifications below</i>			
<i>Small (Less than 10,000 sf)</i>	X	X	X	See Part 3-B, Division 52 , Schools
<i>Large (10,000 sf or more)</i>	X	X	X	
Social Services Center	<i>See sub-classifications below</i>			
<i>Small (Less than 5,000 sf)</i>	MNP	P	P	See Part 3-B, Division 55 , Social Services Center
<i>Large (5,000 sf or more)</i>	X	MNP	CUP	
Commercial Use Types				
Adult Business	<i>See sub-classifications below</i>			
<i>Adult Video or Bookstore</i>	X	X	X	See Part 3-B, Division 12 , Adult Businesses
<i>Adult Nightclub</i>	X	X	X	
<i>Adult Motion Picture Theater</i>	X	X	X	

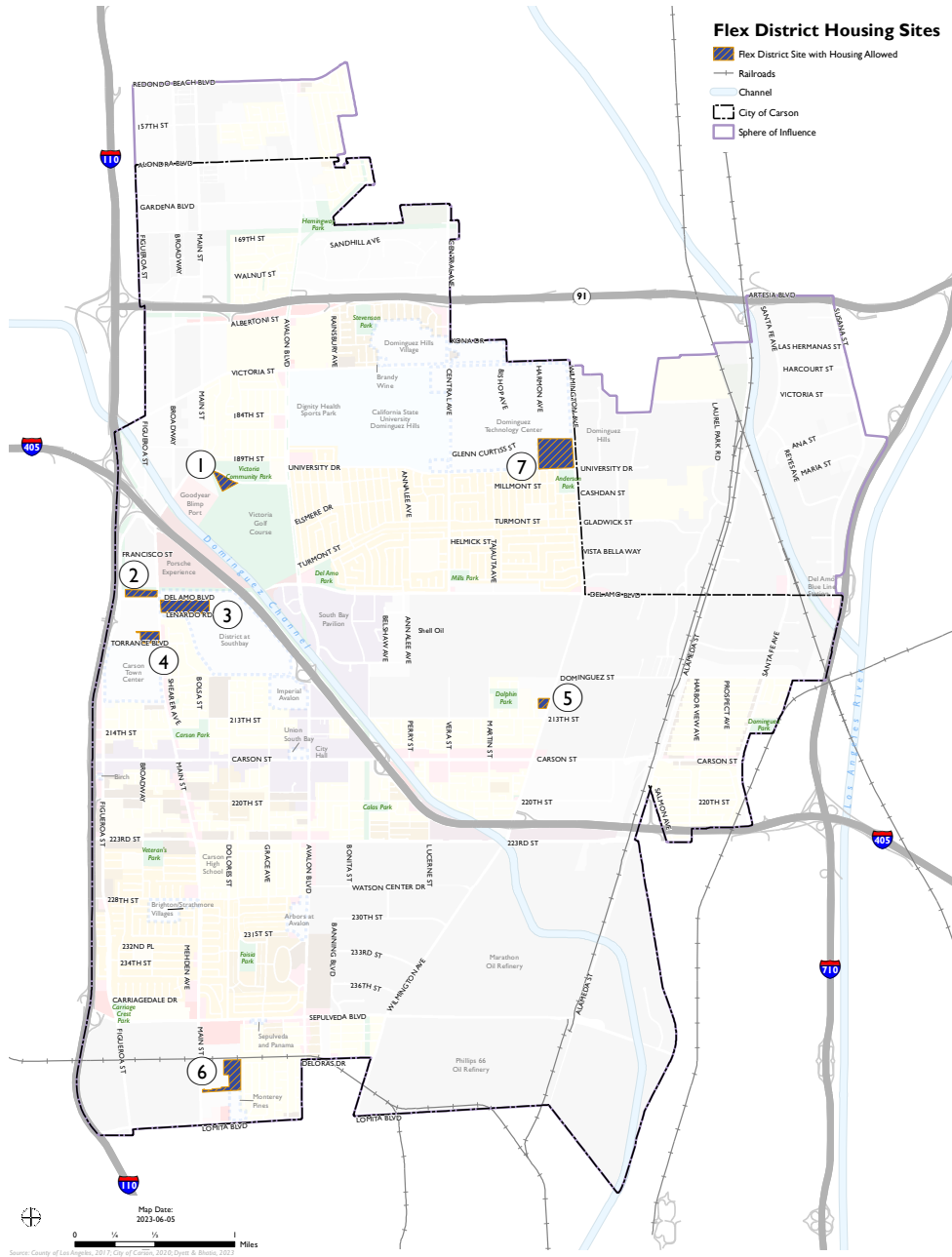
TABLE 9212.2 COMMERCIAL AND MIXED-USE LAND USE REGULATIONS				
P	Permitted subject to zoning compliance determination			
MNP	Minor Use Permit required			
CUP	Major Use Permit required			
X	Not permitted			
L	See Notes at end of table for limitations			
<i>District</i>	<i>DMX</i>	<i>CMX</i>	<i>FLX</i>	<i>Additional Regulations</i>
<i>Adult Viewing Room</i>	X	X	X	
Animal Care, Sales, and Services	<i>See sub-classifications below</i>			
<i>Grooming and Pet Store</i>	P	P	MNP	See Part 3-B, Division 15, Animal Care, Sales, and Services
<i>Pet Clinic/Hospital</i>	MNP	MNP	MNP	
<i>Pet Day Care Service</i>	MNP	MNP	MNP	
Auto/Vehicle Sales	<i>See sub-classifications below</i>			
<i>Auto Broker, Office Only</i>	P	P	MNP	See Part 2, Division 6, Overlay Districts and Part 3-B, Division 17, Auto/Vehicle Sales, and Leasing (Phase 2)
<i>Auto Broker, Office w/Indoor Display</i>	X	P	MNP	
<i>Auto/Vehicle New Sales, Leasing and Rentals - Minor (No Outdoor Display)</i>	X	X	MNP	
<i>Auto/Vehicle New Sales, Leasing and Rentals - Major</i>	X	X	MNP	
<i>Auto/Vehicle Used Sales</i>	X	X	MNP	
Auto/Vehicle Services	<i>See sub-classifications below</i>			
<i>Auto/Vehicle/Equipment Repair - Light</i>	X	MNP	MNP	
<i>Auto/Vehicle/Equipment Repair - Heavy</i>	X	X	MNP	See Part 3-B, Division 18, Automobile/Vehicle Repair, Major
<i>Alternative Fuels and Recharging Facilities</i>	P	P	P	See Part 3-A, Division 6, Section 9316.12, Electric Vehicle Charging Stations, Government Code Sections 65850.7 and 65850.71.
<i>Auto/Vehicle Washing/Detailing</i>	X	CUP	MNP	See Part 3-B, Division 19, Automobile/Vehicle Washing
<i>Service Station – Full Service</i>	X	CUP	MNP	See Part 3-B, Division 16, Automobile Service Stations
<i>Service Station – Minimum Service</i>	MNP	MNP	MNP	
Banks and Financial Institutions	<i>See sub-classifications below</i>			
<i>Bank and Credit Union</i>	P	P	P	
<i>Check Cashing Business</i>	CUP	CUP	MNP	
Business Services	P	P	P	
Commercial Kitchens	X	X	MNP	
Commercial Entertainment and Recreation	<i>See sub-classifications below</i>			

TABLE 9212.2 COMMERCIAL AND MIXED-USE LAND USE REGULATIONS				
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MNP	Minor Use Permit required			
CUP	Major Use Permit required			
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L	See Notes at end of table for limitations			
<i>District</i>	<i>DMX</i>	<i>CMX</i>	<i>FLX</i>	<i>Additional Regulations</i>
<i>Cinema</i>	P	P	P	
<i>Electronic Game Center</i>	P	P	P	
<i>Live Theatre</i>				
<i>Small-scale Facility (Indoor)</i>	P	MNP	P	
<i>Large-scale Facility (Indoor)</i>	MNP	MNP	MNP	
<i>Large-scale Facility (Outdoor)</i>	CUP	CUP	CUP	
Community Gardens	P	P	P	See Part 3-B, Division 26, Community Garden
Eating and Drinking Establishments	<i>See sub-classifications below</i>			
<i>Bar/Tavern/Lounge</i>	P	P	P	See Part 3-B, Division 14, Alcoholic Beverage Sales and Division 47, Outdoor Dining and Seating
<i>Brewpub</i>	P	P	P	
<i>Restaurant, Full Service</i>	P	P	P	
<i>Restaurant, Limited Service</i>	P	P	P	
<i>Restaurant with Drive-through</i>	X	CUP	CUP	
<i>Tasting Room/Wine Bar</i>	P	P	P	
Equipment Rental	P	P	P	
Financial, Insurance and Real Estate Services	P	P	P	
Food and Beverage Sales	<i>See sub-classifications below</i>			
<i>Convenience Store</i>	CUP	CUP	CUP	Alcohol sales only allowed subject to Part 3-B, Division 14, Alcoholic Beverage Sales and Service . See Part 3-B, Division 27, Convenience and Discount Stores .
<i>Farmers' Market</i>	P	P	P	See Part 3-B, Division 31, Farmers' Market
<i>Produce Store</i>	P	P	P	
<i>Grocery Store/Supermarket Small (Less than 10,000 sf)</i>	P	P	P	See Part 3-B, Division 14, Alcoholic Beverage Sales and Service
<i>Grocery Store/Supermarket Medium (10,000 sf -50,000 sf)</i>	P	P	P	
<i>Liquor Store</i>	CUP	CUP	CUP	
Funeral and Interment Service	MNP	MNP	MNP	
Laboratory	MNP	MNP	P	
Live/Work Unit	P	P	L ¹	See Part 3-B, Division 38, Live-Work Units
Maintenance or Repair Services	P	P	P	

TABLE 9212.2 COMMERCIAL AND MIXED-USE LAND USE REGULATIONS				
P	Permitted subject to zoning compliance determination			
MNP	Minor Use Permit required			
CUP	Major Use Permit required			
X	Not permitted			
L	See Notes at end of table for limitations			
<i>District</i>	<i>DMX</i>	<i>CMX</i>	<i>FLX</i>	<i>Additional Regulations</i>
Mobile Food Truck, Off-street	P	P	P	See Part 3-B, Division 42, Mobile Food Vending
Nursery and Garden Center Small (Less than 10,000 sf)	P	P	P	
Nursery and Garden Center Large (10,000 sf or more)	MNP	MNP	MNP	
Offices				
<i>Business and Professional</i>	P	P	P	
<i>Medical and Dental</i>	P	P	P	
Parking Facilities, Commercial	MNP	MNP	MNP	See Part 3-A, Division 6, Off-Street Parking and Loading
Personal Service	<i>See sub-classifications below</i>			
<i>General Personal Services</i>	P	P	MNP	
<i>Massage Services</i>	P	P	MNP	See Part 3-B, Division 41, Massage Establishments
<i>Massage Therapy</i>	P	P	MNP	
<i>Tattoo and Body Piercing</i>	MNP	MNP	MNP	See Part 3-B, Division 56, Tattoo and Body Piercing .
Retail Sales	<i>See sub-classifications below</i>			
<i>Building Materials, Sales, and Services</i>	MNP ²	MNP ²	p ²	For outdoor sales see Part 3-B, Division 46, Outdoor Retail Sales
<i>Cannabis</i>	See Municipal Code, Article VI, Chapters 15 and 17			
<i>General Retail Small (Less than 10,000 sf)</i>	P	P	P	
<i>General Retail Large (10,000 sf – 80,000 sf)</i>	MNP	P	P	
<i>Large Format Retail (More than 80,000 sf)</i>	X	X	P	See Part 3-B, Division 37, Large Format Retail
<i>Pawnshop</i>	MNP	MNP	MNP	
<i>Smoke shop</i>	CUP	CUP	CUP	
<i>Swap Meet (Indoor)</i>	MNP	X	X	
<i>Swap Meet (Outdoor)</i>	X	X	MNP	
Lodging				
<i>Bed and Breakfast</i>	CUP	CUP	P	See Part 3-B, Division 20, Bed and Breakfast Lodging
<i>Hotel, Motel</i>	P	P	P	See Part 3-B, Division 35, Hotels and Motels

TABLE 9212.2 COMMERCIAL AND MIXED-USE LAND USE REGULATIONS				
P	Permitted subject to zoning compliance determination			
MNP	Minor Use Permit required			
CUP	Major Use Permit required			
X	Not permitted			
L	See Notes at end of table for limitations			
<i>District</i>	<i>DMX</i>	<i>CMX</i>	<i>FLX</i>	<i>Additional Regulations</i>
Industrial				
Artisan/Small-scale/Manufacturing	MNP	P	P	
Artist's Studio	<i>See sub-classifications below</i>			
<i>Studio-Light</i>	P	P	P	
<i>Studio-Heavy</i>	MNP	P	P	
Brewery Production	<i>See sub-classifications below</i>			
<i>Brewery – Micro</i>	P	P	P	
<i>Brewery – Large</i>	MNP	MNP	P	
Media Production	<i>See sub-classifications below</i>			
<i>Support Facility</i>	MNP	P	P	
<i>Full-Service Facility</i>	X	MNP	MNP	
Recycling Facilities	<i>See sub-classifications below</i>			
<i>Recycling, Large</i>	X	X	X	See Part 3-B, Division 50, Recycling Facilities
<i>Recycling, Small</i>	X	X	MNP	See Part 3-A, Division 1, Section 9311.7, Solid Waste, Recycling, and Green Waste Storage Areas , Part 3-B, Division 50, Small Recycling Facilities
Research and Development	X	MNP	P	
Transportation, Communication and Utilities				
Communication Facilities	<i>See sub-classifications below</i>			
<i>Antennas</i>	MNP	MNP	MNP	See Part 3-B, Division 62, Wireless Communications
<i>Equipment within Buildings</i>	X	X	P	
Light Fleet-based Service	X	X	MNP	
Passenger Station	CUP	CUP	MNP	
Utilities, Minor	MNP	MNP	P	
Other				
Accessory Use	See Part 3-B, Division 9, Accessory Uses and Division 11, Accessory Buildings and Structures			
Nonconforming Use	See Part 3-B, Division 44, Nonconforming Uses (Phase 2)			
Temporary Use	See Part 3-B, Division 57, Temporary Uses			
Limitations:				
<ol style="list-style-type: none"> 1. Residential only permitted on sites in the 2021-2029 Housing Element Sites Inventory shown in Figure 9212.2, Flex District Housing Sites, as approved by the City Council. 2. All sales indoors. 				

FIGURE 9212.2: FLEX DISTRICT HOUSING SITES



9212.3 Development Regulations

Table 9213.3 prescribes the development standards for the mixed-use districts. Additional regulations are indicated in the column to the right. Section numbers in this column refer to other Sections of this Code, while individual letters refer to subsections that directly follow the table. The numbers in the illustrations refer to corresponding regulations listed in the column headed Additional Regulations.

TABLE 9212.3 DEVELOPMENT REGULATIONS—MIXED-USE DISTRICTS				
District	DMX	CMX	FLX	Additional Regulations/#
Lot and Density				
Minimum Lot Size (sf)	5,000 ¹	5,000 ¹	5,000 ¹	
Minimum Lot Width (ft.)	50 ²	50 ²	50 ²	
Minimum/Maximum Density (units per net acre)	40 to 65 ³	Up to 40 ³	Up to 40 ⁴	See Figure 9212.2, Flex District Housing Sites
Maximum Floor Area Ratio (FAR)	1.75/Up to 2.45 with community benefits ⁵	1.0/Up to 1.15 with community benefit ⁵	0.4 for non-residential only/Up to 0.5 with community benefits; Up to 1.0 for mixed-use; None for residential only ⁵	See Figure 9212.2, Flex District Housing Sites and Part 4, Division 9, Community Benefits
Setbacks (ft.)				
Front	10	5	10	At least 25 percent of the façade within 20 feet of a street lot line must be divided into façade planes that are offset by at least 2
Side	10	5; 10 when abutting a R district	0; 20 when abutting a R district	

TABLE 9212.3 DEVELOPMENT REGULATIONS—MIXED-USE DISTRICTS				
<p>The diagram illustrates development regulations for mixed-use districts. On the left, a plan view shows a lot with a 'Primary Street' on the left. A dashed line indicates the 'Property Line', and a solid line indicates the 'Setback Line'. A shaded area represents the 'Buildable Area'. Numbered callouts (1-4) indicate specific setbacks and lot dimensions. On the right, a cross-section shows a building with a parking podium. Numbered callouts (5-9) indicate various height and setback measurements: 5 is the total building height, 6 is the height to the parking podium, 7 is the height to the ground floor, 8 is the height to the roof, and 9 is the height to the finished grade.</p>				
District	DMX	CMX	FLX	Additional Regulations/#
Rear	15; 20 when abutting a R district	10	0; 10 when abutting a R district	ft. in depth from the rest of the façade.
Min. Space between Buildings (ft.)	Buildings on the same lot shall be separated by at least 6 ft. Where there is a separation and both buildings are more than 30 ft. in height, the required separation shall be increased by 1 ft. for each 2 ft. of height above 30 ft. on the lower building			
Building Height (ft.)				
Building Maximum	65/Up to 85 with community benefits	45/Up to 65 with community benefits	55/Up to 80 per approved specific or master plan	
Parking Podium	Maximum height of parking podium visible from street is 9 ft. from finished grade			
Ground Floor Minimum Height (ft.)				
Ground Floor Residential Uses	10 ³	10 ³	10 ^{3,4}	
Ground Floor Non-Residential Uses	15 ⁵	15 ⁵	15 ⁵	
Notes:				
<ol style="list-style-type: none"> The minimum lot size for residential-only developments is 30,000 s.f. The minimum lot width for a commercial-only building is 50 feet. Up to 40% additional residential density with more that 0.2 FAR new or replaced ground floor active commercial. Residential only permitted on sites included in the 2021-2029 Housing Element Sites Inventory and sites identified in Figure 9212.2, Flex District Housing Element Sites. Sites in adopted Specific Plan Areas must comply with regulations in the Specific Plan. Ground floor building area devoted to active commercial use exempt from FAR calculations. 				

9212.4 Supplemental Regulations

A. Build-To Line. Buildings shall be constructed at the street frontage or required setback line (the "build-to" line) for at least 60 percent of the building frontage. At least two-thirds of the area between the building and lot line shall be paved so that it functions as a wider public sidewalk. This requirement may be modified or waived by the Director upon finding that:

1. Substantial landscaping will be located between the build-to line and ground floor residential units to soften visual impact of buildings,
2. Entry courtyards, plazas, entries, or outdoor eating and display areas will be located between the build-to line and building, provided that the buildings will be built to the edge of the courtyard, plaza, or outdoor dining area; or
3. The building will incorporate an alternative entrance design facing the street that will incorporate a combination of features such as a landscaped public space, public art, or a water feature.

B. Required Setbacks for Residential Uses.

1. Front Setbacks. Buildings that are entirely residential and portions of buildings with residential uses on the ground floor may be setback up to 8 feet from the street lot line.
 - a. The setback must be landscaped, but up to one-third of the setback area can be hard surfaced for pedestrian or bicycle access.
 - b. Vehicle access is not allowed through the setback unless the frontage provides the only access to the residential portion of the site.
2. Interior Side and Rear Setbacks. To provide light and air for residential units, the following minimum setbacks apply to any building wall containing windows for residential units and facing an interior side or rear setback area.
 - a. For any wall containing windows, a setback of at least 5 feet shall be provided.
 - b. For any wall containing living room or bedroom windows, a setback of at least 10 feet shall be provided.
 - c. The required setbacks apply to that portion of the building wall containing a window and extending 3 feet on either side of the window.

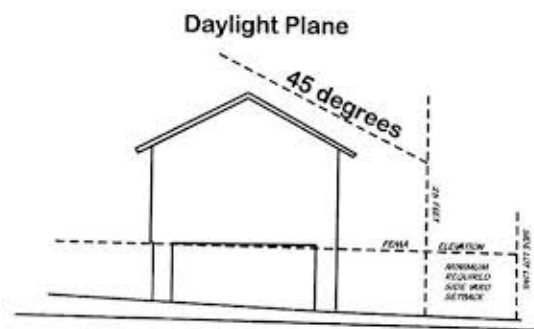
C. Height Limitations and Exceptions. To encourage more development along corridors, regardless of district while acknowledging and preserving existing single-family residential areas, height limits are required:

1. Daylight Plane Required Adjacent to Residential Districts.
 - a. Buildings shall not extend above a plane starting at 25 feet in height directly above the property line abutting any residentially zoned parcel, or where there is an alley, the centerline of the alley, and from that

point, extending in at a 45-degree angle from vertical toward the interior of the site.

- b. The 25-foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to Part 1, Division 5, Rules for Measurement.

FIGURE 9212.4-A: DAYLIGHT PLANE REQUIRED ADJACENT TO RESIDENTIAL DISTRICTS



- D. **Architectural Features.** A [parapet](#) wall, [cornice](#) or sloping roof or solar energy system may project up to four feet above the height limit.
 1. Uninhabited roof structures that screen mechanical equipment and elevator penthouses are not included in the measurement of building height.
 2. Mechanical Equipment shall be integrated and architecturally designed to match the building and not visible from adjacent streets.
- E. **Corner Projections.** If the project site is on a corner site that is greater than 15,000 square feet, a tower or other projecting architectural elements may extend up to 12 feet above the top of a primary roof, provided that the square footage of the element(s) does not total more than 15 percent of the building footprint. The area above the uppermost permitted floor of the element(s) shall not be habitable space.
 1. The tower element shall not be set back more than one foot at any point.
 2. Fenestration at the base of the tower shall be greater than the top.
 3. The roof shall include architectural detailing, such as a cornice or eave.
- F. **Landscaped Buffer Required.** Landscaping shall be installed along the rear property line adjacent to any residential district in compliance with the requirements of Part 3-A, Division 3, Landscaping, to create a sound barrier and privacy screen. Shrubs shall be a minimum of 5 feet in height at the time they are planted.
- G. **Building Projections.** The maximum width of any projection, including [bay windows](#), is 10 feet, and the total of all projections along a building face shall not be more than 10 feet wide or 25 percent of the building frontage, whichever is greater.

H. Façade Articulation. At least 25 percent of the façade within 20 feet of a street lot line must be divided into façade planes that are offset by at least two feet in depth from the rest of the façade. Façade area used to meet the façade articulation standard may be recessed behind or project out from the primary façade plane, but projections into street right-of-way do not count toward meeting the standard.

1. Portions of building facades that are vertically separated by a gap of 10 feet in width or more, and at least 20 feet in depth measured from the street lot line are considered separate facades.
2. Balconies enclosed by more than 75 percent of facade even within articulated areas of the building are counted as building area and do not count toward the standard.
3. This requirement may be applied to one contiguous area or the sum of multiple articulated portions of the building.

I. Parking.

1. Limitations on Location of On-site Parking. Parking may be located within 40 feet of the street facing property line in accordance with the following standards.
2. Underground and Partially Submerged Parking. Parking completely or partially underground, shall match the setbacks of the main structure. The maximum height of a parking podium visible from a street shall be 9 feet from finished grade.
3. Surface Parking. Above ground surface parking may be located within 40 feet of a street facing property line with the approval of a Minor use permit when the Director makes the following findings:
 - a. Buildings are close to the public sidewalk to the maximum extent feasible,
 - b. The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and,
 - c. The site is small and constrained such that underground, partially submerged, or surface parking located more than 40 feet from the street frontage is not feasible.

J. Landscaping and Residential Open Space. Where residential uses are included, projects shall provide at least 200 square feet residential open space "outdoor living area" per unit that complies with the requirements in Section 9211.7, Multi-Family Development Standards of this Division.

K. Minimum Required Active Commercial Uses on Frontages. Development in mixed-use districts with more than 100 feet of frontage shall provide the following minimum ground-floor street frontage for active commercial uses.

1. CMX, DMX District. 40 percent on the primary frontage and 30 percent on secondary frontages.

2. FLX District. 30 percent on the primary frontage and 20 percent on secondary frontages.
3. Reductions - When Allowed. The minimum required active use on secondary frontages may be reduced with a minor use permit if the Director finds that:
 - a. The proposed use has unique operation characteristics with which provide the required active use is incompatible, such as in the case of a cinema or theater; and
 - b. Street facing walls exhibit architectural relief and detailing that enhance the pedestrian environment.

L. Pedestrian Entrances and Paths.

1. Entrances. All non-residential activities located at the street level shall provide one direct at-grade entrance from the public right-of-way for each street frontage exceeding 50 feet.
 - a. Where such frontages exceed 100 feet, one entrance shall be provided for each 100 feet of frontage or portion thereof.
 - b. Separate pedestrian entrances for a single tenant must be at least 25 feet apart.
 - c. Recessed entrances shall not exceed 25 feet in width and the face of a door or gates shall be within 15 feet of the lot line.
2. Street Preservation. Existing public right-of-way shall be preserved. Public right-of-way shall not be eliminated or abandoned, unless substantial public benefits are provided, such as a new park, a community garden, or a trail on pedestrian passages.
3. Street Frontage Improvements. New development shall provide street frontage improvements in accordance with the following:
 - a. Between the Property Line and Curb.
 - i. Sidewalks. Sidewalks shall be provided if none exists or if the existing sidewalks are in poor condition.
 - ii. Street Furniture. Trash receptacles, benches, bike racks, and other street furniture shall be provided.
 - iii. Streetlights. Pedestrian-scaled streetlights not to exceed 14 feet in height, including attachments from which banners may be hung, shall be provided.
 - iv. Street Trees. Shade trees shall be planted no more than 30 feet on center. Tree guards shall be provided. Trees shall be a minimum of 15 gallons in size, and at least 10 percent of the required trees shall be 24-inch box size or larger.
 - b. Interior from Property Line. Except where occupied by a building or necessary for parking access, the street frontage, for a depth of 10 feet

from the property line, shall be used for pedestrian circulation or active outdoor uses, including, but not limited to outdoor dining paved for public uses so that it functions as part of a wider public sidewalk or improved with landscaping, public art, and/or pedestrian amenities, such as outdoor seating.

M. Building Orientation and Entrances. Buildings shall be oriented to face public streets.

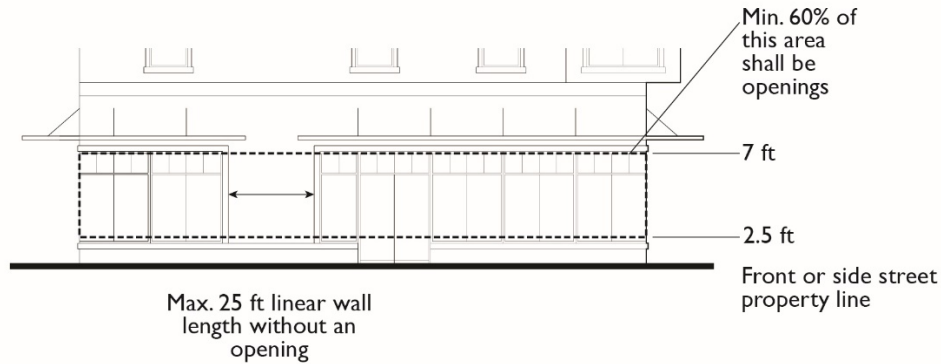
1. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 20 feet of a public sidewalk. The Director may grant exceptions to this standard in for uses with unique needs.
2. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment, such as angled or rounded corners, arches, or other architectural elements.
3. Entrances to residential units shall be physically separated from the entrance to commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

N. Building Transparency.

1. Required Openings for Non-Residential Uses. Exterior walls facing and within 20 feet of a front or street side property line shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk.
2. No wall may run in a continuous plane for more than 25 feet without a window or other opening.
3. If a lot has more than one street frontage, this standard applies to the primary frontage.
4. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least 24 inches deep and set into a wall. Windows that provide visibility into storage areas, vehicle parking areas, utility areas and display cases attached to outside walls do not qualify.
5. Exceptions for Parking Garages. Multi-level garages are not required to meet the building transparency requirement of this subsection. Instead, they must be screened and treated, consistent with the requirements of Division 16.67, Off-street Parking and Loading Regulations).
6. Alternatives through Director's Review. Alternatives to the building transparency requirement may be approved if the Director finds that:
 - a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and

- b. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

FIGURE 9212.4-B: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES



O. Building Design and Articulation. Buildings shall be designed with architectural features and details to enhance visual character and relate to the surrounding development. The following standards apply to commercial and mixed-use development.

1. **Vertical Relationship.** Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level). Cornices, balconies, roof terraces, and other architectural elements should be used, as appropriate, to terminate rooflines and accentuate setbacks between stories.
2. **Windows.**
 - a. Window frames shall be inset at least two inches from the face of the building to enhance shadow-line around opening.
 - b. Snap-in vinyl mullions between double pane glass are prohibited. If a divided light appearance is desired, mullions must be made of dimensional material projecting in front of the panes on both the inside and outside of the window.
 - c. Exceptions may be granted by the Director to accommodate an alternative window design that is consistent with the architectural style of the structure.
3. **Exterior Building Materials and Colors.**
 - a. A unified palette of materials shall be used on all sides of buildings.
 - b. Colors shall be used to help delineate windows and other architectural features to increase architectural interest.
4. **Building Details.**

- a. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
 - b. All applied surface ornamentation or decorative detailing shall be consistent with the architectural style of the building.
 - c. Each side of the building that is visible from a public right-of-way shall be designed with a complementary level of detailing.
 - d. Roof Articulation. Buildings exceeding 40,000 square feet in floor area shall be designed with staggered rooflines, shaded roof decks, or other forms of architectural articulation.
5. Building Corners. All new buildings with frontages at the intersection of two public streets shall use one or more of the following design elements or treatments to the building corner facing the intersection:
- a. Corner Setback. At least 100 square feet of sidewalk area or pedestrian-oriented open space (in addition to the otherwise required building setback) shall be provided to achieve a 12.5-foot-wide sidewalk (see Figure TBD). Upper stories may or may not be set back from the corner.
 - b. Corner Entrance to Courtyard, Building Lobby, Atrium or Pedestrian Walkway. New buildings may satisfy the building corners requirements by providing a direct walkway or entry from the building corner to:
 - i. A retail space or an interior building atrium or lobby;
 - ii. A courtyard or pedestrian-oriented open space; or
 - iii. A pedestrian walkway at least 10 feet wide that connects to other buildings, streets, parking areas, or public features.
 - c. Corner Architectural Element. New buildings may satisfy the building corners requirements by including one or more of the following elements that are symmetrical about an axis running diagonally from the corner of the building and bisecting the angle formed by the two building exterior walls:
 - i. Bay window or turret;
 - ii. Roof deck or balconies on upper stories;
 - iii. Building core setback notch or curved exterior surfaces; or
 - iv. (Sculpture or artwork (either bas-relief or figurative or distinctive use of materials).
- P. Pedestrian Access on Large Sites (Over 5 acres).**
1. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

2. Circulation Network. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes and trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
3. Adjacent Properties. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing for safety and security.
4. Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
5. Interior Pedestrian Walkway Design.
 - a. Walkways shall have a minimum clear, unobstructed width of six feet, where feasible, but at least four feet, shall be hard-surfaced, and shall have a pervious surface paved with stone, tile, brick, or comparable material.
 - b. Where a required walkway crosses driveway, parking areas, or loading areas, it must be clearly identifiable by a raised crosswalk, a different paving material, or similar method.
 - c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or another physical barrier.

Q. Development Adjacent to Greenway. Development along the Greenway Corridors will include high density residential development and commercial uses.

1. Buildings adjacent to a Greenway designated in the General Plan (see Figure TBD) shall be designed to provide a “front face” along the Greenway by locating entryways, storefronts, and windows facing the street. Surface parking, blank walls, and storage areas shall not face the Greenway corridor.
2. Non-residential and mixed-use buildings along the Greenway shall provide publicly-accessible open space facing the corridor. Open space areas shall include a variety of seating types, light, and a water feature or other public art.
3. Projects shall provide public access to and connect with the Greenway including pedestrian walkways and bicycle paths. The applicant shall record a right-to-pass easement for required accessways.

Division 3. Industrial Districts (Phase 2)

Division 4. Public/Semi-Public and Institutional District (Phase 2)

Division 5. Parks and Open Space District (Phase 2)

Division 6. Overlay Districts

The current Carson Zoning Code includes regulations for seven overlay districts: Blimp Port (BP), Cemetery (CEM), College (COL), Design (D), Electronic Marquee Signage (EMS), Mixed-Use Residential (MUR), and Organic Refuse Landfill (ORL). The city established these districts to apply additional regulations to certain uses regardless of where they might be proposed in the city. The new Zoning Code proposes to eliminate these districts and replace them with modified or new regulations written to clarify and achieve their objectives. These regulations will be included as appropriate in new use and development regulations that appear elsewhere in this Part of the new Code; in the requirements for specific uses in Part 3: General Regulations; in new and revised procedures in Part 4: Administration and Permits; and in other sections in the new Code.

The new Zoning Code will establish two overlay districts to implement other General Plan policies applicable to mobile home parks and to replace the existing Commercial Automotive District. The Mobile Home Park Overlay will carry forward the provisions that the City Council adopted in July 2023 and the Commercial Automotive Overlay will incorporate most of the provisions in Section 9138.15 of the existing Code with new and updated graphics and other revisions. The Commercial Automotive Overlay will be included in Phase 2 of the Code update.

Sections:

9216.1 Mobile Home Park Overlay

A. Purpose.

This District is established to implement the housing element of General Plan 2040 by enacting regulations to maintain, preserve, and promote mobile home parks as an important source of affordable housing, especially for lower-income residents, and protect mobile home park tenants. The regulations complement Carson's mobile home park rent control regulations (Carson Municipal Code, Article IV, [Chapter 7, Mobilehome Space Rent Control](#)) by helping to ensure an adequate supply of land for mobile homes going forward.

B. Applicability. The Mobile Home Park Overlay District requirements apply to all existing mobile home parks in the city of Carson with the following exceptions:

1. Parks in industrial zones,
2. Parks that have obtained a valid Relocation Impact Report approval under Section TBD of the Municipal Code; and,
3. Parks that have received valid approval of closure or cessation of use as a mobile home park resulting from the entry of an order for relief in bankruptcy as stated in State Government Code Section [65863.7 \(f\)](#).

C. Requirements.

1. Mobile Home Parks may be permitted in the MHP Overlay District subject to approval of a Major Use Permit under Part 4, Administration and Permits, Division 7, of this Code.

2. Existing Mobile Home Parks need not obtain another Use Permit to continue lawful use within the MHP Overlay District. However, any newly proposed Parks in the MHP Overlay District must obtain a Major Use Permit.
3. Use for any other purpose in the MHP Overlay District is strictly prohibited.
4. Existing mobile home parks that do not conform to the requirements of this Division and Part 3-B, Division 43, [Mobile Home Parks](#) shall be considered conforming with this Code.

D. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Code 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.

Division 7. Specific Plan Areas

This Division explains how the city administers regulations specific plans. The city has 12 specific plans and may adopt more in the future. Some of the specific plan areas have been incorporated into the new Code as new districts. The new Code identifies of approved specific plans and the new Zoning Map shows their location and boundaries. This is intended to explain the purpose and scope of such plans and establishes basic requirements for their adoption including a minimum area for new specific plans. The Division also establishes a consistent set of procedures for processing projects proposed in areas subject to an adopted specific plan. Users need to consult the applicable specific plan for standards and special requirements, such as design guidelines, that apply to the specific plan area. Some of the existing specific plans reference code sections from the current zoning ordinance as default requirements where the plan does not specify otherwise. Users will be able to consult a table to identify corresponding section of new Zoning Code.

Sections:

- 9217.1 Purpose and Applicability**
- 9217.2 Development Requirements**
- 9217.3 Procedures**

9217.1 Purpose and Applicability

Specific Plans are regulatory documents established by the city to carry out specific purposes for specific geographic areas as shown on the Zoning Map. These plans are authorized by Government Code Section 65450 et seq. and must comply with State law and the requirements of this Division including, but not limited to, requirements for consistency with the General Plan, adoption and amendment procedures, and requirements for Plan content. A specific plan must include a text and a diagram or diagrams with detailed descriptions of proposed land uses, the proposed location and intensity of major components of the infrastructure necessary to serve the proposed land uses, development standards and requirements, and a program for implementing the specific plan including the regulations, public works, and financing necessary to support the proposed development.

- A.** The specific plan shall state whether the specific plan’s provisions are to be combined with the standards and requirements of the base zoning district for the area to which the Specific Plan applies or will supersede the underlying district’s requirements.
- B.** The existing Specific Plan Areas subject to this Division are identified as follows and are shown on the Official Zoning Map of the City of Carson on file with the Planning Division:

- 1. SP 1-SP 2 Dominguez Technology Center Phases 1 and 2
- 2. SP 3 Carson Town Center
- 3. SP 4 Dominguez Hills Village
- 4. SP 6 Monterey Pines
- 5. SP 7 Villages of Brighton and Strathmore

6.	SP 10	The District at South Bay
7.	SP 12	The Avalon
8.	SP 13	Panama and Sepulveda
9.	SP 15	Birch
10.	SP 21	Imperial Avalon
11.	SP 23	Carson Lofts
12.	SP 29	21611 Perry Street

9217.2 Development Requirements

The Specific Plan shall establish the land uses permitted and conditionally permitted within the Specific Plan area. The regulations and standards of an adopted Specific Plan shall supersede the requirements of this Zoning Code when the provisions of this Code are inconsistent with an adopted Specific Plan if the regulations and standards are consistent with General Plan 2040. References to the Zoning Code in any Specific Plan shall mean this Zoning Code. Any issue that the Specific Plan does not specifically address shall be subject to the requirements of this Code.

- A. **Minimum Area.** The minimum area for a Specific Plan shall be four contiguous acres; however, the City Council may approve a district smaller than four acres if it finds that rezoning to a Specific Plan would provide greater benefits to the general welfare of Carson's residents and property owners than development under any base Zoning District due to the unique characteristics of the site or the proposed use or uses.
- B. **Residential Unit Density.** Except where a density bonus is granted in compliance with the requirements of this Division or the city's density bonus regulations for affordable housing and childcare (Part 3-B, [Division 13, Affordable Housing and Childcare Incentives](#)) the total number of dwelling units in a Specific Plan area shall not exceed the maximum number permitted by the General Plan density for the total area designated for residential use, excluding areas devoted to public and private streets.

9217.3 Procedures

- A. **General Plan Conformance Required.** Proposed development shall be reviewed for conformance with [General Plan 2040](#) and the standards and guidelines of the adopted Specific Plan.
 - 1. Where there is a conflict, the policies of the General Plan shall apply.
 - 2. Any proposed development that is not in substantial conformance with the Specific Plan shall be subject to Development and Site Plan review pursuant to [Part 4, Division 6](#).
- B. **Exceptions and Modifications to a Specific Plan.** The Planning Commission may approve an exception or modification to any regulation or standard of a Specific Plan in accord with the following requirements:

1. The process for approving an exception or modification may be initiated by the owner of the subject property or the owner's authorized representative in accord with Part 4, Administration and Permits, of this Code.
2. An Exception or Modification shall not be approved for any use or activity that is not authorized by the Specific Plan or this Code, whichever applies.

Part 3-A

Division 1. General Development Regulations

This Division establishes supplemental development and site regulations that apply generally to districts, except where specifically stated. These standards are used together with the development and design standards that Part 2 establishes for each zoning district and will be cross-referenced in the Development Regulations in Part 2. The provisions in Part 3 carry forward some provisions in Part 6. General Development Standards, of the existing Code along with some site development standards applicable to site development in most or all districts. Some of these requirements and standards are now found in Parts 2 through 5 of the Code that establish regulations for the different zones. Consolidating these requirements in a single section will make them easier to find and will help to avoid duplication when the requirements are applicable to multiple districts.

Citywide development standards will include site features such as parking and loading (parking standards, design of parking, loading, and driveways), fences and walls, landscaping, permitted encroachments into setbacks and height limits (e.g., eaves, overhangs and other architectural features, steeples, antennas, etc.), standards for accessory structures, screening, and buffering requirements, light and glare, noise, and landscaping, among others.

Sections:

- 9311.1 Purpose and Applicability**
- 9311.2 Development on Lots Divided by District Boundaries**
- 9311.3 Development on Sub-Standard Lots**
- 9311.4 Height Exceptions**
- 9311.5 Projections into Required Setback Areas**
- 9311.6 Solid Waste, Recycling and Green Waste Storage Areas**
- 9311.7 Screening of Equipment**
- 9311.8 Solar Energy Systems**
- 9311.9 Swimming Pools, Spas and Hot Tubs**
- 9311.10 Underground Utilities**
- 9311.11 Visibility at Intersections and Driveways**

9311.1 Purpose and Applicability

The purpose of this Division is to prescribe supplemental development and site regulations that apply, except where specifically stated, to development in all zoning districts. These standards shall be used in conjunction with the standards for each zoning district established in Part 2, Base, Overlay and Special Zoning Districts, to ensure that development:

- A.** Is consistent with the General Plan,
- B.** Is compatible with existing and future development,
- C.** Protects the use and enjoyment of neighboring properties.

9311.2 Development on Lots Divided by District Boundaries

Where a lot is divided by a zoning district boundary, the regulations applicable to each district shall be applied to the area within the district, and no use, other than parking serving a principal use on the site, can be in a district in which it is not a permitted or conditionally permitted use.

- A. Access.** All access to parking serving a use shall be from a street abutting that portion of the lot where the use is allowed. Pedestrian or vehicular access from a street to a non-residential use cannot traverse an R District in which the non-residential use is not permitted or conditionally permitted.
- B. Exceptions.** If more than 60 percent of a lot is in one zoning district, modifications to the provisions of this Section may be granted through approval of an exception by the Director or the Planning Commission.

9311.3 Development on Substandard Lots

Any lot or lot of land that was legally created through a deed recorded by the Los Angeles County Recorder may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the zoning district in which it is located. However, no substandard lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.

9311.4 Height Exceptions

This Section replaces Section 9136.12 with new and revised provisions to implement the General Plan. The Section also includes a table summarizing exceptions to height limits, which allow certain architectural features and building elements to exceed height limits applicable to the district in which a structure is located.

- A.** These provisions allow certain architectural features and building elements to exceed the height limits applicable to the district in which a structure is located when necessary or appropriate for design reasons or function. The standards of this Section apply to all new development and to all existing structures.
- C.** Table 9311.4 establishes the maximum permitted projection(s) above the height limit of a building height for structures that are typically mounted on or attached to a building. Table 9311.4 also limits the horizontal coverage of permitted projections. Some allowances apply in all Zoning Districts while others are limited to specified Zoning Districts. In the Low-Density Residential (LDR) District, allowed height projections into the minimum side setback areas above 23 feet shall be permitted.
- D.** The total aggregate coverage of projections shall not exceed 25 percent of a roof's area. This limitation shall not apply to solar energy systems (see Section 9311.8 and Part 3-B, Division 54). None of these projections shall permit occupiable space above the height limit and no portion of a structure exceeding the building height limit may be used for signage.
- E.** Projections not listed in Table 9311.4 and projections exceeding those listed may be allowed by the granting of an Exception Permit under Part 4, [Division 10, Exceptions](#).

TABLE 9311.4: HEIGHT EXCEPTIONS AND LIMITATIONS		
Structures or Features Allowed to Exceed Height Limit	Maximum Vertical Projection Above Height Limit	Size and Location Limitations
Architectural elements and decorative features such as spires, bell towers, cupolas, and domes.	20% of base district height limit	For each one foot by which the height of such building including the structure exceeds the maximum height otherwise permitted in the district, side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
Distribution and transmission towers, lines, and poles, water tanks, airway beacons	10 feet as accessory structure, subject to permit conditions as primary use	Up to 20% of lot area or 20% of roof area of all on-site structures, whichever is less, no limit if the structure is a permitted as primary use.
Elevator and stair towers for multi-unit and non-residential buildings	14 feet	Up to 15% of total roof area.
Flagpoles	Subject to provisions of Division 51, Signs	
Fire escapes, catwalks, open railings, and parapets required by law	No restrictions	
Freestanding structures including flagpoles, antennas, and similar structures	No higher than the height limit for the zoning district.	
Lighting for athletic fields, tennis courts, etc.	Up to 80 feet total height	See Division 4, Light and Glare.
Mechanical equipment penthouses and enclosures	12 feet	Up to 25% of roof area
Parapets, excluding detached residential structures	4 feet	--
Rooftop open space features such as sun decks, sunshades, open trellises, and landscaping excluding detached residential structures	10 feet	Up to 25% of roof area
Skylights	1 foot	None
Solar panels, wind turbines and other energy production features.	See Section 9311.8 and Part 3-B, Division 54, Solar and Wind Energy Systems	
Wireless Communications facilities including antennas, microwave equipment, radio towers	25 feet	Up to 10% for standard television receive-only antennas. For all other types see Division 61, Wireless Communications.
Ventilating fans, water tanks, cooling towers, or other equipment required to operate and maintain a building, along with screening required by Division 2, Section 9311.7, Screening of Equipment	12 feet	Total area enclosed by all screening may not exceed 30% of roof area.

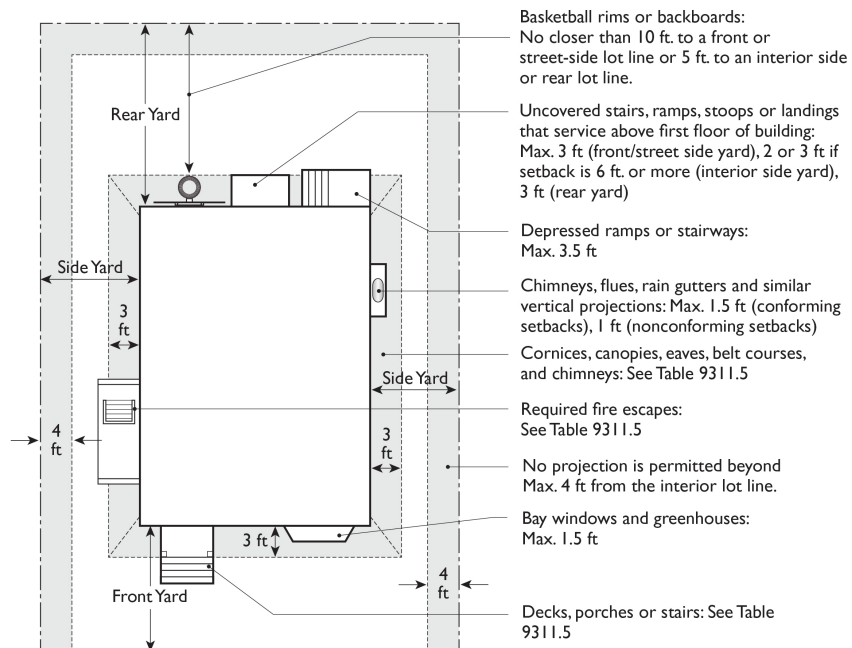
9311.5 Projections into Required Setback Areas

- A. Table 9311.5 establishes requirements for permitted projections from buildings into minimum setbacks. In the LDR (Low Density Residential) District, projections higher than 23 feet shall not extend into the minimum side setback areas unless specifically authorized. Projections shall not be permitted closer than four feet to any lot line in any district or three feet from any public utility easement unless otherwise expressly authorized.
- F. Projections into existing, nonconforming setback areas shall be permitted only if the projection does not extend closer to the parcel line than would be permitted if the setback area conformed to current standards. The types of projections and the limitations on such projections into minimum setbacks are also permitted subject to Division 5, Noise; Section 9311.12, Visibility at Intersections and Driveways, and compliance with the California Building Code, as adopted by the City pursuant to CMC 8100 *et seq.*

TABLE 9311.5: ALLOWED BUILDING PROJECTIONS INTO SETBACK AREAS				
<i>Projection</i>	<i>Front or Street Side Yard (ft.)</i>	<i>Interior Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>	<i>Limitations</i>
Balconies, decks, porches, and similar structures unenclosed and open on two sides	3	Not permitted	3 where rear yard is greater than 15 feet	Shall not occupy more than 1/3 of the length of the building wall on which they are located or 1/2 of the length of the room accessed, whichever is less.
Bay windows and greenhouses	1.5	1.5	1.5	Must be cantilevered above ground level and no greater than 6 feet parallel to conforming setback
Cornices, canopies, eaves, belt courses, and similar architectural features, chimneys	3 if required yard is 10 ft. or less; 4 if required yard is 10 ft. or more, and 10 in all commercial zones.			Shall not occupy more than 1/3 of the length of the building wall on which they are located.
Fire escapes required by law or public agency regulation	4	2 or 3 if setback is 6 ft. or more	4	
Uncovered stairs, ramps, stoops, or landings that service above first floor of building	3	2 or 3 if setback is 6 ft. or more	3	
Depressed ramps or stairways and supporting structures designed to permit access to parts of buildings that are below average ground level	3.5	3.5	3.5	
Air conditioners, compressors, hot tub motors, pool filters, and other mechanical equipment	Not permitted		No limit	

TABLE 931 I.5: ALLOWED BUILDING PROJECTIONS INTO SETBACK AREAS				
<i>Projection</i>	<i>Front or Street Side Yard (ft.)</i>	<i>Interior Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>	<i>Limitations</i>
Electric vehicle charging equipment	Not permitted	No limit	No limit	
Basketball Rims and Backboards	No closer than 10 ft. to a front or street-side lot line or 5 ft. to an interior side or rear lot line.			
Decks, porches, and stairs				
Less than 18 inches above ground elevation	6	6	6	Must be open on at least 2 sides. No closer than 7 ft. to a street-facing lot line or 3 ft. to an interior lot line.
18 inches or more above ground elevation	3	2	3	
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act, see Part 4, Division 10, Exceptions.			
Solar energy equipment	See Section 931 I.8 and Part 3-B, Division 54.			

FIGURE 931 I.5: ALLOWED BUILDING PROJECTIONS



9311.6 Solid Waste, Recycling and Green Waste Storage Areas

All residential, mixed-use, and non-residential development shall provide areas for storing and collection of solid waste, refuse, non-organics recycling (cans, bottles, clean cardboard and paper), organics recycling (food scraps, yard waste, soiled paper and cardboard), green waste (landscape and yard waste) and other recyclable materials that comply with the standards for design, location, and maintenance in this Section in addition to meeting all other applicable requirements of this Code, Carson Municipal Code [Article V, Chapter 11](#), and the City's waste management contractor.

- A. Applicability.** Refuse and recycling rooms and staging areas shall be provided in conjunction with:
1. New construction that requires a building permit, and
 2. Alterations when the total of all improvements adds 30 percent or more to the existing floor area.
- B. General Requirements.** Each parcel containing a building or structure shall provide and maintain one or more refuse, organics and recycling containers on the premises in accordance with Article V, Chapter 11 of the Carson Municipal Code.
1. All outdoor storage of refuse, organics, recyclable materials, and other items or material intended to be discarded or collected shall be screened from public view when not placed for collection on a designated collection day.
 2. On parcels where refuse, organics, and recyclable materials are both stored and collected adjacent to an alley or other public right-of-way, the refuse, organics, and recyclable materials shall be screened from public view on at least three sides by a solid opaque impact-resistant wall not less than five feet or more than eight feet in height, and on the fourth side by a solid opaque impact-resistant gate not less than five feet or more than eight feet in height, or of other such material or design approved by the Director.
 3. The gate shall be maintained in working order and shall remain closed except during such times as refuse, organics, recyclable materials and other such items are being discarded, placed for collection, or collected.
 4. All refuse, organics, and recyclable materials that are collected from the same outdoor location shall be stored not more than 10 feet from the parcel line closest to the refuse collection point.
 5. Refuse, organics, and recycling rooms or outdoor enclosures shall be secured to prevent the theft of recyclable materials by unauthorized persons, while allowing authorized persons access for disposal of materials, and must provide protection against adverse environmental conditions which may render the collected materials unmarketable.

C. Refuse and Recycling Rooms. A refuse, organics, and recycling room or outdoor enclosure shall comply with all the requirements of the Zoning District in which it is located as well as the following minimum design standards:

1. **Single Unit and Duplex Residences.** Single Unit residences, duplexes, and single-unit residents with Accessory Dwelling Units shall include a designated area to store refuse, recycling, and organic materials screened from public view or a designated area in a garage or accessory structure.
2. **Multi-Family Residential Development.** Developments consisting of three or more primary dwelling units shall include a refuse and recycling room meeting the minimum dimensions in Table 9311.6-A below or shall provide an equivalent space within an outdoor enclosure that conforms to the same dimensions stated in the table.

Table 9311.6-A Resource and Recycling Room Dimensions in Residential Multi-Unit Development				
<i># of Units</i>	<i>Minimum Room Dimensions (feet)</i>			
	<i>Width</i>	<i>Length</i>		<i>Height</i>
3 to 10 units	21	7.5		10
11 to 20 unit	21	14		10
21-40	28	20		10
41 or more units	See sub-section 4			

3. **Nonresidential and Mixed-Use Development.**
 - a. Nonresidential and mixed-use developments shall include a refuse, organics, and recycling room meeting the minimum dimensions stated in Table 9311.6-B below or shall provide an equivalent space available in a centralized area or an outdoor enclosure with the same width and length dimensions, and a minimum height of six feet, and an opening at least eight feet wide.
 - b. Refuse, organics, and recycling rooms or outdoor enclosures shall be at the same grade as and adjacent to an existing alley if the site is adjacent to an alley.
 - c. The three interior walls of refuse, organics, and recycling indoor and outdoor enclosures shall include a two-inch by 16-inch wall guard covering the length of all interior walls in existing properties, or a curb six inches in depth by eight inches tall for remodels and new construction.
 - d. Nonresidential buildings and buildings occupied by uses that prepare, process and/or sell all food products must have a fully enclosed refuse, organics (including food waste) and recycling waste area with lighting, ventilation, and sanitary drains. Size and dimensions shall conform to the required design standards outlined in this Division.

Table 93 I I.6-B Resource and Recycling Room Dimensions in Mixed-Use and Non-Residential Development			
<i>Total Floor Area</i>	<i>Minimum Room Dimensions (feet)</i>		<i>Height</i>
	<i>Width</i>	<i>Length</i>	
Less than 5,000 sq. feet	21	7.5	10
5,001 to 20,000 sq. feet	21	14	10
20,001 to 40,000 sq. feet	28	20	10
41 or more units	See sub-section 4		

4. Large Residential, Mixed-Use and Nonresidential Development. Any development, whether residential, nonresidential, or mixed-use with more than 40 residential units, or with more than 40,000 square feet of floor area shall be reviewed by the Director of Public Works, who shall require the design and placement of a refuse, organics, and recycling room or outdoor enclosure consistent with the purpose of this Section to provide adequate and accessible areas for the storage and collection of refuse, organics, and recyclable materials.
5. Subterranean Storage. Buildings or structures in which refuse, and recyclable materials are stored in otherwise locked and secured subterranean garages may be permitted to designate a fenced area for the storage of refuse, organics, and recyclable materials in compliance with specifications as to location and materials established by the Director of Public Works.

D. Modifications. The Director, in consultation with the Chief Building Official and the Public Works Director, may modify the requirements listed below, subject to the design standards of this Section, in response to a written application for a modification. Such modification shall be based on information submitted by the applicant demonstrating that imposition of the design standards is technically infeasible. Modifications shall be limited to the following:

1. Modify the dimensions of solid waste, recycling, and organic waste rooms, or outdoor enclosures, provided that the frequency of solid waste, recycling, and organic waste collection is adequate to serve the uses on the site and protect the public health, safety, and general welfare.
2. Permit more than one solid waste, organics, recycling room or outdoor enclosure, provided the aggregate area is in substantial compliance with the design standards of this Section as determined by the Director of Public Works, and provided that each room or outdoor enclosure furnishes convenient access for disposal and collection of both solid waste, organics, and recyclable materials.
 - a. Solid waste, recycling, and organic waste containers located adjacent to alleys shall remain open to the alley.
 - b. Solid waste, recycling, and organic waste enclosures in subterranean parking areas should have a door of equal size with doorstops attached or a follow-up door and provide adequate lighting, ventilation, and sanitary drains.

- c. If the solid waste, recycling, and organic waste enclosure is in a subterranean parking area or remote location, a City-approved staging area on private property at the alley or street level shall be provided.
3. If the location of the solid waste, recycling, and organic waste room or outdoor enclosure is not convenient for collection, the Director of Public Works shall be authorized to require payment of a fee, established in the Master Fee Schedule, for collection of the solid waste and recyclable materials. In no event shall a fee be authorized in lieu of providing a solid waste and recycling room or outdoor enclosure.

9311.7 Screening of Equipment

A. General Requirements.

All exterior mechanical equipment, whether on a roof, on the side of a building, or located on the ground, shall be screened from public view. Exterior mechanical equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Solar energy systems are exempt from this screening requirement.

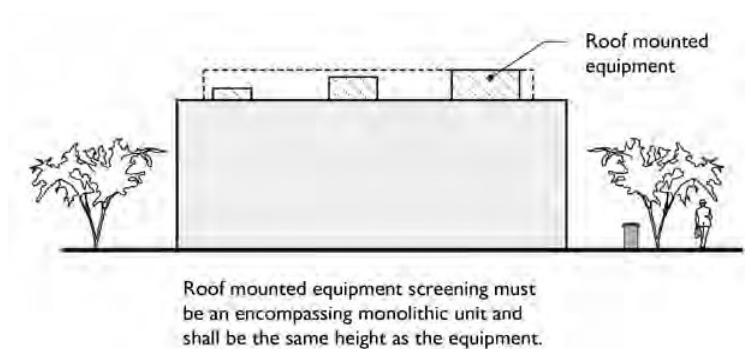
1. Screening materials may include landscaping or other materials that shall be consistent with the exterior colors and materials of the building.
2. The Director may reduce the height of the required screening based on the placement of the equipment on the roof, the existing height of the subject building and surrounding buildings, and the overall visibility of the equipment.
3. Screening shall be designed so it appears to be an integral part of the main building or structure with respect to materials, color, shape, and size.
4. Equipment shall be screened on all sides that are visible from the right-of-way or surrounding development with opaque screening materials.
5. Screening can be provided by plants if they are evergreen vegetation that is consistently well-maintained. Plant material sizes and types shall be selected and installed so that the vegetation will effectively screen the respective equipment at the time of building occupancy.
6. Wood expanded metal lath and chain link shall not be used for screening.

B. Requirements for Specific Types of Mechanical Equipment. The following additional screening standards apply to the specified types of mechanical equipment:

1. **Roof-Mounted Equipment.**

- a. Whenever feasible, roof-mounted equipment screening shall be constructed as an encompassing monolithic unit or a series of architecturally similar screening units on large roofs, rather than as several individual screens (e.g., multiple equipment screens, or "hats," surrounding individual elements will not be permitted).
- b. The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment.

FIGURE 93 I.7-A: SCREENING OF ROOF-MOUNTED EQUIPMENT



2. **Ground-mounted equipment.** Ground-mounted equipment that faces a street shall be screened to a height of 12 inches above the equipment, unless such screening conflicts with utility access, in which case reasonable accommodation shall be allowed.
 - a. Acceptable screening devices consist of decorative walls and/or berms (3:1 maximum slope) with supplemental landscaping materials, including trees, shrubs, and groundcovers.
 - b. For screen walls that are 3 feet high or lower, vegetative materials may be substituted for 50 percent of the screening device.
 - c. This requirement does not apply to incidental equipment such as generators and air conditioners. However, electrical substations, water tanks, sewer pump stations, and similar utilities are required to be screened and secured with a wall 1 foot above the equipment (not to exceed fencing and wall height limits without an exception). If the wall is greater than 25 feet in length, then the wall shall include breaks and design features including varying materials, wall caps, and landscaping.

FIGURE 9311.7-B: SCREENING OF GROUND-MOUNTED EQUIPMENT



3. **Exterior Wall Equipment.** Wall-mounted equipment, including, without limitation, electrical meters, electrical distribution cabinets, service entry sections, and valves and cabinets that face a street or public parking and are not recessed and/or separated from the street by intervening building(s) or walls or gates, shall be screened. Screening devices shall incorporate elements of the building design (e.g., shape, color, texture, and material). For screen walls that are 3 feet in height or lower, vegetative materials may be substituted for 50 percent of the screening device. This requirement does not apply to fire-related elements.

- C. Exceptions in Industrial Zoning Districts.** Due to its size, some outdoor equipment that is ancillary to operations in the IL and IG zoning districts may not be fully screened from view. In these cases, operators of such equipment shall only be required to provide screening that is consistent with provisions of Section 9311.7, to the extent feasible, and to the requirements that specifically apply to sites in the IL and IG districts pursuant to [Part 2, Division 3, Industrial Districts](#).

9311.8 Solar Energy Systems

Rooftop solar energy systems are permitted subject to the requirements of Government Code [Section 65850.5 \(a\)](#) and the requirements of this Section. Solar energy systems proposed as part of a larger construction project that requires discretionary approval shall be reviewed by the Director for compliance with the standards in this Section.

- A. **Visibility.** Excluding solar collector panels, their necessary support structure, and conduit, solar energy systems shall not be visible from the public right-of-way adjacent to the front property line.
 1. Except on single-family properties, solar collector panels, their necessary support structure, and conduit, shall be installed in the location that is the least visible from abutting streets directly facing the subject property so long as installation in that location does not significantly decrease the energy performance or significantly increase the costs of the solar energy system compared with a more visible location.
 - a. For energy performance, "significantly decrease" shall be defined as decreasing the expected annual energy production by more than ten percent.

- b. For the cost of solar energy systems, "significantly increase" shall be defined as increasing the cost of a photovoltaic solar energy system by more than two thousand dollars or the cost of a solar water or swimming pool heating system by more than twenty percent.
 - c. The Director shall review the design of the proposed installation and any supporting information the applicant submits to determine whether the proposed location is the least visible alternative that will meet the criteria for cost and energy efficiency.
- B. Height.** The height of solar energy systems is subject to the following standards:
 - 1. On single-family properties: Photovoltaic solar energy systems may extend up to five feet above the height limit in the zoning district. Solar water or swimming pool heating systems may extend up to seven feet above the height limit in the zoning district.
 - 2. On all other properties: Photovoltaic solar energy systems may extend up to five feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the district in which it is located. Solar water or swimming pool heating systems may extend up to seven feet above the roof surface on which they are installed even if this exceeds the maximum height limit in the district in which it is located.
- C. Required Setback.** Excluding solar collector panels, solar energy system equipment may be installed within the required side and rear setback but shall not be closer than two feet to any property line.
- D. Exceptions.** Proposed solar energy installations on all property types that do not meet the standards set forth in this Section shall not be authorized unless approved by the Director in accordance with Part 4, Division 10, Exceptions, prior to issuance of a building permit. The Director may authorize installations that exceed the height limit in the applicable zoning district up to a maximum of 14 feet.

9311.9 **Swimming Pools and Hot Tubs.**

Swimming pools and spas are permitted in Residential Districts when they are solely for the use and enjoyment of residents and their guests and meet the following requirements.

- A. Filtration Equipment.** Swimming pool or spa filtration equipment and pumps shall not be in front or street side yard and shall not be closer than 15 feet to the main building on an adjoining lot. All equipment shall be mounted and enclosed/screened so that its operation complies with [Division 5, Noise](#).
- B. Pool Setbacks and Covers.** The outside wall of the water-containing portion of any swimming pool or hot tub must be at least five feet from all property lines and five feet from the main residence and any accessory dwelling unit on the site. Pools and hot tubs in a residentially zoned district for private use shall not be located within a front setback.

- C. **Elevated Swimming Pools.** All elevated swimming pools constructed on the ground may not be higher than four feet.
- D. **Security and Screening.** Swimming pools shall be walled or fenced to prevent access from the street or from adjacent properties. All fencing shall comply with the requirements of the Uniform Swimming Pool, Spa, and Hot Tub Code.

9311.10 Underground Utilities

All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall be installed underground within the site. In-lieu fees shall be paid to the City in the event that required improvements cannot physically be constructed at the site of the proposed building or structure, and such fees shall be paid in cash or by cashier's check. ([Ord. 83-634, Section 3](#); [Ord. 88-830, Section 1](#))

9311.11 Visibility at Intersections and Driveways

- A. **Visibility.** Notwithstanding the provisions of Division 2, Fences, Walls, and Screening, no fence, wall, hedge, tree, or landscape planting shall be planted to obscure or block the visibility of vehicles entering or exiting an alley, driveway, parking lot, street intersection or other vehicle right-of-way or to constitute an unreasonable and unnecessary hazard to persons lawfully using an adjacent pedestrian or vehicle right-of-way.
 - 1. No obstruction shall be located less than five feet from the intersection of the parcel line with a driveway or garage door, or the intersection of parcel lines adjacent to street or alley intersections unless the obstruction is either less than 24 inches above the adjacent vehicle right-of-way or is authorized pursuant to subsection (B) of this Section.
 - 2. No development shall be allowed if it would otherwise cause an existing obstruction to be in violation of this subsection unless:
 - a. The obstruction is less than 24 inches above the adjacent vehicle right-of-way, or
 - b. The obstruction or development is authorized pursuant to subsections (B) or (C) of this Section.
 - 3. Trees located within the sight distance triangle shall have a minimum clearance of 13 feet between the lowest portion of the canopy and the street. The requirements of this sub-section do not apply to unsignalized intersections of local streets, unless specifically required by the Director.
 - 4. Visibility of a driveway crossing a street lot line shall not be blocked above a height of 24 inches within the sight distance triangular area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at 12 feet along both lines from their intersection.

5. Street trees are permitted provided they are pruned at least 7 feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers.

FIGURE 9311.11-A: VISIBILITY AT STREET INTERSECTIONS

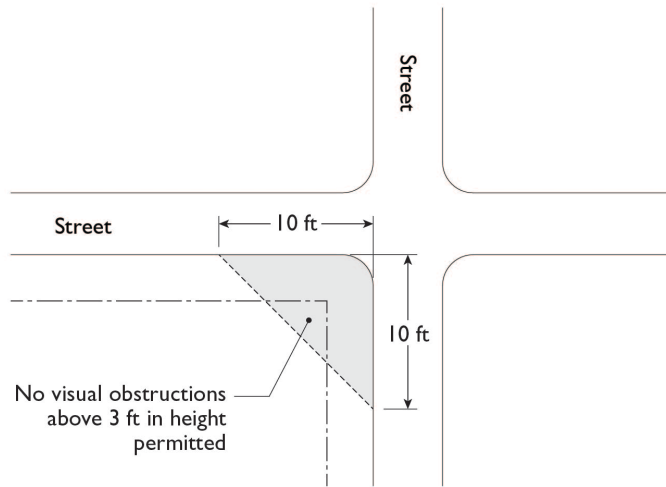
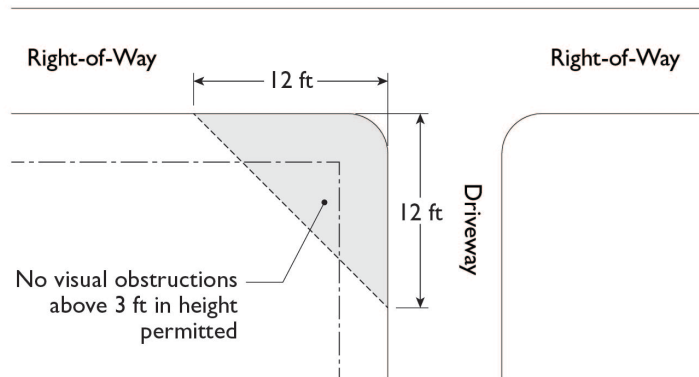


FIGURE 9311.11-B: VISIBILITY AT DRIVEWAYS



- B. Exempt Structures and Plantings.** The regulations of this Section do not apply to existing buildings, public utility poles, saplings or plant species of open growth habits and not planted in the form of a hedge that are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view, official warning signs or signals, or places where the contour of the ground is such that there can be no cross visibility at the intersection.

- C. Allowable Encroachments.** The Director may approve encroachments into the five-foot hazardous visual area in addition to those specified in subsection (A) of this Section when the parcel owner submits a written request and satisfactory evidence demonstrating that:
1. Characteristics applicable to the parcel, including size, shape, topography, location, or surroundings, which do not apply to other properties in the vicinity, unreasonably restrict an owner's ability to comply with subsection (A) of this Section,
 2. The proposed encroachment will be designed to maintain adequate sight view and/or provide other design elements, such as the use of mirrors, and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street, or other right-of-way,
 3. The strict application of the provisions of this Section would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships, or would result in unreasonable deprivation of the use or enjoyment of the parcel, and
 4. The approval of the encroachment will not be contrary to or in conflict with the general purposes and intent of this Section, nor to the goals, objectives, and policies of the General Plan.
 5. Review by the Traffic Engineer is required when fencing, landscaping, or other potential encroachments are proposed:
 - a. Within 10 feet of the point of intersection of a vehicular accessway or driveway and a street or sidewalk,
 - b. Within 20 feet of the point of intersection of two or more vehicular accessways including driveways, alleys, or streets.
 6. Measurements shall be made from the face of the curb or, if there is no curb, from the edge of the pavement.
- D. Detached Garages in LDR and LMX Districts.** The Director may approve a detached garage with alley access located in the LDR and LMX Districts even if this garage would cause an existing obstruction to be located in the hazardous visual obstruction area if the garage will be designed to maintain adequate sight view and/or provide other design elements, such as the use of mirrors, and will not constitute a hazard to persons lawfully using an adjacent sidewalk, alley, street or other right-of-way.

Division 2. Fencing, Walls, and Screening

Sections:

- 9312.1 Purpose and Applicability**
- 9312.2 General Requirements**
- 9312.3 Fencing and Screening Requirements in Mixed-use and Non-Residential Zoning Districts**
- 9312.4 Height Requirements for Fences, Walls, and Screening**
- 9312.5 Fencing on Retaining Walls**
- 9312.6 Measurement of Location of Fencing and Screening**
- 9312.7 Temporary Fencing**

9312.1 Purpose

These provisions are intended to establish standards for fences and walls to protect property, provide a buffer between uses of varying intensity, ensure safety and security, and protect privacy. Fences are also allowed to help control dust, abate or reduce noise, and to improve the appearance of neighborhoods and districts for the community and for visitors driving through the city. These provisions apply to fencing this Code requires and to fences a property owner proposes.

9312.2 General Requirements

- A. Permits Required.** Fences that comply with the requirements of this Division are permitted. All other fences require Zoning Conformance approval by the Director. Any fence over six feet in height requires a building permit in addition to approval by the Director.
- B. Maintenance.** The property owner shall maintain fencing with no sign of rust or disrepair. Graffiti shall be removed by the property owner within 48 hours. This requirement is in addition to and without limitation of the provisions of CMC Article V, Chapter 4 (Graffiti Prevention and Removal). In the case of a conflict, the more restrictive provisions shall prevail.
- C. Fencing Location.**
 - 1. Mixed-use and non-residential zoning districts. Fencing shall be installed on the property line except when adjacent to a public street, in which case the fencing shall be installed behind required landscaping.
 - 2. Residential zoning districts. If there is no sidewalk, the Director, subject to the concurrence of the Director of Public Works, may allow the setback to be measured from the future location of the sidewalk. Further, if a fence is to be in the public right-of-way, an encroachment permit will be required.

3. Fence Location on a Lot. Fences may be erected, placed, or maintained along or adjacent to a lot line or within a yard on private property. A fence located on a lot line shall be considered as being within the yard adjacent to that lot line. The fence owner shall be responsible for properly locating all lot lines before construction of any fence.
4. Fence Encroachment onto Public Property. No portion of any fence, including gate doors, structure, foundation, or footings, shall encroach upon or project into any public right-of-way or other public property without the fence owner first obtaining from the City an encroachment permit.
5. Prohibited Fence Locations. No person shall place, construct, maintain, or cause to be placed any fence that may endanger the public safety, including but not limited to the following:
 - a. Fire Hydrant Access. No fence shall obstruct free access to any fire hydrant.
 - b. Sight Triangle. No fence including screening that is a visual obstruction may be constructed or maintained within the sight triangle (see Section 9311.12, Visibility at Intersections and Driveways). A fence shall be deemed to be a visual obstruction if any part of it over 42 inches high has opacity more than 50 percent.
6. Screening Types Permitted. Screening proposed to meet the requirements of this Division may consist of one or more of the following types:
 - a. Walls. Walls shall be constructed of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of four inches thick.
 - b. Berms. A berm shall be constructed of earthen materials and shall be landscaped in compliance with the requirements of this Division and Division 3, Landscaping.
 - c. Planting. Plant materials, when used as a screen, shall consist of compact evergreen plants, planted in a minimum three-foot-wide planting strip.
 - i. The plants shall be of a kind that will have a minimum height of two feet and width of two feet within 12 months after initial installation.
 - ii. The Director may require installation of walls, berms, or solid fencing if, after 12 months of installation, the plant materials have not formed an opaque screen or if, at any time, the plant materials are not maintained to create the desired screen.

D. Fencing Materials

1. Fences shall be constructed of wood, metal, polyvinyl chloride (PVC), masonry or other permanent materials designed for permanent fencing. Chain link fencing is prohibited in residential areas.

2. No more than two different types of fencing materials shall be used in any fence or wall.
 3. For non-residential uses in residential or mixed-use zoning districts or abutting a school or park, a wall or fence eight feet in height is required along any rear or side property line separating the non-residential use from adjacent residential uses.
Gates, Posts, and Other Fence Features
- E. Orientation.** All fence posts and related supporting members of the fence shall be erected so that the finished side or sides of the fence shall face the adjacent lot or public right-of-way.
- F. Gates.**
7. Gates with locks that are routinely locked shall be equipped with a doorbell device capable of notifying the occupants within the residential structure or a telephone number that can be used to notify the occupants.
 8. Entry features over front yard gates (e.g., open latticed arbors and trellises), not exceeding eight feet in height, three feet in depth, or five feet in width are allowed when located within the required front yard but outside the sight triangle.
- G. Fences on Alleys.** When a rear yard abuts an alley, the alley-facing side of a solid fence shall be clearly labeled with the house address number.

9312.3 Fences and Screening in Residential Districts

- A. Maximum Height in Residential Districts.** The height of fences in Residential zoning districts shall be limited by location as specified below in Table 9312.4.
- B. Exceptions to Residential Fence Height Regulations.** The Director may grant an exception to the front yard fence height requirements imposed by this Section as provided in Part 4, Division 10, Waivers. Such exception shall be made only after providing notice of the proposed fence adjustment to abutting property owners and after determining that:
1. The proposed fence will not create or exacerbate a public safety hazard, and
 2. Front yard fencing that prohibits access to the home shall be equipped with a doorbell device.

TABLE 9312.4: ALLOWABLE FENCE HEIGHTS IN RESIDENTIAL ZONING DISTRICTS			
<i>Fence location</i>	<i>Maximum basic height</i>	<i>Maximum height exceptions</i>	<i>Notes</i>
Required front yard	4 feet	4 feet.	Front yard fences above 4 feet in height are permitted when located outside of the required front yard.
Required side yard (interior)	6 feet or 7 feet with decorative finish, such as lattice.	The maximum height of 7 feet only allowed if one abutting residential structure has at least 10-foot side yard setbacks, or if a residential lot abuts a mixed-use, commercial, or industrial use.	
Required street side yard	6 feet or 7 feet with decorative finish, such as lattice.	Maximum height not allowed within 15 feet of street corner.	
Required rear yard	6 feet or 7 feet with decorative finish, such as lattice.	Decorative finish, such as lattice, required in the top 1 foot	The maximum height exception may be allowed only when a rear yard abuts an interior side yard.
Within sight triangle	Not permitted	Not permitted	See Division 1, Section 9311.12, Visibility at Intersections and Driveways for additional detail.

9312.4 Temporary Fences

Temporary fencing is permitted subject to the requirements of this Section.

- A. **Applicability.** Temporary fencing may be used to provide security for approved "special events," construction sites, vacant structures, and for vacant land, which cannot otherwise be secured.
 - 1. The fencing shall consist of chain link fencing or other materials approved by Director and shall be limited to a height of eight feet.
 - 2. The use of temporary fencing around occupied structures is prohibited.
 - 3. Location and height of temporary fencing shall be indicated on site plan submitted in connection with any permit application.
- B. **Special Events.** The fencing around approved special events shall be removed at the conclusion of the event.

- C. Construction Sites.** The fencing for construction sites shall not be installed until a building permit or grading permit has been issued and shall be removed prior to final inspection. If the building permits expire before the construction is completed, the Director may issue an administrative permit to allow the fencing to remain for a longer period.
- D. Vacant Land and Vacant Structures.** The use of temporary fencing around vacant land or vacant structures shall be subject to the terms and conditions specified in the Director's approval authorizing this fencing. Any temporary fence that remains on site for more than six months shall comply with fence regulations of this Division.

Division 3. Landscaping

Sections:

- 9313.1 Purpose.**
- 9313.2 Applicability**
- 9313.3 General Requirements.**
- 9313.4 Areas Requiring Landscaping**
- 9313.5 Landscaping Materials, Size, and Spacing**
- 9313.6 Preservation and Removal of Existing Trees**
- 9313.7 Installation and Maintenance**
- 9313.7 Water-Efficient Landscaping**

9313.1 Purpose

These regulations are intended to establish regulations for landscaping that will:

- A.** Improve the livability and appearance of the community,
- B.** Enhance the aesthetic appearance of new development,
- C.** Aid in energy conservation,
- D.** Protect groundwater quality and prevent soil erosion by providing vegetated areas that harvest, absorb, and filter rain and storm water,
- E.** Reduce air pollution and absorb greenhouse gas emissions through the biological filtering capacities of trees and vegetation, and reduce the negative quality-of-life effects of heat, noise, and glare,
- F.** Provide for landscaping that includes edible plants, shrubs, and trees that comply with applicable height and irrigation requirements,
- G.** Promote conservation of water resources through the installation of properly designed, installed, and maintained climate-appropriate plants and water-effective irrigation systems,
- H.** Minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots through visual screening, and
- I.** Soften the appearance of and reduce the heat island effect of parking lots and other development.

9313.2 Applicability

The requirements of this Division apply to all new development, structural alterations, and additions in residential and mixed use zones. All applications must also comply with the provisions of

Carson Municipal Code, Article V, [Chapter 10, Water Conservation and Sustainability Measure](#), unless modifications to the standards are approved by the appropriate authority based on a determination that the proposed alternatives will be equally effective in achieving the intent of this Division. The Decision-making authority may also grant exceptions where minimum landscaping is not feasible such as on very small lots or lots developed without setback requirements. The requirements of this Division do not apply to any area proposed to be retained in its natural state where the review authority has determined additional landscaping is not needed.

9313.3 General Requirements

A landscape and irrigation plan shall be submitted with the permit application for all projects for which landscaping is required except individual single-unit dwellings installing no landscaping, other than mulch, and without any irrigation system.

- A. No landscaped area less than two feet wide in any horizontal dimension shall count toward required landscaping.
- B. Trees and shrubs shall be planted and maintained in compliance with [Part 3-A, Section 9311.12, Visibility at Intersections and Driveways](#).
- C. Landscaping shall be designed to integrate all elements of the project (e.g., buildings, parking lots, and streets) to achieve their aesthetic objectives, create desirable microclimates, and minimize water and energy demand with plant materials selected for low water demand and drought tolerance consistent with the provisions in Section 9313.7, Water-Efficient Landscaping, of this Division.

9313.4 Areas Requiring Landscaping

In addition to any areas required to be landscaped by District regulations applicable to the subject project, landscaping shall be provided in the following locations as shown in Table 9313.4, Landscaping Requirements by Use Type. Landscaping provided in compliance with the requirements of this Division may be counted toward the total area of site landscaping the District regulations require.

- A. **Required Setbacks.** All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.
- B. **Common Property Lines Abutting Residential Districts.** Wherever a non-residential use is located adjacent to a residential district or use, a landscape buffer planted with a mix of trees and shrubs shall be provided along common property lines.
 - 1. At least one tree of at least 15-gallon size shall be planted per 20 lineal feet or as appropriate to create a tree canopy over the buffer yard. In addition, at least 3 shrubs shall be planted per 20 lineal feet.
 - 2. At least 10 percent of the required trees shall be 24-inch box size.

- C. Commercial, Employment or Other Non-residential Use.** Non-residential uses in residential and mixed-use districts shall be separated by a five-foot wide landscaped buffer along the property line.
- D. Parking Areas.** All parking structures and parking surface lots shall comply with the provisions of Division 6, Off-Street Parking and Loading, and the requirements of this section. Landscape features shall include a combination of landscaped buffers including planting strips between rows of parking stalls and between parking areas and adjacent buildings or internal pedestrian walkways, landscaped islands between parking stalls or at the ends of rows of parking stalls, and on-site landscaping at the parking lot perimeter. Landscaping shall meet the requirements of Section 9313.4, Landscaping Materials, Size, and Spacing unless otherwise specified and shall be designed to meet the following standards:
1. **Layout.** Landscaped areas shall be distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of the following:
 - a. Landscaped planting strips at least two feet wide between rows of parking stalls,
 - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways,
 - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls, and
 - d. On-site landscaping at the parking lot perimeter.
 2. **Buffer for Above-Grade Parking Structures.** A parking garage that does not incorporate ground-floor nonresidential or residential uses must have a 10-foot-wide landscaped buffer around the foundation if the structure is less than five levels and a 15-foot landscaped buffer for any garage with five or more levels.
 3. **Landscaped Buffer for Surface Parking Adjacent to Right-of-Way.** A landscaped area at least five feet wide shall be provided between any surface parking area and any property line adjacent to a public street unless a greater dimension is specified in the base district standards applicable to a site.
 4. **Landscaped Buffer for Surface Parking Abutting Interior Property Line.** A landscaped area at least three feet wide shall be provided between any surface parking area and any adjacent lot for the length of the parking area.
 5. **Surface Parking Lot Landscaping.**
 - a. One tree per five parking spaces must be provided in a manner that complies with [Division 6, Off-Street Parking and Loading](#). The trees planted in compliance with this Section shall be of a size that will result in canopy coverage of 50 percent of the parking lot's hardscape within 15 years of the installation of the parking lot landscaping.

- b. Required landscaping shall be dispersed throughout the parking area. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping if it extends at least four feet into the parking area from the perimeter landscape line.
6. **Permeable Surfaces.** New surface parking lots shall include a minimum of 20 percent permeable surfaces. Permeable surfaces and grading shall be coordinated so that storm water can infiltrate the surface in areas with less than 5 percent slope. Permeable surfaces are encouraged in areas of low traffic or in-frequent use wherever feasible.
 7. **Drainage.** All parking areas shall be properly drained, consistent with the California Regional Water Quality Control Board and subject to the approval of the Director of Public Works.
 8. **Protection of Vegetation.** Landscaped areas, excluding drivable surfaces, shall be protected by a curb at least six inches wide and six inches high. Such curbs shall be designed to allow storm water runoff to pass through.
 9. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall not obstruct drivers' vision of vehicular and pedestrian cross-traffic and shall be built in compliance with Section 9311.12, Visibility at Intersections, Alleys, and Driveways.
 10. **Runoff Prohibited on Sidewalks.** Parking areas in nonresidential districts shall be designed so that surface water run-off will not drain over any sidewalk or adjoining property.
 11. **Cross-grades.** Cross-grades shall be designed for slower storm water flow and to direct storm water toward landscaping, bio-retention areas, or other water collection/treatment areas.
- C. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped.

TABLE 9313.4: LANDSCAPING REQUIREMENTS BY USE TYPE	
<i>Land Use Type</i>	<i>Minimum Landscaped Area Required</i>
Primarily single unit	Front yard
Other residential	All usable open space not occupied by decks and patios or 20 percent of the site, whichever is greater
Mixed-use and commercial	20 percent of site
Downtown	10 percent of site
Office and Medical	20 percent of site
Industrial	20 percent of site
Public and Quasi-Public and all other uses	At discretion of review authority
Parking lots	10 percent of parking area

9313.5 Landscaping Materials, Size, and Spacing

Landscaping may consist of a combination of groundcovers, shrubs, vines, trees, and garden areas including edible vegetation. Landscaping may also include incidental features such as semi-pervious pathways, stepping-stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting.

- A. Ground Cover Materials.** Ground cover shall be of live plant material and may not be comprised of pervious non-plant materials such as permeable paving, gravel, colored rock, cinder, bark, and similar materials. Mulch must be confined to areas around shrubs and trees and is not a substitute for ground cover plants.
- B. Size and Spacing.** Plants shall be of the following size and spacing at the time of installation:
 - 1. **Ground Covers.** Ground cover plants other than drought-tolerant grasses must be at least the four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of at least one per 12 inches on center.
 - 2. **Shrubs.** Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.
 - 3. **Trees.** Trees shall be a minimum of 15 gallons in size with a one-inch diameter at breast height (dbh). Newly planted trees shall be supported with stakes or guy wires. Any tree to be planted along a property line or adjacent to a structure shall be no closer to said property line or structure than one-half (1/2) the diameter of the species' drip line at maturity, measured from the center of the tree.

9313.6 Preservation and Removal of Existing Trees

A. Preservation and Protection of Existing Trees.

The following measures shall be implemented during construction to protect trees to be retained on the site in addition to any that may be recommended by an arborist hired by the applicant and imposed as a condition of approval of the Use Permit or other planning approval:

- 1. Construct fencing around the drip line of each tree or group of trees to be retained,
- 2. No fill, grading, or construction shall be permitted within the drip line of any tree (or within six feet of the trunk, whichever is greater) designated for preservation except as may be recommended by an arborist or forester.
- 3. Trenching shall be prohibited within the tree drip line, and any required utility line within the tree drip line shall be installed by boring or drilling through the soil.

4. Where necessary for access in the vicinity of trees designated for preservation, paving within the drip line shall use porous materials such as gravel, loose boulders, cobbles, wood chips, or bark mulch.
- B. Removal of Trees.** The Director may approve the removal of trees based on the recommendation of a qualified arborist submitted by the applicant that one or more of the following conditions exist:
1. The tree is in poor health and cannot be saved,
 2. The tree is a public nuisance, causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.),
 3. The tree is in danger of falling and cannot be saved by some other means (such as pruning),
 4. The tree is damaging existing private improvements on the lot (e.g., building foundation, wall, patio, deck, roof, retaining wall, etc.),
 5. The tree species has been identified as fire prone and is within 30 feet of a structure including Blue gum eucalyptus (*Eucalyptus globulus*), Monterey pines (*Pinus radiata*), Tree of Heaven (*Ailanthus altissima*), Black acacia (*Acacia melanoxylon*), Italian cypress (*Cupressus sempervirens*) other Juniper (*Cupressus*), and bamboo (*Bambusa*);
 6. The tree species is known to develop weaknesses that affect its health or the safety of people and property (e.g., short-lived, weak-wooded, and subject to limb breakage, shallow-rooted and subject to toppling), and
 7. There is no alternative plan that would allow reasonable development of the site.
- C. Replacement of Significant Trees Required.**
- Trees shall be replaced at a ratio of at least one new tree for every tree removed. Replacement trees shall be selected from a list published by the Director or as recommended by a qualified arborist and shall be planted in the following order of priority:
1. On the project site,
 2. On any adjacent property subject to approval of the owner, or
 3. In the public right-of-way adjacent to the property subject to approval of the Director of Public Works.
 4. The minimum replacement tree size shall be 15 gallons. Exceptions to this requirement may be approved by the Director when site conditions warrant.
 5. Replacement trees shall be selected from a list published by the Director.

9313.7 Installation and Maintenance

A. Maintenance Requirements. All landscaping shall be permanently maintained in a healthy and always thriving condition, in compliance with the approved landscape plan. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the original approved design or upgraded to reflect current best practices for water efficiency. Regular maintenance shall include:

1. Adjusting, checking, and repairing irrigation equipment, resetting automatic controllers, aerating and de-thatching turf areas, adding/replenishing fertilizer, mulch, soil amendments, insect control, the replacement of dead or diseased plants, pruning, watering, and weeding all landscaped areas,
2. The trimming of vegetation as necessary to maintain the effective functioning of solar energy facilities and passive solar design features installed both on site and on adjacent properties, and
3. The trimming of vegetation as necessary to keep pedestrian and bicycle paths clear.
4. Maintenance of vegetation shall include:
 - a. Pruning, cultivating, weeding, fertilizing, replacement of plants, and watering on a regular basis,
 - b. Pruning or removal of overgrown vegetation, cultivated or uncultivated, that may harbor rats, vermin, or other nuisances, or otherwise be detrimental to neighboring properties, and
 - c. The removal of dead, decayed, diseased, or hazardous trees, weeds and debris that create an unsightly appearance and may be dangerous to public safety and welfare or detrimental to neighboring properties or property values. Compliance shall be by removal, replacement, or maintenance.
 - d. Landscaping (trees, shrubs, ground cover, turf, etc.) that does not appear healthy or fails to grow due to accident, damage, disease, lack of maintenance, or other cause shall be replaced with drought tolerant species. Replacement plants shall conform to all standards that govern the original planting installation, approved landscaping plan, or as approved by the Director.

B. Removal of Litter.

1. Litter shall be removed from all landscaped areas in a timely fashion,
2. Turf areas shall be mowed on a regular basis and kept green unless State or local regulations limit or prevent watering due to drought conditions.
3. Accumulation of leaves, twigs, bark, and other similar materials shall be removed on a regular basis. Planting areas shall be always kept free of weeds.

9313.8 Water Efficient Landscaping

The California Department of Water Resources [Model Efficient Landscape Ordinance set forth in Chapter 2.7 of Division 2 of the California Code of Regulations](#) and [Chapter 20.09 of Title 20 \(Utilities Code\) of the Los Angeles County Code](#), as amended and in effect on the effective date of this Division, are hereby adopted by reference. The above-mentioned Chapters which are hereby adopted shall constitute and may be cited as the Water Efficient Landscape Ordinance of the City of Carson except as provided in this Section.

Copies of the California Department of Water Resources [Model Efficient Landscape Ordinance set forth in Chapter 2.7 of Division 2 of the California Code of Regulations](#) and Chapter 20.09 of Title 20 (Utilities Code) of the Los Angeles County Code have been deposited in the office of the City Clerk of the City of Carson and shall be at all times maintained by the City Clerk for use and examination by the public.

A. Definitions.

Whenever any of the names or terms defined in this Section are used in this Water Efficient Landscape Ordinance, each such name or term shall have the meaning ascribed to it in this Section.

1. “Building Official” shall mean the City of Carson Building Official.
2. “Chapter 20.09 of Title 20” or “Title 20, Division 1 of the Los Angeles County Code” shall mean Chapter 20.09 of this Water Efficient Landscape Ordinance as amended by the Carson City Council to delete the last four sentences.
3. “County” or “County of Los Angeles” shall mean the City of Carson.
4. “Director” or “Director of Public Works” shall mean the Director of Community Development of the City of Carson.
5. “Division V of Article 11 of Part III of Title 32” shall mean Division VII of Article 11 of the Fire Code of the City of Carson.

B. Violations and Penalties.

1. No person shall perform any landscaping in the City of Carson, or cause the same to be done, contrary to or in violation of any of the applicable provisions of the Water Efficient Landscape Ordinance.
2. Violation of any provision of the Water Efficient Landscape Ordinance shall be punishable as an infraction as specified in Carson Municipal Code, Article 1, Chapter 2, Penalty Provisions.

C. Fees.

1. A landscape permit fee shall be paid to the Director in the amount set forth in the most current resolution of the City Council establishing fees pursuant to this Water Efficient Landscape Ordinance at the time of issuance of such permit.
2. A plan checking fee for landscaping shall be paid to the Director in the amount set forth in the most current resolution of the City Council establishing fees pursuant to this Water Efficient Landscape Ordinance at the time of submitting plans and other required documents.
3. The amount of each fee set forth in this Water Efficient Landscape Ordinance shall be the amount set forth in the most current resolution of the City Council establishing fees pursuant to this Water Efficient Landscape Ordinance.

Division 4. Lighting and Glare

This new Division replaces Section 9157.1, Exterior Lighting with more detailed requirements for exterior lighting applicable to the lighting of buildings, landscaping, parking lots, playing fields and other facilities.

Sections:

9314.1	Purpose and Applicability.
9314.2	Exemptions
9314.3	Prohibitions
9314.4	General Requirements
9314.5	Lighting by Zoning Districts
9314.6	Classes of Lighting
9314.7	Additional Requirements
9314.8	Definitions

9314.1 Purpose and Applicability

This Division establishes regulations to control outdoor lighting to maintain adequate visibility and safety, conserve energy, and protect against direct glare and excessive lighting. The standards of this Division apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems. The total outdoor light output of any site shall not exceed the level allowed on the site for individual lighting zoning districts, except as provided in the Subsection 9314.2, Exemptions, below.

9314.2 Exemptions.

The following lighting types are exempt from the provisions of this Division.

- A. Emergency Lighting.** Temporary emergency lighting needed by police, fire, and other emergency services.
- B. Holiday Lights.** Holiday lighting from October 30th to February 1st, provided that no individual lamp exceeds 10 watts and 70 lumens. Flashing holiday lights are prohibited on commercial properties.
- C. Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this Division are exempt from all requirements of this Division. There shall be no change in use or lamp type, or any replacement (except for same-type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this Division. If the property is abandoned, the requirements of this Division will apply when the abandonment ceases.

- D. Swimming Pool and Fountain Lighting.** Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards, though it shall conform to all other provisions of the Zoning Code.
- E. Solar-powered Lighting.** Solar-powered lights of 5 watts or less per fixture used in residential landscaping applications and to illuminate walkways are exempt from applicable lamp type and shielding standards and are excluded from the total lumen calculations for the site.
- F. Temporary Exemptions.** A property or business owner may submit a written request to the Director for a temporary exemption from the requirements of this Division. If approved, such exemption will be valid for up to 30 days and is renewable at the discretion of the Director. The request for a temporary exemption shall describe:
1. Specific exemptions requested,
 2. Type and use of exterior light involved,
 3. Duration of time for requested exemption,
 4. Type of lamp and calculated lumens,
 5. Total wattage of lamp or lamps,
 6. Proposed location of exterior light,
 7. Previous temporary exemptions, if any, and
 8. Physical size of exterior light and type of shielding provided.

9314.3 Prohibitions

The following types of outdoor lighting are prohibited:

- A. Searchlights.** The operation of searchlights for advertising purposes.
- B. Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal unless the Director approves a Temporary Exemption under sub-section F above.
- C. Advertising Sign or Landscape Illumination.** The unshielded outdoor illumination of any outdoor advertising sign or landscaping except for low voltage accent landscape lighting. See Part 3-B, Division 51, for additional regulations applicable to signs.
- D. Mercury Vapor.** The installation of new mercury vapor fixtures. Existing mercury vapor fixtures shall be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are undertaken, exclusive of ordinary maintenance and repair.

- E. **Other Light Types.** Blinking, flashing, revolving, flickering, changing intensity of illumination, and changing color lights. This prohibition does not apply to holiday lights or digital displays that are regulated by regulations.

9314.4 General Requirements.

All outdoor lighting on private property shall be designed, located, and installed to be directed downward or toward structures, be shielded or fully shielded, and shall be well-maintained to prevent glare, light trespass (unwanted light on adjacent lots and public rights-of-way), and light pollution to the maximum extent feasible.

- A. **Prohibitions.** No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the Director.
- B. **Height.** Outdoor light standards shall not exceed the following maximum heights based on land use type:
1. Single-Unit Residential—17 feet.
 2. Multi-Unit and Mixed-Use Residential-14 feet.
 3. Business and Light Industrial Parks-16 feet.
 4. Retail Centers and Commercial Districts-16 feet.
- C. **Hours of Operation.** All outdoor lighting in non-residential development shall be turned off during daylight hours and during any hours when the building is not in use and the lighting is not required for security.
1. Time clocks or photo-sensor systems may be required as a condition of approval of a discretionary permit.
 2. Outdoor lighting shall use energy-efficient fixtures/lamps. Examples of energy efficient fixtures/lamps include high pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency.
- D. **Safety and Security.** For safety and security, during business hours, all areas having frequent vehicular and pedestrian traffic shall be equipped with a lighting device providing a minimum one-foot candle of light at ground level during the hours of darkness.
- E. **Design of Fixtures.** Fixtures shall be appropriate to the style and scale of the architecture and be shielded as required by Table 9314.4 below. The top of the fixture shall not exceed the height of the parapet or roof or eave of roof.

F. Entrances in Multi-Unit Residential Development. All entrances to multi-unit residential buildings with more than four units shall be lighted with low intensity fixtures to ensure the safety of persons and the security of the building.

G. Lamp Type and Shielding. The maximum outdoor light output level for a site shall not exceed the ambient lighting level allowed for the zoning district in which the site is located as shown in Table 9314.4 below and as follows:

1. Areas of high ambient lighting levels. These areas include CG, DMU, CMU, CR, FLX, BMX, IL, and IH zoning districts.
2. Areas of medium ambient lighting levels. These areas include the MDR, HDR, CN, and PSI zoning districts.
3. Areas of low ambient lighting levels. These areas include LDR, LMX, and POS zoning districts.

H. Classes of Lighting

1. **Class 1 Lighting.** All outdoor lighting used for, without limitation, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities, and other similar applications where color rendition is important to preserve the effectiveness of the activity. Designation of lighting as Class 1 requires a finding by the Director of the essential nature of color rendition for the application. Recognized Class 1 uses are: outdoor eating and retail food or beverage service areas, outdoor maintenance areas, display lots, assembly areas such as concert or theater amphitheaters.
2. **Class 2 Lighting.** All outdoor lighting used for, without limitation, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.
3. **Class 3 Lighting.** Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

I. Shielding. Lighting fixtures shall be shielded or recessed to reduce light bleed to adjoining properties, by taking all of the following measures:

1. The light source (e.g., bulb, etc.) shall not be visible from off the site,
2. Glare and reflections shall be confined within the boundaries of the site to the maximum extent feasible.
3. Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site.

4. Lighting on private property shall not produce an illumination level greater than one foot-candle on any property within a residential zoning district, except on the site of the light source.
5. All nonexempt outdoor lighting fixtures shall be shielded to meet standards in Table 9314.4.

TABLE 9314.4: LAMP TYPE AND SHIELDING STANDARDS			
Use Codes: A = all types of fixtures allowed, shielding not required but highly recommended, except any spot or floodlight shall be aimed no higher than 45 degrees above straight down F = only fully shielded fixtures allowed X = not allowed			
<i>Use Class and Lamp Type</i>	<i>CG, DMU, CMU, CR, FLX, BMX, IL, IH</i>	<i>MDR, HDR, CN, PSI</i>	<i>LDR, LMX, POS</i>
Class 1 Lighting (Color Rendition)			
<i>Initial output greater than or equal to 2,000 lumens</i>	F	F	F
<i>Initial output below 2,000 lumens</i>	A	A	A
Class 2 Lighting (General Illumination)			
<i>Initial output greater than or equal to 2,000 lumens</i>	F	F	F
<i>Initial output below 2,000 lumens</i>	A	A	A
Class 3 Lighting (Decorative)			
<i>Initial output greater than or equal to 2,000 lumens</i>	F	F	X
<i>Initial output below 2,000 lumens</i>	A	A ²	F
Residential Lighting (all Classes) I			
<i>Initial output greater than or equal to 3,000 lumens</i>	F	F	F
<i>Initial output below 3,000 lumens</i>	A	A	A ²
Notes: 1. Residential refers to all LDR and LMX zoning districts and single-unit dwellings in MDR zoning districts. Multi-unit residential buildings shall use standards for Class 1, 2, and 3 lighting. 2. Any lamp installed on a residential lot shall be fully shielded such that the lamp itself is not directly visible from any abutting residential lot.			

J. Additional Requirements

1. Outdoor Recreational Facilities.
 - a. Light fixtures in outdoor recreational facilities such as ball fields, and other outdoor nighttime facilities may exceed the illumination standards and height limits applicable to the zoning district in which the facility is located, subject to the following:

- b. **Minor Use Permit Required.** All lighting for outdoor recreational facilities shall require Minor Use Permit.
- c. **Exception to Lumen Limits.** Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1 (Color Rendition) and shall be exempt from the lumens per acre limits of Subsection 16.43.050, General Requirements.
- d. **Shielding.** Fully shielded lighting is required for all fields, unless another type of luminaire will not cause light trespass in adjacent residential neighborhoods.
- e. **Illuminance.** All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA), with adjustments allowed, as appropriate, for the level of play, the most light-demanding sport in a multi-sport venue, and the maximum number of attendees.
- f. **Off-Site Spill.** The installation shall also limit off-site spill (off the site containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design.
- d. **Certification.** Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Division.

K. Exterior Display/Sales Areas.

Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations and cannot be used to attract attention to the business. Lighting on exterior display/sales areas is also subject to the following:

- 1. **Display Lots.** Lighting for display lots shall be considered Class 1 (Color Rendition) and shall be exempt from the lumens per acre limits of Subsection TBD, General Requirements.
- 2. **Shielding.** All display lot lighting shall utilize fully shielded luminaires that are installed in a fashion that maintains the fully shielded characteristics.
- 3. **Illuminance.** The display lot shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
- 4. **Off-Site Spill.** The display lot shall limit off-site spill (off the parcel containing the display lot) to a maximum of 5 lux (0.5 fc) at any location on any non-residential property as measurable from any orientation of the measuring device. No off-site spill is allowed on any residential property.
- 5. **Curfew.** Display lot lighting exceeding the lumens per acre cap shall be turned off or within 30 minutes after closing of the business. Lighting in the display lot after

this time shall be considered Class 2 lighting and shall conform to all restrictions of this Division for this Class, including the lumens per acre caps.

L. Gasoline Station/Convenience Store Aprons and Canopies.

Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting on gasoline station/convenience store aprons and under canopies is also subject to the following:

1. Service Stations. Lighting for service station canopies shall be considered Class 2 lighting (General Illumination).
2. Shielding. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy.
3. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

Division 5. Noise

This is a new Division to augment current Code requirements applicable to specific uses and Carson Municipal Code, Article V, Chapter 5, Noise Control Ordinance. It establishes regulations that would apply citywide to implement the Noise Element of the General Plan with more detailed requirements for exterior lighting applicable to the lighting of buildings, landscaping, parking lots, playing fields and other facilities.

Sections:

- 9315.1 Purpose.**
- 9315.2 Exemptions.**
- 9315.3 General Requirements.**
- 9315.4 Noise Level Measurement**

9315.1 Purpose.

The purpose of these regulations is to implement the General Plan policies on noise exposure and land use compatibility policies. More specifically, the purpose of the noise standards is to:

- A.** Establish the principles and context for the application of noise limits, standards for noise exposure and land use compatibility, and requirements for reasonable noise attenuation measures,
- B.** Protect noise sensitive receptors from excessive noise exposure from other uses by requiring noise buffering,
- C.** Establish regulations for maximum noise limits and procedures for enforcing them, including requiring applicants for projects with noise exposure levels exceeding the standards in the Noise Element to identify and incorporate noise-attenuation measures into their projects; and
- D.** Prevent any land use from generating sound that exceeds specific maximum levels based on the type uses and the type of noise.

9315.2 Exemptions.

The following facilities and uses are exempt from these regulations:

- A. Emergencies.** The emission of sound for the purpose of alerting persons to the existence of an emergency, the performance of emergency work, or the operation of emergency equipment including, but not limited to, generators.
- B. Warning Devices.** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.
- C. Special Events.** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City.

- D. **Religious Institutions and Other Similar Organizations.** Unamplified bells, chimes, or other similar devices used by religious institutions and other houses of religious worship.
- E. **Time signals.** Signals produced by places of employment or worship and school recess signals provided no one sound exceeds 5 seconds in duration and no one series of sounds exceeds 24 seconds in duration.
- F. **Municipal Solid Waste Collection.** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.
- G. **Public Works Construction Projects, Maintenance, and Repair.** Street, utility, and similar construction projects undertaken by or under contract to or direction of the City, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.
- H. **Transportation equipment.** Sounds from transportation equipment used (1) to move goods and people to and from given premises and/or (2) in connection with temporary construction or demolition work.
- I. **Utility Facilities.** Facilities including without limitation 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping stations.

9315.3 General Requirements.

No person shall make, cause, suffer, or permit to be made upon any public property, public right-of-way or private property, any excessive noise, annoying noise, amplified sound or vibrations that are physically annoying to reasonable persons of normal sensitivity or that are so harsh or so prolonged or unnatural or unusual in their use, time or place as to cause or contribute to the unnecessary and unreasonable discomfort of any persons of normal sensitivity located at the lot line of the property from which these noises emanate or that interfere with the peace and comfort of residents or their guests, or the operators or customers in places of business in the vicinity, or that may detrimentally or adversely affect such residences or places of business. These provisions apply in addition to and without limitation of the prohibitions and requirements in Carson Municipal Code, Article V, Chapter 5, Noise Control Ordinance. In the case of a conflict, the more restrictive provisions apply.

A. Noise standards.

Table 9315.3-A classifies uses and facilities and establishes exterior and interior noise standards applicable to all uses and facilities in each classification that is not exempt from these requirements pursuant to Section 9315.2.

1. The requirements impose limits on regularly occurring noise for the specified time periods, averaged over an hour, and do not apply to incidental, infrequent, or

unexpected noise, which are subject to Carson Municipal Code Article IV, Public Peace, Chapter 1, Prohibited Conduct - Offenses, Section 4101, Unnecessary Noises, Regulations of Noise Disturbances, or to unamplified human voices.

TABLE 9315.3-A: MAXIMUM NOISE LEVEL BY NOISE ZONE			
<i>Noise Zoning districts</i>	<i>Maximum Noise Level in dBA (level not to be exceeded more than 30 minutes in any hour)</i>		<i>Maximum Noise Level in dBA (level not to be exceeded more than 5 minutes in any hour)</i>
	<i>Measured at Property Line or District Boundary</i>	<i>Measured at Any Boundary of a Residential Zone</i>	<i>Between 10 PM and 7AM, Measured at Any Boundary of a Residential Zone</i>
Single-Unit Residential	55	55	-
Multi-Unit Residential	55	55	-
Commercial and Mixed-Use	70	60	50 or ambient noise level
Industrial Light	70	60	50 or ambient noise level,
Industrial General	75	65	50 or ambient noise level
Public Facilities and Community Use	65	60	50 or ambient noise level
Open Space and Recreational Districts	65	60	50 or ambient noise level

- The standard limits in Table 9315.3-A above shall be adjusted by 5 decibels for any noise that contains a steady, pure tone such as a whine, screech, or hum, or is an impulsive sound such as hammering or riveting, or contains music or speech, depending on the time and the type of noise as described in the following table.

TABLE 9315.3-B: MAXIMUM NOISE LEVEL ADJUSTMENT BY TIME AND TYPE	
<i>Time and Type of Noise</i>	<i>Adjustment (Decibels)</i>
Any type other than construction and related activities between 7 am and 10 pm	+5
Noise of unusual impulsive character (e.g., hammering or drilling)	-5
Noise of unusual periodic character (e.g., hammering or screeching)	-5

3. **Additional Regulations.** In addition to the following restrictions, hours may be modified with conditions imposed by any conditional use permit or variance. The most restrictive hours shall apply.
 - a. *Construction hours.* Construction, demolition, and related loading/unloading activities that may generate noise exceeding levels in Table 9315.3-A shall be limited to hours between 7 am and 7 pm in all residential and mixed-use residential districts.

TABLE 9315.3-C: MAXIMUM NOISE LEVEL FOR CONSTRUCTION ACTIVITY			
<i>Time</i>	<i>LDR, LMX, POS</i>	<i>MDR, HDR, PSI</i>	<i>CG, DMU, CMU, CR, FLX, BMX, IL, IH</i>
Mobile construction equipment—non-scheduled, intermittent, and short-term for less than 15 days			
Weekdays, 7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA
Weekends, including legal holidays 9:00 a.m. to 8:00 p.m.	60 dBA	65 dBA	70 dBA
Stationary construction equipment			
Weekdays, 7:00 a.m. to 7:00 p.m.	60 dBA	65 dBA	70 dBA
Weekends, including legal holidays 9:00 a.m. to 8:00 p.m.	55 dBA	60 dBA	65 dBA

- b. *Noise measurement.* In determining whether any noise exceeds the maximum exterior noise limits set forth in this section, measurements shall be taken at the property line of the property from which the noise emanates, except that for noise emanating from property in a General Industrial IG zoning district, measurement shall be taken at boundary of the zoning district in which the property is located.
4. **Residential noise levels.**
 - a. *Interior.* No person shall operate or cause to be operated within a dwelling unit, any source of sound that causes the sound level when measured inside a neighboring receiving dwelling unit to exceed the allowable noise level, for any period.
 - b. *Exterior.* The exterior noise limits for any source of noise within any residential zone shall be reduced by 10 dBA between 10:00 p.m. and 7:00 a.m. The exterior noise limits for any source of noise in any zone other than a residential zone shall be reduced between 10:00 p.m. and 7:00 a.m. so that the noise measured at the property line of a "noise-sensitive use" does not exceed 50 dBA. The interior noise level from exterior sources in any residential bedroom for steady state continuous noise with windows open between 10:00 p.m. and 7:00 a.m. shall not exceed 30 dBA.
 - c. *Mitigation required.* New single-unit residential projects shall be located and designed so the noise levels in private use areas do not exceed 60 Ldn. New

multi-unit projects shall be designed and located so noise levels in outdoor areas, excluding balconies, do not exceed 65 Ldn.

- d. Noise from sources not under local jurisdiction such as freeways and aircraft shall be exempt from the requirements of this Division.
- e. Developers of mixed-use projects that include residential development shall notify all potential residents that they may be exposed to noise from adjacent and nearby commercial, retail, entertainment, and circulation activity.

9315.4 Noise level measurement.

The following provisions establish the means for measuring noise levels for purposes of the Zoning Code:

- A. Setting of Meter.** Any sound or noise level measurement made pursuant to the provisions of this Chapter shall be measured with a sound level meter using an A-weighting and "slow" response pursuant to applicable manufacturer's instructions, except that for sounds of a duration of two seconds or less, the "fast" response shall be used and the average level during the occurrence of the sound reported.
- B. Calibration of Meter.** The sound level meter shall be approximately calibrated and adjusted as necessary by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances set forth in American National Standards ANSI-SI.4-1971.
- C. Location of Microphone.** All measurements shall be taken at any lot line of a lot within the applicable zoning district. The measuring microphone shall not be less than 4 feet above the ground, at least 4 feet distant from walls or other large reflecting surfaces, and shall be protected from the effects of wind noises using appropriate wind screens. In cases when the microphone shall be located within 10 feet of walls or similar large reflecting surfaces, the actual measured distances and orientation of sources, microphone and reflecting surfaces shall be noted and recorded. In no case shall a noise measurement be taken within 5 feet of the noise source.
- D. Measured Sound Levels.** The measurement of sound level limits shall be the average sound level for a period of one hour.

9315.5 Compliance.

The Director shall require applicants for projects with noise exposure levels that exceed the standards listed in this Division to provide a technical analysis by a professional acoustical engineer and incorporate noise-attenuating features into site planning and architecture. With mitigation, development should meet the allowable outdoor and indoor noise exposure standards in or the California Building Code as adopted by the City, whichever is stricter.

- A.** The Director may require any applicant for planning approval under this Code to submit such information with respect to proposed machinery, processes, products, or environmental impacts as may be necessary to demonstrate the ability of the proposed uses to comply with the requirements of this section.

1. Acoustic studies shall include assessment of noise levels and recommend mitigation measures for projects that are likely to be exposed to noise levels exceeding the standards in this section based on project location and surrounding uses.
 2. Noise buffering shall be required where feasible for uses generating noise levels greater than the maximum established by State law and the General Plan Noise Element.
 3. When a building's openings to the exterior must be closed to meet interior noise standards, the Planning Authority may require the applicant to provide mechanical ventilation.
- A. The [California Land Use Compatibility](#) standards for community noise environments published by the Governor's Office of Planning and Research shall be used as a basis for review of any new residential, commercial, and mixed-use development.
 - B. Whenever an environmental analysis has been conducted and determined adequate under CEQA and City guidelines, no further information shall be required to be submitted.

Division 6. Off-Street Parking and Loading

This Division replaces Division 2. Vehicular Parking, Loading and Maneuvering Areas of the existing Zoning Code reorganized and revised as necessary to implement the General Plan 2040, the 2021-2029 Carson Housing Element Update, and State law.

Sections:

9316.1	Purpose
9316.2	Applicability
9316.3	General Regulations
9316.4	Parking Requirements by Use Type
9316.5	Parking Near Public Transit
9316.6	Shared Parking
9316.7	Parking Area Design and Development Standards
9316.8	Loading Spaces
9316.9	Bicycle Parking

9316.1 Purpose

This Division establishes requirements for the location, operation, and development of facilities for off-street parking and loading of automobiles, trucks, and other motorized vehicles to implement the General Plan's development, circulation, design, and environmental policies and the Carson Climate Action Plan by:

- A.** Ensuring that off-street parking and loading facilities are provided for new uses, major alterations, and additions to existing uses proportional to the need for such parking created by each use and sufficient to support the growth and change of use,
- B.** Providing ways to minimize the amount of land area and impervious surface devoted to parking of automobiles by allowing reductions in the number of required parking spaces in transit accessible areas, areas with a diverse mix of land uses with off-setting periods of peak parking demand, for shared parking facilities, and for other situations expected to have a lower demand for vehicle parking,
- C.** Addressing the needs of pedestrians by requiring parking lot designs that offer safe, attractive, well-shaded, and direct pedestrian routes providing easy and safe access between parking lots and the buildings and uses they are intended to serve,
- D.** Incentivizing development with parking management programs to maximize use of available parking and promote a reduction in vehicle trips,
- E.** Reducing the adverse effects of parking on the physical environment by controlling urban runoff and heat island effects, and, where appropriate, protecting surrounding land uses from adverse impacts,

- F. Protecting neighborhoods from the effects of vehicular noise, air pollution, and spillover traffic and parking generated by uses in adjacent nonresidential districts,
- G. Supporting bicycling and address the circulation, access, and security needs of cyclists to benefit community health and reduce vehicle emissions,
- H. Contributing to reduction of greenhouse gas emissions by complying with State regulation for reducing vehicle trips and supporting alternatives such as electric vehicles, and
- I. Improving community appearance by minimizing the visibility of parking from streets and dwellings.

9316.2 **Applicability**

The requirements of this Division apply to the following unless otherwise specified by this Code:

- A. **New Construction and New Discretionary Uses.** New buildings and new conditionally permitted uses in existing buildings,
- B. **Reconstruction and Expansion.** Reconstruction, expansion and change in use of existing buildings as follows:
 - 1. Changes in use, expansions of a use, or expansions of floor area that create a need for more than three required parking spaces or would require more than 10 percent of required spaces, whichever is greater. Increases in floor area or the area occupied by a use that has a greater requirement for parking shall be cumulative.
 - 2. Existing parking shall be maintained, and additional parking shall be required only for an addition, enlargement, or change in use and not for the entire building or site. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces more than the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use.
 - 3. When additional parking is required for a change of use, the project shall provide the difference between the required parking ratio for the existing use and the proposed use.
 - 4. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification (use type) than the former occupant.
- C. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires the provision of off-street parking to serve the new dwelling units in compliance with the provisions of this Division unless otherwise specified by this Code.

1. This requirement does not apply when enough on-site parking exists to provide the number of spaces required for the existing and new dwelling units in compliance with all applicable requirements.
 2. Parking for Accessory Dwelling Units are subject to the requirements of Part 3, Division TBD, Accessory Dwelling Units.
- D. Construction Timing.** On-site parking facilities required by this Division shall be constructed and installed prior to the issuance of a Certificate of Occupancy or Business License for the uses that they serve.
- E. Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking and loading facilities shall be reestablished or continued to provide the same number of spaces provided at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities exceeding those required by this Division.
- F. Exceptions.**
1. Neighborhood Retail. Commercial retail uses in multi-tenant buildings with a gross floor area of 3,000 square feet or less are exempt from the off-street parking and loading requirements of this Division.
 2. Small Nonresidential Lots. One and two-story nonresidential projects on existing lots that are 5,000 square feet or less are exempt from the off-street parking and loading requirements of this Division.
 3. Mixed-use and Commercial Zoning Districts. Ground floor non-residential uses in mixed-use buildings are exempt from the off-street parking and loading requirements of this Division if they occupy less than 3,000 square feet.
 4. Alternative Access and Parking Plans. If an alternative parking and loading plan is approved pursuant to Section TBD, Alternative Compliance with Parking Requirements, the off-street parking requirements shall be subject to the provisions of that plan.

9316.3 General Regulations

Except as otherwise provided in this Division, no less than the minimum number of parking spaces, as specified in this subsection, shall be provided for each use or site.

A. No Reduction in Off-Street Parking and Loading Spaces.

1. Off-street parking and loading spaces established as of the effective date of the Zoning Code shall not be reduced in number during the life of such building or land use to less than the number that would be required for a new building or use of a similar type under the requirements of this Code.

2. All existing off-street parking and loading spaces shall remain permanently available and accessible for the parking or loading of vehicles by occupants of the property, except that any surplus spaces may be rented out to non-occupants, or otherwise made publicly accessible with the provision that such spaces shall be vacated on 30 days' notice if they become needed by occupants of the property.
- B. Separate Parking and Loading Spaces.** No area may be used and counted as both a required parking space and a required loading space. However, maneuvering aisles and driveways may serve both required parking spaces and loading spaces if they meet the requirements specified in this Division for both parking and loading facilities.
- C. Assignment of Parking Spaces.** Assignment of parking spaces to individual users or tenants within a mixed use and/or multi-tenant project shall be prohibited except when such spaces are reserved for disabled parking, car or vanpool users, car share vehicles, or residential units.
- D. Future Parking Spaces.** A development may bank up to 10 percent of required parking spaces by demonstrating availability of on-site development area for such parking and designating future parking including:
1. Site plan identifying location and number of banked parking spaces,
 2. Measures that will be used to ensure that the banked spaces remain available to meet future needs, and
 3. Other provisions the Director or the Planning Commission determines necessary to preserve the banked spaces to meet the development's future need for parking.
 4. The Director may require the developer or an authorized representative to submit information on changes in the use of banked spaces in connection with changes in occupancy of the development.
- E. Nonconforming Parking.** Existing land uses with off-street parking and loading facilities that do not conform to the requirements of this Division may be enlarged or expanded, provided, that additional parking and loading facilities are added so that the enlarged or expanded portion of the building conforms to the requirements of this Division.
1. No existing use or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this Division, provided the facilities being used for off-street parking and loading as of the date of adoption of this Division are not reduced in number to less than that required by this Division, and the intensity of the proposed use does not increase.
 2. Intensity, for purposes of this section, shall mean an increase by more than 50 percent in building square footage or number of employees.

- F. Location of Parking. All vehicles are prohibited from parking on any lawn area or on any unapproved parking pad. Abandoned, inoperable, unlicensed and junk vehicles shall not be parked on any property other than a lot that the City has approved for such use.

9316.4 Parking Requirements by Use Type

The number of off-street parking spaces required for different use types shall be based on the peak hour demand for off-street parking demand listed in Table TBD: Peak Hour Off-Street Parking Demand by Use Type. Except as otherwise required by this Division or by State law, no less than the minimum number of parking spaces required by this sub-section shall be provided for each use or site unless a reduction is approved pursuant to Section TBD, Alternative Compliance with Parking Requirements.

- A. **Maximum Private Parking Limits.** Except as otherwise provided in this Section, no more than the maximum number of private, off-street parking spaces, as specified in this Sub-section, shall be provided for each use or site. The maximum number of private parking spaces allowed shall be equal to the estimated peak period parking demand as indicated in Table TBD.

1. **Excess Parking to be Shared.** Off-street parking spaces may be provided in excess of the maximum number of spaces specified in this Subsection (equal to the estimated peak period parking demand as indicated in Table TBD), provided that all such excess spaces are designed and operated to be shared and publicly accessible parking spaces available for public use at any time, except for uses with safety concerns, including but not limited to schools and child care centers, which the Director or the Planning Commission confirms are valid and justify not sharing the spaces.
2. **Owner May Charge Fee.** Property owners may charge an hourly, daily, or monthly fee for use of any such excess public access parking provided pursuant to subparagraph (A)(1) of this Section.

- B. **Approval of Fewer than the Minimum or More than the Maximum Number of Required Spaces.**

1. Approval of a Minor Use Permit is required to provide fewer than the minimum number of parking spaces required by this Division, including elimination of all parking spaces, based on the following findings in addition to the findings otherwise required for such permit:
 - a. That adequate measures will be put in place to reduce parking demand, such as transportation demand strategies including but not limited to promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting, and,
 - a. That the reduction or elimination of the required parking spaces will not substantially reduce the availability of on-street parking for the occupants of nearby commercial and/or residential buildings.

2. Approval of a Minor Use Permit is required to provide more than the maximum number of private parking spaces allowed by this Division, based on the following findings in addition to the findings otherwise required for such permit:
 - a. That the applicant has demonstrated that the additional parking is required to meet the anticipated parking demand of the proposed uses, and
 - b. That the provision of the additional parking will not result in an overdependence on automobiles and will not adversely affect bicycle or pedestrian access to the site.

TABLE TBD: PEAK HOUR OFF-STREET PARKING DEMAND BY USE TYPE	
<i>Use Type</i>	<i>Number of Off-Street Parking Spaces</i>
Residential	
Single unit dwelling	2 per unit
Junior accessory dwelling unit	None
Accessory dwelling unit	0-1 per unit, which may be tandem ¹
Market Rate Units:	
<i>Duplexes or 2 or more attached single units with 2 or more bedrooms in each unit</i>	2 per unit
<i>Units with less than 650 sq. ft.</i>	1 per unit
<i>Units with 650 sq. ft. or more</i>	2 per unit
<i>Efficiency unit in Mixed-use or Commercial District</i>	0.5 per unit
Deed-Restricted Affordable Units	
<i>Studio or efficiency unit</i>	0.5 per unit
<i>Units with less than 650 sq. ft.</i>	0.5 per unit
<i>Units with 650 sq. ft. or more</i>	1.0 per unit
Senior ² Multi-unit	.25 per unit
Guest parking for developments with ten or more dwelling units	0.1 per unit
Guest house	1 per unit, which may be tandem
Guest parking for developments with 5 or more dwelling units	0.2 per unit
Group Residential	
<i>Small (6 or fewer persons)</i>	None
<i>Large</i>	0.5 per bed
Mobile Home Park	1 per mobile home plus one for every 25 mobile homes
Religious institution affiliated housing project	See Note 4 below.

TABLE TBD: PEAK HOUR OFF-STREET PARKING DEMAND BY USE TYPE	
<i>Use Type</i>	<i>Number of Off-Street Parking Spaces</i>
Residential Care Facility	
<i>Limited</i>	Subject to the same parking requirement applicable to the residential dwelling unit of the same type in the same zone
<i>General, Senior</i>	0.25 per bed
Skilled Nursing	0.25 per bed plus one visitor space per 5 beds
Shopkeeper Unit	1 per unit
Single Room Occupancy	0.1 per bed plus 1 for the manager
Supportive Housing	None within ½ mile of public transit stop, otherwise, 0.25 per bed
Transitional Housing	None within ½ mile of public transit stop, otherwise, 0.25 per bed
Commercial	
Adult Businesses	
<i>Retail</i>	3 per 1000 sq. ft.
<i>Performance (Theater, Cabaret)</i>	5 per 1000 sq. ft.
Animal Care, Sales and Services	
<i>Clinic/Hospital</i>	TBD ³
<i>Grooming, Kennel</i>	TBD ³
<i>Retail Sales (Pet Stores), Pet Care Services</i>	3 per 1000 sq. ft.
Auto/Vehicle Sales and Services	
<i>Rentals</i>	1 rental vehicle to be stored on-site
<i>Sales and Leasing</i>	2 per 1000 sq. ft.
<i>Repair and Service</i>	2 per service bay or 1 per 1000 sq. ft.
<i>Service station</i>	1.2 per fueling station
Banks and Financial Institutions	4 per 1000 sq. ft.
Business Services	4 per 1000 sq. ft.
Commercial Entertainment and Recreation	
<i>Cinema</i>	0.2 per seat
<i>Game Center, Large-scale and Small-scale</i>	TBD ³
<i>Theater</i>	0.2 per seat
Eating and Drinking Establishments	
<i>Bars/Taverns/Lounges</i>	1 per 50 square feet of sitting area, 1 per 400 sq. ft. in Mixed-use Districts
<i>Brewpub</i>	

TABLE TBD: PEAK HOUR OFF-STREET PARKING DEMAND BY USE TYPE	
<i>Use Type</i>	<i>Number of Off-Street Parking Spaces</i>
<i>Restaurants, Full Service</i>	5 per 1000 sq. ft. 1 per 400 sq. ft. in mixed-use and commercial Districts
<i>Restaurant, Limited Service & Drive-through</i>	3 for the first 2,500 sq. ft. plus 1 per 500 sq. ft. above that size. Evaluate 1 space/250 gross floor area
<i>Tasting Room</i>	1 per 50 sq. ft. of sitting area, including outdoor patios
Equipment Rental	2 per 1000 sq. ft.
Finance, Insurance and Real Estate Services	4 per 1000 sq. ft. on the ground level plus 1 per 450 sq. ft. on floors above
Food and Beverage Retail Sales	4 per 1000 sq. ft.
Mobile Food Truck Off-street	1 per vending vehicle
Funeral/Interment Service	
<i>With fixed seats</i>	0.2 per seat
<i>Without fixed seats</i>	10 per 1000 sq. ft. of indoor assembly area
Laboratory	2 per 1000 sq. ft.
Live-Work	1.5 per unit
Live-Work in downtown or 1/2 walking distance to transit stop	None required
Maintenance or Repair	2 per 1000 sq. ft.
Nursery and Garden Center	2 per 1000 sq. ft. plus 0.5 per 1,000 sq. ft. of outdoor sales area
Offices	
<i>Business and Professional</i>	4 per 1000 sq. ft. on the ground level plus 1 per 350 sq. ft. on floors above
<i>Medical and Dental</i>	5 per 1000 sq. ft.
<i>Walk-in Clientele</i>	3 per 1000 sq. ft.
Personal Services	4 per 1000 sq. ft.
Retail less than 80,000 square feet	4 per 1000 sq. ft., 1 per 400 sq. ft. in Mixed-use Districts
Retail 80,000 square feet or more	3.5 per 1000 sq. ft. plus 0.5 per 1,000 sq. ft. of outdoor sales area
Commercial Lodging	
Bed and Breakfast	1.0 per guest room plus 2 for owner/manager
Hotel and Motel	0.5 per guest room (0.25 in Mixed-use Districts) plus 1 per 50 sq. ft. of banquet seating area
Public and Semi-Public Uses	
Adult Day Care Small	1 per 500 sq. ft.
Child Care and Early Education	1 per 500 sq. ft.

TABLE TBD: PEAK HOUR OFF-STREET PARKING DEMAND BY USE TYPE	
<i>Use Type</i>	<i>Number of Off-Street Parking Spaces</i>
Colleges and Trade Schools	1 space per 80 sq. ft. of assembly or classroom area or 1 space per every 4 fixed seats, whichever is greater
Community Assembly	
<i>Under 2,000 sq. ft.</i>	None
<i>2,000 sq. ft. or more</i>	
-- <i>With fixed seats</i>	1 per 5 seats
-- <i>Without fixed seats</i>	1 per 80 sq. ft. of indoor assembly area
Community Garden	None
Cultural Facility	1 per 1000 sq. ft.
Emergency Shelters	1 per 10 beds
Government Office	4 per 1000 sq. ft. on the ground level plus 1 per 350 sq. ft. on floors above.
Hospitals and Clinics	
<i>Clinic</i>	5 per 1000 sq. ft.
<i>Hospital & Extended Care</i>	1 per 1.5 beds
Parks and Recreation	TBD ³
Public Safety Facility	TBD ³
Schools	
<i>Elementary School</i>	2 per classroom
<i>Middle School, Jr. High</i>	2 per classroom
<i>High School</i>	5 per classroom
Social Service Center	3 per 1000 sq. ft.
Industrial	
Artisans/Small-scale Manufacturing	0.75 per 1000 sq. ft.
Artist's Studio	1 per 1000 sq. ft.
Brewery	1 per 1000 sq. ft.
Brew-on Premise	2 per 1000 sq. ft.
Cannabis Uses	1 per 1000 sq. ft.
Commercial Kitchens	1 per 1000 sq. ft.
Industrial	
Light and Heavy	0.75 per 1000 sq. ft.
Media Production	2 per 1000 sq. ft.
Recycling Facilities	TBD ³
Research and Development	2 per 1000 sq. ft.

TABLE TBD: PEAK HOUR OFF-STREET PARKING DEMAND BY USE TYPE	
<i>Use Type</i>	<i>Number of Off-Street Parking Spaces</i>
Salvage and Wrecking	TBD ³
Warehousing, Storage and Distribution	-
Chemical, mineral and explosive	0.5 per 1000 sq. ft.
<i>Indoor</i>	0.5 per 1000 sq. ft.
<i>Outdoor</i>	TBD ³
Mini-Storage	TBD ³ plus 1 for the manager plus 1 per 400 sq. ft. for any office space
Transportation Communication, and Utilities	
Heliports	TBD ³
Transit Facility	TBD ³
Communications Facilities	TBD ³
<i>Transmission Towers</i>	TBD ³
<i>Equipment within Buildings</i>	0.5 times maximum number of employees on site at any one time
Freight/Truck Terminal and Warehouse	TBD ³
Light Fleet-Based Services	1 per 500 sq. ft.
Utility, Major	TBD ³
<p>Notes:</p> <ol style="list-style-type: none"> 1. See Part 3-B, Division TBD, Accessory Dwelling Units. 2. Senior housing means housing that is restricted to older adults in which at least one resident of each unit shall be a "senior citizen" as defined in the Civil Code Section 51.3. 3. TBD = To be determined by the Director per Section TBD, Calculation of Parking Requirements. 4. For a project proposing a religious institution affiliated housing development, as defined in Part 5, Division 2, Definitions, the City shall allow the reduction of up to 50% of the required number of religious-use parking spaces, as defined in Section 9112.3, for either (1) a newly constructed religious facility or (2) a religious facility that exists at the time the request is made. However, the reduction in parking spaces shall not reduce the number of spaces to less than one space per unit, unless either (1) the parcel is located within one-half mile of a Major Transit Stop, as defined in Part 5, Division 2, or (2) there is a car share vehicle located within one block of the parcel. Application of this reduction allowance shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that otherwise applies. 	

9316.5 Parking Near Public Transit

Notwithstanding the requirements of the previous section, minimum parking standards shall not apply to any residential, commercial, or other development project that is located within one-half mile of a major transit stop, as defined in Section 21155 of the State Public Resources Code and Part 5, Division 2, Definitions of this Code, with the following exceptions:

- A. The Director or the Planning Commission may impose or enforce minimum automobile parking requirements on a project located within one-half mile of public transit based on a determination that not doing so would have a substantially negative impact that is supported by a preponderance of the evidence in the record on any of the following:
 - 1. Carson's ability to meet its share of the regional housing need for low- and very low-income households or any special housing needs for the elderly or persons with disabilities, or
 - 2. Any existing residential or commercial parking within one-half mile of the proposed project.
- B. A project where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging except where a portion of the project is designated for use as a residential hotel.
- C. The exception in sub-section A shall not apply to a housing development project that satisfies any of the following:
 - 1. The development dedicates a minimum of 20 percent of the total number of housing units to very-low, low-, or moderate- income households, students, the elderly, or persons with disabilities (as defined in Part 5, Division 2),
 - 2. The development contains fewer than 20 housing units, or
 - 3. The development is subject to parking reductions based on the provisions of any other applicable law.
- D. The exception in sub-section A shall also not apply to the following:
 - 1. Parking for employees and other workers at a public recreation facility, conference center, or similar event center as required by this Code,
 - 2. If the granting of the exception would reduce, eliminate, or preclude the enforcement of any requirement to provide electric vehicle supply equipment accessible to persons with disabilities that would have otherwise applied to the development,
 - 3. Commercial parking requirements that conflict with an existing contractual agreement of the City that was executed before January 1, 2023, if all the required commercial parking is shared with the public. This exception shall apply to an existing contractual agreement that is amended after January 1, 2023, provided that the amendments do not increase commercial parking requirements.
- E. When a project provides parking voluntarily, the City may impose requirements on that voluntary parking to require spaces for car share vehicles, require spaces to be shared with the public, or require parking owners to charge for parking. The City may not require that

voluntarily provided parking is provided to residents free of charge. However, a project may voluntarily build additional parking that is not available for public use.

F. Shared Parking

Shared parking shall be permitted in all mixed-use and commercial zones subject to approval of a Minor Use Permit and compliance with the following requirements:

1. Calculation of Parking Requirement for Shared Parking. When shared parking is proposed, the required spaces shall be based on the peak period parking demand for all uses calculated by estimating the demand for each use for each hour of a 24-hour period based on the percent of peak demand for each hour. The hourly demand for all uses shall be totaled for each hour, and the greatest resulting hourly demand shall be the required number of parking spaces. This required number may be reduced or increased.
2. Maximum Reduction Allowed. The maximum allowable reduction in the number of spaces to be provided shall not exceed 25 percent of the sum of the number required for each use served and shall not reduce the total number of spaces to less than 1 space for every 500 square feet of floor area in a commercial mixed-use development.
3. Procedures. An applicant for a permit for shared parking shall be required to submit data substantiating a request for reduced parking requirements. The data shall include substantial evidence of the demand and usage of the parking facility. A permit for shared parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use. The data and a written request shall be submitted to staff for review, along with a recorded agreement between the property owners. The hourly demand for each use shall be based on the most recent edition of Parking Generation published by the Institute of Transportation Engineers or comparable source.
4. A property owner may propose that an existing parking facility constructed as accessory parking be converted for shared use. The proposal shall be submitted to the Director with a parking inventory and occupancy study of off-street parking and on-street parking in the vicinity of the project, conducted by an independent transportation planning and/or engineering consultant, demonstrating that a certain share of the existing parking spaces on the owner's property are infrequently utilized. Based on this study, the Director may authorize the property owner to dedicate the underutilized portion of the owner's off-street parking to other, non-accessory uses, including leasing such spaces to other individuals, or to other property owners or developers of projects within a one-quarter half mile walking radius distance of the facility to provide some or all required off-street parking obligations.

5. The Director, or Planning Commission on appeal, may approve an application for shared parking, in whole or in part, with or without conditions, only when the following findings are made based on information in the record:
 - a. That the operation of the requested Shared Parking Permit at the location proposed and within the period specified will not adversely impact the primary use of the parking facility for its intended on-site users, or otherwise endanger the public health, safety, or general welfare.
 - b. That the parking spaces needed for the primary on-site uses will be available during the hours needed for their use.
 - c. That the Use Permit for shared parking states the maximum number of shared parking spaces approved for use by off-site users that will be available during peak and off-peak parking demand periods to ensure that sufficient spaces will be provided to meet the greatest parking demand of the anticipated users.
 - d. Additional requirements, restrictions, or agreements deemed necessary by the Director may be included as a condition(s) of the Use Permit to ensure that parking spaces needed for the primary on-site uses will be available during the hours needed for their use.
 - e. The off-site shared parking will not reduce parking for new development.
 6. The Director may impose additional conditions deemed necessary to ensure compliance with the requirements of this sub-section.
 7. The Director shall prepare a written decision stating the findings upon which the decision is based and all required conditions, if approved.
 - a. The decision shall be mailed to the applicant and to property owners and residents of property within a radius of 750 feet for which the shared parking is requested.
 - b. Copies of the decision shall be provided to the Planning Commission.
- G. Monitoring.** The permit holder shall grant City staff access to the parking facility for the purpose of verifying parking availability prior to issuing the permit as well as to allow random monitoring after the permit is issued. The applicant shall submit an annual report to the Director that includes a copy of current lease agreements for the parking facility that is shared and shall submit data substantiating an ongoing request for reduced parking requirements.

9316.6 Parking Area Design and Development Standards

The standards in this Section apply to all off-street parking areas except those used exclusively for tandem or valet parking. All required parking spaces and associated maneuvering aisles, driveways, and other related features shall be designed and arranged to provide motor vehicles with adequate ingress to and egress from all required parking spaces, and to provide pedestrians with adequate access to parked vehicles.

A. Driveway Width.

1. Parking facilities containing fewer than 15 required parking spaces shall have only a single driveway of no less than 9 feet and no more than 10 feet in width.
2. Parking facilities containing 15 or more required parking spaces may have one-lane driveways of no less than 9 feet and no more than 10 feet in width, and two-lane driveways of no less than 18 feet and no more than 20 feet in width.

B. Parking Area Design.

1. Except for those serving four or fewer residential units, all parking areas shall be designed so that a vehicle leaving the parking area will enter the public right-of-way traveling in a forward direction.
2. Parking areas shall be designed so that a vehicle will not have to enter a public right-of-way to move from one location to another within the parking area.

C. The design, location or position of any parking layout, entry, driveway, approach or access-way from any street or alley shall be subject to approval by the Director.

D. Parking Access.

1. **Driveways.** Driveways must lead to parking spaces that comply with the design standards in this Section and all other applicable standards.
 - a. **Low-Density Residential Districts.** No more than one driveway to a public street is allowed on a parcel with less than 100 linear feet of street frontage, and no more than two driveways to a public street are allowed on a parcel with 100 linear feet or greater of street frontage.
 - b. **All Other Districts.** Subject to subsection (B)(3), the number of driveways shall not be more than necessary to allow access in and out of a parcel and/or building.
2. **Combined Entrances.** Combining entrances for off-street parking with those for off-street loading is permitted.
3. **Alley Access.** Access to parking areas shall be from alleys. Curb cuts are prohibited except where a project site meets at least one of the following criteria:
 - a. The site has no adjacent side or rear alley having a minimum right-of-way of 15 feet. Corner parcels with no adjacent side or rear alley must take access from the side street.
 - b. The average slope of a multi-unit residential parcel is at least 5 percent.
 - c. The Director determines that a curb cut is appropriate due to traffic, circulation, or safety concerns.

- d. Commercial properties may have nonresidential parking access from side streets.
4. **Hazardous Visual Obstructions.** Parking areas and access shall comply with Part 3-A, Division 1, Section 9311.12, Visibility at Intersections and Driveways.
5. **Gates.** Gates across driveways shall be a minimum of 18 feet from the parcel line in all Residential Multi-Unit and Commercial Districts if access is not from an alley. For parking lots or structures with more than 50 parking spaces, gates across driveways shall be a minimum of 36 feet from the parcel line, if access is not from an alley. Gates serving commercial uses that are designed to be always open during the on-site business hours are exempt.
6. **Shared Access.** Nonresidential projects are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety, and efficient circulation. A joint access agreement, to run with the land and bind subsequent owners, guaranteeing the continued availability of the share access between the properties as approved by the Director, shall be recorded on title to the subject property in the County Recorder's office, in a form satisfactory to the City Attorney.
7. **Street Access.**
 - a. Parking areas with four or more spaces shall be provided with suitable maneuvering room so that all vehicles therein may enter an adjacent street in a forward direction. Vehicles using surface parking located within 25 feet of any alley may enter an adjacent alley by backing out.
 - b. New parking spaces shall be designed to allow the vehicles to enter the adjacent street in a forward direction on streets determined to be of specific characteristics where driving forward is required as determined by the Director.
8. **Turning Maneuvers.** Use of a parking space shall not require more than three vehicle maneuvers except as provided below.
 - a. *Large Parking Areas.* Parking areas with 20 or more parking spaces, may require four turning maneuvers for up to 5 percent of the total number of parking spaces, with a maximum of 10 spaces.
 - b. Spaces requiring four turning maneuvers shall be distributed around the parking area(s) on the parcel.
9. **Driveway Width.** Driveway width shall be maintained free and clear of all obstructions.
 - a. The minimum width of a driveway serving one or two residences is 10 feet. The maximum width of such driveways is 14 feet.
 - b. The minimum width of a driveway or ramp serving a commercial property or a residential property with more than two residences is as follows:

- i. Parking areas with up to 20 Spaces. Single driveway at least 10 feet wide with a minimum apron width that complies with applicable requirements.
 - ii. Parking areas with 21 to 40 Spaces. Double driveway at least 20 feet wide with a minimum apron width pursuant to the applicable provisions of Carson Municipal Code, Article VII, Chapter 1, Highway Permit Ordinance.
 - iii. Parking Areas with 41 or More Spaces. Number and type of driveways to be approved by the Director based on considerations of safety, efficiency, and effectiveness.
 - c. Ramps for commercial properties must be at least 20 feet wide to accommodate two-way traffic.
 - d. The Director may reduce the driveway width as necessary and appropriate to ensure that circulation, traffic, and safety concerns are adequately addressed.
- E. **Dimensional Requirements.** Minimum parking dimensions shall comply with the standards approved by the Director.
 1. **Minimum Dimensions for Residential Garages and Carports.** The width of any garage door shall be at least 8 feet for a single space and at least 16 feet for 2 spaces. Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions and related requirements.
 - a. Single car garage or carport: 11.5 feet in width by 18 feet in length.
 - b. Two-car garage or carport: 20 feet in width by 18 feet in length, except a private two-car garage lawfully in existence on May 5, 1999 may be maintained if the garage serves a single unit residence and has an unobstructed inside dimension of at least 18 feet in width by 18 feet in length.
 2. **Space Efficient Spaces.** These requirements do not apply to parking spaces that qualify as space efficient under Section TBD.
 3. **Storage Areas.** Storage areas may be located above the parking space if they do not encroach into the length of the parking space by more than 3.5 feet and if the storage area is at least 4.5 feet above the floor.
- F. **Parking Spaces.** Minimum parking dimensions shall comply with the standards approved by the Director. The area of any such space shall be exclusive of any driveways, aisles, and maneuvering areas.
- G. **Motorcycle Spaces.** Motorcycle parking spaces shall be no less than 4 feet wide and 8 feet long with an aisle width of no less than 10 feet.
- H. **Parking Lot Striping.** Except in a garage or carport containing 2 or fewer parking spaces, all parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to

provide for safe traffic movement. All parking spaces shall be clearly marked as compact, guest, carpool, or vanpool parking, if applicable.

I. Wheel Stops. Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces abutting landscaped areas, walls, or walkways. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

J. Circulation and Safety

1. Visibility shall be provided to pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility. Exits from any subterranean or semi-subterranean parking structure shall provide sight distances which comply with standards established by the Director.
2. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing out unreasonable distances or making other dangerous or hazardous turning movements.
3. Separate vehicular and pedestrian circulation systems shall be provided where possible. Multi-unit residential developments of 5 or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:
4. **Connection to Public Sidewalk.** An on-site walkway shall connect the main building entry to a public sidewalk on street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
5. **Materials and Width.** Walkways shall provide at least 5 feet of unobstructed width and be hard-surfaced.
6. **Identification.** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces by elevation changes, a different paving material, or similar method.
7. **Separation.** Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least 4 inches high, bollards, or another physical barrier.
8. Parking areas provided shall be arranged to be safe and convenient.

K. Slope.

1. Areas used exclusively for parking, excluding ramps, shall be designed, and improved with grades not to exceed a 6.67 percent slope.
2. Slopes of all driveways and ramps used for ingress or egress of parking facilities shall be designed in accordance with the standards established by the Director but shall not exceed a 20 percent slope. Profiles of driveway, ramp, and grade details must be submitted to the City Parking and Traffic Engineer for approval whenever any slope exceeds 6 percent.

L. Landscaping. Up to 2 feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving. Landscaping of parking areas shall be provided and maintained according to the standards of TBD, Landscaping.

M. Drainage. All parking areas shall be designed to meet the requirements of ????

N. Screening. In addition to the requirements of Section TBD, Screening, parking areas shall be screened from view from public streets and adjacent parcels in a more restrictive district, according to the following standards. Screening shall add to the visual diversity of the use and need not be an opaque barrier.

1. **Height.** Screening of surface parking lots from adjacent public streets shall be a minimum of 3 feet and a maximum of 3.5 feet in height. Screening of parking lots along interior parcel lines that abut Residential Districts shall be a minimum of 5 feet and a maximum of 6 feet in height, except within the required front setback of the applicable Zoning District, where screening shall be 3 feet in height.
2. **Materials.** Screening may consist of one or any combination of the methods listed below.
3. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.
4. **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
5. **Planting.** Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of 2 feet within 18 months after initial installation.

6. **Berms.** Berms planted with grass, ground cover, or other low-growing plant materials.
 7. **Alternative Compliance.** The Director may approve other screening plans, designs, and materials of equal area and screening which satisfy the intent of the screening standards.
- O. Lighting.** Public parking areas designed to accommodate 10 or more vehicles shall be provided with a minimum of .05 foot-candle and a maximum of 3.0 foot-candles of light over the parking surface during the hours of use from 1/2 hour before dusk and until 1/2 hour after dawn.
1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
 2. All artificial lighting used to illuminate a parking lot for any number of automobiles in any District shall be arranged so that all direct rays from such lighting fall entirely within such parking lot and be consistent with Section 9.21.080, Lighting.
- P. Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the dimensions otherwise required by this Section are warranted to achieve environmental design and green building objectives, including, but not limited to, achieving certification under the LEED Green Building Rating System or equivalent, an alternative parking area design may be approved.
- Q. Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
- R. Compact Parking.** Compact parking must be evenly distributed in parking areas or levels, and it may not be located within 25 feet of a ramp, driveway, or ground floor pedestrian entrance. A maximum of 40 percent of parking spaces may be compact.
- S. Parking Area Paving**
1. All outdoor parking spaces, driveways, and maneuvering areas shall be designed, built, and permanently maintained to avoid dust, mud and standing water and to maximize permeability, where feasible and appropriate.
 2. Surfaces may include traditional asphalt and concrete as well as pervious pavements, sand-set pavers, and supported turf systems. A combination of surfaces may be used; for example, two track driveways of concrete strips with pervious areas between the strips and on the edges.
- T. Cross-grades.** Cross-grades shall be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.

- U. **Landscaping Alternative.** Up to 2 feet of the front of a parking space may be landscaped with ground cover plants instead of paving.
- V. **Permeable Paving.** Permeable paving, sand-set pavers, supported turf systems, and vegetation shall be used in all overflow parking areas and installed in accordance with manufacturer recommended specifications.
- W. **Turf Grids/Grassy Pavers.** Turf grids/grassy pavers shall be installed in areas of low traffic or infrequent use, wherever feasible.
- X. **Striping and Marking.** In all parking facilities with 4 or more spaces, each parking space shall be clearly striped with paint or similar distinguishable material, except that the Director may approve alternate means of marking spaces.
- Y. **Perimeter Curbing.** A 6-inch wide and 6-inch high concrete curb shall be provided along the outer edge of the parking facility pavement, except where the pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

9316.7 Number, Location, and Design of Loading Spaces

Off-street loading spaces shall be provided for all non-residential uses in compliance with the requirements of this Section.

- A. **Number of loading spaces required.** Off-street loading spaces shall be provided in compliance with Table 9316.8, Loading Space Requirements, below.
 - 1. **Loading standards.** The loading requirements in Table 9316.8 are expressed as minimum standards.
 - 2. **Rounding in calculations.** If a fractional number of spaces is obtained in calculations performed in compliance with this Section, one loading space shall be required for a fractional unit of 0.50 or above, and no space shall be required for a fractional unit of less than 0.50.
 - 3. **Amounts are cumulative.** The square foot amounts specified in Table 9316.8 are cumulative. For example, if an existing office use of 20,000 square feet adds 10,000 square feet, the loading space requirement would be based on 30,000 square feet.

TABLE 9316.7: OFF-STREET LOADING SPACE REQUIREMENTS

<i>Land Use Type</i>	<i>Gross Floor Area (sq.ft)</i>	<i>Number of Spaces Required</i>
Bars and taverns, food markets, industrial, public, and semi-public, research and development, restaurants, and restaurants with take-out facilities.	Less than 20,000	1
	20,000 or more	One for every 20,000 sq. ft. or fraction thereof up to maximum of 6 spaces.
Offices	Less than 8,000	None
	8,000 to 40,000	1
All other commercial and other non-residential uses	40,001 or more	One for every 40,000 sq. ft. or fraction thereof up to maximum of 4 spaces.
	Less than 8,000	None
	8,000 to 20,000	1
	20,001 or more	One for every 20,000 sq. ft. or fraction thereof up to maximum of 6 spaces.

B. Loading Space Location.

1. Loading spaces shall be on the same site as the use they serve or on an adjoining site subject to the Director’s approval.
2. New loading spaces shall be designed and maintained so that no vehicles are required to park in a public right-of-way.

C. Loading space size and design.

1. For projects with 3,000 square feet or less of gross floor area, the first loading space shall be at least 10 feet by 20 feet, with 12 feet of vertical clearance.
2. For projects with over 3,000 square feet of gross floor area, the first loading space shall be at least 12 feet by 30 feet, with 14 feet of vertical clearance.
3. All additional loading spaces shall be at least 10 feet by 20 feet, with 12 feet of vertical clearance.
4. Loading spaces 10 feet or less in width shall have a minimum turning radius of 25 feet. Spaces over 10 feet wide shall have a turning radius of at least 45 feet.
5. All loading spaces shall be designed and maintained so that vehicles do not back in from, or onto, a public street unless the Director determines, based on information in the record, that:

- a. The dimensions of the site do not provide for an adequate on-site turnaround area,
 - b. Access/egress for the loading space is onto a minor street of low traffic volume, and is located at least 100 feet from any intersection, and
 - c. The end of the loading space nearest to the street is located at least 40 feet from the curb on the opposite side of the street.
6. The loading facilities shall be designed and located on the site so that vehicles, whether rear loading or side loading may be loaded or unloaded at any loading area without the vehicles extending beyond the property line(s).
 7. Loading bays and roll-up doors shall be located at the rear of the structure they serve. When it is not possible or desirable to locate the loading facilities at the rear of the structures, the loading facilities shall be located on the side of the structures and shall be screened from the public street rights-of-way by a suitable combination of walls and landscaped berms, subject to the approval of the Director.
 8. If the loading spaces are close to residential uses that may be affected by acoustic impacts or light and glare from the loading area, the Director may only approve the project if the loading facilities are oriented or designed to reduce such impacts to less than significant levels.
- D. Loading area ramps.** Applications for loading areas that include loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances in compliance with the following requirements and other applicable provisions of this Division.
1. **Length of ramp defined.** The length of a ramp is defined as that portion of the ramp from the beginning of the transition at one end of the ramp to the end of the transition at the opposite end of the ramp.
 2. **Maximum grade for ramps 65 feet or less in length.** For ramps 65 feet or less in length, the ramp grade shall not exceed 16 percent, with the first and last 10 feet of the ramp not exceeding eight percent.
 3. **Maximum grade for ramps longer than 65 feet.** For ramps longer than 65 feet, the ramp grade shall not exceed 12 percent, with the first and last eight feet of the ramp not exceeding six percent.
 4. **Maximum parking area slope.** The slope of all parking areas shall not exceed five percent, excluding ramps.
 5. **Standards for ramps in multi-family or mixed-use projects.** Ramps serving multi-family or mixed-use projects shall comply with the following unless the Director approves modifications or exceptions:

6. **Maximum grade for ramps.** The maximum grade of ramps shall be 16 percent. Any deviation shall first be approved by the City Traffic Engineer.
7. **Minimum width of ramps.** The width of ramps shall conform to the requirements for the widths of driveways identified in Section 17.46.150 (Driveway Design, Widths, and Clearances), above.

9316.8 Bicycle Parking

Bicycle parking facilities shall be provided for any new structure, or an addition to any existing structure that exceeds 15,000 square feet in gross floor area.

A. Bicycle spaces required.

TABLE 9316.8-A: NUMBER OF BICYCLE SPACES REQUIRED	
<i>Type of Use</i>	<i>Minimum Number of Spaces Required</i>
Nonresidential structures less than 15,000 square feet	Four parking spaces (all Class 2)
Nonresidential structures 15,000 square feet or more	Five percent of the required motor vehicle parking; but not less than four parking spaces
Multi-family residential structures (3 or more dwelling units) including units in a mixed-use project	1 space for every six dwelling units
Public, Semi-Public Uses	As established by zoning approval

B. Type of bicycle parking required.

Each bicycle parking space shall be no less than six feet long by two feet wide and shall have a bicycle rack system in compliance with the bicycle rack classifications in Subsection C, below. Fractional amounts of the type of parking facilities may be shifted as desired.

TABLE 9316.8-B: TYPE OF BICYCLE SPACES REQUIRED	
<i>Type of Use</i>	<i>Type Required</i>
Industrial and offices uses with 15,000 square feet or more	75% Class 1
	25% Class 2
Retail commercial and service uses with 15,000 square feet or more	25% Class 1
	75% Class 2
Multi-family residential structures with 3 or more units	100% Class 1
Public, Semi-Public Uses	As established by zoning approval

C. Classification of facilities.

1. Class 1 bicycle facility. Includes any of the following:
 - a. A fully enclosed lockable space accessible only to the owner/operator of the bicycle;
 - b. Attendant parking with a check-in system in which bicycles are accessible only to the attendant; or

- c. A locked room or office inside a structure designated for the sole purpose of securing the bicycles.
2. Class 2 bicycle facility. A rack, stand, or another device constructed so that the user can secure the bicycle by locking the frame and one wheel of each bicycle.
 - a. The racks shall:
 - i. Be easily usable with both U-locks and cable locks; and
 - ii. Support the bicycles in a stable upright position so that a bicycle, if bumped, will not fall or roll down.
 - d. Racks that support a bicycle primarily by a wheel (e.g., standard "wire racks") are damaging to the wheels and are not allowed.

D. Location and design of bicycle facilities.

1. Bicycle parking facilities shall be designed and located as follows:
 - a. Close to the structure's entrance and clustered in lots not to exceed 16 spaces in each lot,
 - e. To hold bicycles in a stable position without damage to the frame, wheels, or other components,
 - f. In highly visible, well-lighted areas to minimize theft and vandalism,
 - g. Securely anchored to the lot surface so they cannot be easily removed and of sufficient strength to resist theft and vandalism,
 - h. When located in a vehicle parking area, separated by a physical barrier such as curbs, poles, wheel stops, or other similar features to protect the bicycle from damage by motor vehicles, and
 - i. To not impede pedestrian or vehicular circulation, and should be harmonious with their environment. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture.
2. Bicycle racks shall not be placed too close to a wall or other obstruction as would make use difficult. There shall be sufficient space (at least 24 inches) next to each parked bicycle to allow easy access. Adjacent bicycles may share this access.
3. Motor vehicle entrances shall display adequate signs to indicate the availability and location of the bicycle parking facilities.
4. The bicycle parking facilities within a vehicle parking garage shall be in close view of a parking attendant if the facility has a bicycle attendant.
5. For each bicycle parking space required, a stationary object shall be provided to which a user can secure either or both wheels and the frame of a bicycle with a 6-

foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket.

6. The following alternative facilities may be provided, subject to approval of the Director:
 - a. An enclosed bicycle locker; or
 - j. A fenced, covered, locked, or guarded bicycle storage area with the following dimensions:
 7. Accommodate handle width of three feet,
 8. Distance of three feet six inches from bottom of wheel to top of handlebar,
 9. Maximum distance of 6 feet between wheels.
- E. **Modification by the Director.** Where the provision of bicycle parking is physically not feasible, the requirements of this Section may be modified by the Director.

9316.9 Electric Vehicle Charging Stations

- A. **Applicability.** Electric vehicle charging stations shall be provided:
 1. In new development projects required to provide at least 25 parking spaces, and
 2. For remodeling and expansion of existing development projects meeting both of the following criteria:
 - a. The existing development has 50 or more existing parking spaces prior to the remodel or expansion, and
 - b. The remodeling or expansion is adding at least five more parking spaces.
- B. **Requirements.** Electric vehicle charging stations shall be shown on the building plans and shall be provided as follows:
 1. 25-49 parking spaces: 1 charging station.
 2. 50 or more parking spaces: 2 charging stations, plus one for each additional 50 parking spaces.
- C. **Location, Design, Signage.**
 1. Signage shall be installed in all multi-unit residential, mixed-use, and nonresidential districts designating spaces with charging stations for electric vehicles only.

2. If the parking spaces are not being used, a written request may be made to the Director for the parking spaces to be available for general usage for a specified period of time.
3. Charging stations and associated equipment or materials may not encroach on the minimum required clear areas from driveways, parking spaces, garages, or maneuvering areas.
4. Charging stations shall be installed adjacent to standard size parking spaces.
5. Charging stations shall be adjacent to a designated parking space. In a single-family dwelling project, the station may be in the rear half of the parcel if evidence is presented to the Director that the use of the charging station will not block access to any additional parking spaces.

Division 7. Performance Standards

This new Division will replace Division 7. Environmental Effects of Part 4 of the existing code with clear, measurable standards for vibration, noise, electromagnetic or other radiations, odor, dust, heat, or glare to be used as a consistent basis for determining if a use or activity creates a nuisance on surrounding properties. The objective of including measurable standards in the Zoning Code is to avoid the need for imposing conditions on a case-by-case basis, which may lead to inconsistent and ineffective regulation. If a project is subject to environmental review, the standards specified in the Code will be augmented with measures adopted to implement mitigation measures identified in the environmental document. Where an impact is also addressed in another part of the Municipal Code, the regulations will reference the applicable code.

Sections:

- 9317.1 Purpose and Applicability**
- 9317.2 General Requirements**
- 9317.3 Construction Management**
- 9317.4 Fire Hazards**
- 9317.5 Liquid and Solid Waste**
- 9317.6 Odor, Particulate Matter, and Air Contaminants**
- 9317.7 Heat, Humidity, Cold, and Glare.**
- 9317.8 Smoke, Fumes, and Gases**
- 9317.9 Vibration**
- 9317.10 Bird-safe Buildings**

9317.1 Purpose and Applicability

- A.** The regulations in this Division are intended to implement the General Plan and protect public health and safety by establishing performance standards to control dangerous or objectionable environmental effects of activities on surrounding neighborhoods and uses, or the community at large. The standards contained in this Division apply to all zoning districts.
- B.** Activities lawfully existing on the effective date of these zoning regulations shall not be required to change their operations to comply with the performance standards set forth in this Division, although nothing in this Division shall operate or be construed to undermine or limit applicability or effectiveness of any other provision of this Code, to the extent of any overlap or conflict. However, their operations shall not be so changed as to result in a greater degree of nonconformity with respect to such standards, except as otherwise authorized by this Code. Any expansion greater than 20 percent of production (e.g., non-administrative) floor area, an increase in hours of operation, or a change in operation that increases the use of hazardous materials or processes shall be considered a change in operations that will be considered an increase in the degree of nonconformity.
- C.** Conflict with Other Codes. If any of the requirements of this Section conflict with provisions in the City's Building and Fire Codes, the provisions of the California Code of Regulations Title 24, as amended by the City, shall prevail.

9317.2 General Requirements.

- A.** Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, or other hazards that could adversely affect the surrounding area. If necessary, the Director will retain a professional expert or designated regulatory agency to assist in assessing possible impacts, and any cost incurred will be paid by the applicant or business owner.
1. Prior to the issuance of a building permit or a business license, the Director may require the applicant to submit such information as proposed machinery, processes, products, or environmental impacts as may be necessary to demonstrate the ability of the proposed uses to comply with applicable performance standards. Such required information may include reports by expert consultants. Whenever an environmental impact report has been submitted and determined to be adequate under state and city guidelines, no further information shall be required to be submitted.
 2. In addition to the requirements of this Division, uses shall operate in a manner that complies with other applicable standards this Zoning Code establishes to regulate objectionable impacts of land uses including, but not limited to, Division TBD, Noise, Division TBD, Light and Glare.
 3. Any such requirement, and any determination by the Director as to sufficiency of proof, may be appealed pursuant to the administrative appeal procedure in Division TBD, Appeals.
- B.** When measurements are necessary, levels of dangerous or objectionable environmental effects shall be measured in accordance with accepted engineering practice.

9317.3 Construction Management.

During the construction of a project, all portions of the site shall be watered as necessary to reduce emissions of dust and other particulate matter, and all stockpiles shall be covered. Streets and sidewalks shall be made dirt free at the completion of construction. All construction and transport equipment shall be muffled in accordance with State and federal laws. Construction and transport equipment shall be operated to minimize exhaust emissions. Hours of construction shall be limited to 7 a.m. to 6 p.m. except that grading and pile driving operations within one-quarter mile of residential units shall be limited to between 8 a.m. and 5 p.m. on weekdays, or as otherwise restricted as part of an approval. All water run-off from construction sites shall be controlled. During construction, trucks and equipment should be running only when necessary, and in compliance with applicable South Coast Air Quality Management District and/or California Air Resources Board rules and regulations pertaining to vehicle idling, without limitation.

9317.4 Fire Hazards.

The storage, use, transportation, or production of products which, either in the raw or finished state, constitute a flammable or explosive material shall be subject to approval of the Fire Department. Fire Department personnel may, without prior notice, visit and observe operations on the

site and any directives issued by said personnel shall be satisfied in a timely manner. Burning of waste materials in open fires or unapproved incinerators is prohibited.

9317.5 Liquid and Solid Waste.

The use, handling, storage, and transportation of waste materials, including hazardous wastes, shall comply with the provisions of the California Hazardous Materials Regulations and any other applicable laws. Discharge at any point into a public or private sewage disposal system, stream, or the ground, of any material which could contaminate any water supply, or otherwise cause the emission of dangerous or offensive elements is prohibited. No exceptions are allowed unless in accordance with regulations, licenses or approvals of the various local and state agencies having jurisdiction over such activities.

9317.6 Heat, Humidity, Cold, and Glare.

When located in any of the zoning districts specified below, all commercial and industrial uses shall be so operated as not to produce humidity, heat, cold, or glare which is readily detectable without instruments by the average person at the following points of determination:

TABLE 9317.6: HEAT, COLD, AND GLARE DETERMINATION	
<i>Zoning districts in Which Uses are Located</i>	<i>Point of Determination</i>
Any residential, commercial or special purpose zoning district	At or beyond any lot line of the lot containing the uses
Industrial districts	At or beyond any boundary of the zone

9317.7 Odor, Particulate Matter, and Air Contaminants

- A. No continuous, frequent, or repetitive odors are permitted that exceed limits established by the South Coast Air Quality Management District, the California Air Resources Board or federal agencies. An odor detected no more than a total of 15 minutes in any one day shall not be deemed to be continuous, frequent, or repetitive for purposes of this paragraph.
- B. No dust or particulate matter shall be emitted that exceeds limits established by the South Coast Air Quality Management District, the California Air Resources Board or federal agencies. Exhaust air ducts shall be located or directed away from abutting residentially zoned properties.
- C. When located in the zoning districts specified below, no commercial or industrial uses shall be so operated as to emit matter causing readily detectable odor by the average person at the following points of determination and in the following diluted states:

TABLE 9317.7: ODOR, PARTICULATE MATTER, AND AIR CONTAMINANT DETERMINATION		
<i>Zones in Which Uses Are Located</i>	<i>Point of Determination</i>	<i>Dilution</i>
Any residential, commercial, special purpose zoning district	At or beyond any lot line of the lot containing the uses	A ratio of one volume of odorous air to 4 or more volumes of clean air
Industrial districts	At or beyond any lot line of the lot containing the uses	A ratio of one volume of odorous air to eight or more volumes of clean air

9317.8 Smoke, Fumes, and Gases

All Commercial and Industrial Activities located shall be operated so as not to emit visible smoke as dark as Ringelmann number 2 or its equivalent opacity for more than three minutes during any one-hour period, and visible smoke as dark as Ringelmann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time.

9317.9 Vibration

No use shall be operated in a manner that produces vibrations discernible without instruments at any point on the property line of the lot on which the use is located. This standard shall not apply to ground vibration caused by motor vehicles, trains, and temporary construction or demolition work.

9317.10 Bird-safe Buildings

The purpose of this Section is to establish bird-safe glazing treatment standards for new building construction and replacement facades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are deemed "bird hazards." The regulations this Section are established to reduce hazards due to the following: 1) location-related hazards, where the siting of a structure creates increased risk to birds, and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located.

A. Exceptions.

1. **Limited Glass Façade.** Residential buildings that are less than 45 feet in height and have an exposed façade comprised of less than 50 percent glass are exempt from new or replacement façade bird-safe glazing requirements.
2. **Substantial Glass Facade.** Residential buildings that are less than 45 feet in height but have a facade with surface area composed of more than 50 percent glass, shall provide bird-safe glazing treatments for 90 percent of all large, unbroken glazed segments that are 24 square feet or larger.
3. **General Exceptions for Historic Buildings.** Bird-safe treatment of replacement glass facades for any structures designated as City landmarks or within any

designated historic districts as shown on the Zoning Map is not required. Reversible treatment methods, such as netting, glass films, grates and screens, are recommended for bird collision zoning districts, as defined below.

- B. Bird-safe Glazing Treatment.** Bird-safe glazing treatment may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing, or UV patterns visible to birds. To qualify as Bird-safe Glazing Treatment, vertical elements of the window patterns shall be at least one-quarter inch wide at a minimum spacing of four inches, and horizontal elements at least one-eighth inch wide at a maximum spacing of two inches. No glazing proposed as having a bird-safe treatment shall have a visible light reflectance exceeding 10 percent. Exceptions on the reflectance may be granted by the Director if a surface frit, louvers or nets are used.
1. **Location-Related Standards.** These standards apply to new buildings with a floor area of 10,000 square feet or more that are two stories or more in height and located within or adjacent to open spaces two acres and larger in size that are dominated by open water or vegetation, including vegetated landscaping, forest, meadows, grassland, and wetlands.
 2. **Façade.** Bird-safe glazing treatment is required such that a bird collision zone facing the open space consists of at least 80 percent bird-safe glazing. To the extent feasible, buildings shall be designed to locate permitted transparent glazing, which is not considered bird-safe, on the ground floor and at lobby entrances to enhance visual interest for pedestrians. On the ground floor, patterns that provide marketing or other information or artistic design which do not obscure the view through glass are preferred. For purposes of this requirement, a "bird collision zone" shall mean the portion of buildings most likely to sustain bird-strikes from local and migrant birds in search of food and shelter and includes:
 - a. Glass facades beginning at grade and extending upwards for 60 feet, and
 - b. Glass facades directly adjacent to landscaped roofs 2 acres or larger in area and extending upwards 60 feet from the level of the roof.
 - c. Lighting. Up lighting shall not be used in bird collision zoning districts.
 3. **Feature-Related Standards.** Feature-related hazards include free-standing glass walls over 15 feet in height and 30 feet in length, glass wind barriers, skywalks, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards can occur throughout the City. Any structure that contains these elements shall treat 100 percent of the glazing so that it is bird-safe.

PART 3-B

Division 8. Requirements for Specific Uses

Part 3-B establishes supplemental requirements for specific uses. The requirements for specific uses include some provisions that are now found in Parts 2 through 5 of the Code establishing regulations and are identified as Special Requirements for Certain Uses. Consolidating these requirements in a single section will make them easier to find and, because many of the specific uses are allowed in multiple districts, can help avoid duplication.

The requirements for specific uses apply generally to districts, except where specifically stated. They are intended to be implemented in addition to the use regulations that Part 2 establishes for each zoning district and are cross-referenced as necessary in the use regulations Part 2 specifies. Among the regulations incorporated in Part 4 are the density bonus provisions in Division 4, Density Bonus Provisions for Residential Units of the current Code updated as necessary to comply with recent amendments to Government Code Section 65915 and requirements for Accessory Dwelling Units. Part 3 of the new Code will also include regulations for accessory and temporary uses and nonconforming uses and structures. The requirements for oil and gas operations in Division 5 of the existing Code will be included in a separate Division.

9318.1 Purpose and Applicability

The purpose of Part 3-B is to prescribe standards and requirement that apply, except where specifically stated, to certain uses in all zoning districts. These standards shall be used in conjunction with the standards for each zoning district established in Part II, Base and Special Zoning Districts, to protect the use and enjoyment of neighboring properties and the health, safety, and general welfare of the community. More specifically, these regulations are intended to ensure that:

- A. The Zoning Code includes standards to address issues typically associated with certain uses,
- B. Regulations and requirements are equitably applied by avoiding or minimizing the need for case-by-case discretionary review, and
- C. Applicants, the public, and City officials are aware of requirements imposed on certain specific uses by federal and State regulations without the necessity of consulting federal or State statutes, regulations, or case law.

Division 9. Accessory Uses

Sections:

- 9319.1 Purpose.**
- 9319.2 Use Restrictions.**
- 9319.3 Accessory Food Service.**

9319.1 Purpose.

This Division establishes general regulations for uses listed in Part 2: Base and Special Districts of the Zoning Code, as accessory uses. Such uses are permitted subject to the development standards for the zone in which the use is located and are subject to additional conditions and specifications outlined in this Division. In cases where this Division addresses accessory uses that Part 2 does not specifically address, such accessory uses shall be allowed wherever the primary use with which they are associated is permitted by the regulations of Part 2 and any limitations of this Division.

9319.2 Use Restrictions.

The following are not considered accessory uses:

- A. Additional Dwelling Units.** Any use which increases the number of dwelling units in any building or on any lot beyond that permitted in the district, except for Accessory Dwelling units as described in Division 10, Accessory Dwelling Units.
- B. Alcoholic Beverage Sales.** The sale of alcoholic beverages, whether on or off-site, shall not be considered an accessory use to any use and requires approval of a Use Permit regardless of traditional associations or limited proportion of sales,
- C. Gun Repairs and/or Sales.** Gun repairs and sales are separate principal uses that are subject to the requirements of Carson Municipal Code Article IV, Chapter 3, Firearms and Dangerous Weapons, and shall not be considered accessory to any use; or
- D. Storage of Inoperative, Dismantled or Wrecked Vehicles.** The storage of inoperative, dismantled, or wrecked vehicles is subject to the requirements of Carson Municipal Code Article IV, Chapter 5, Removal of Abandoned Vehicles, and shall be prohibited in all residential districts.

9319.3 Accessory Food Service.

This Section establishes standards for any food and beverage service that is clearly incidental and secondary to the primary use of a site.

- A. Applicability.** Food service operations that comply with the standards of this Section are considered accessory to a primary permitted use that is not a restaurant and are permitted wherever such primary use is permitted. Food service that is more extensive or intensive

- than described in this Section shall be separately classified as “Eating and Drinking Establishments” classification, as defined by Part 5, Division 1, Use Classifications.
- B. Primary Uses/Allowed Locations.** An accessory food service may serve and be located within a primary permitted non-residential use.
 - C. Maximum Area.** The area used for on-site consumption of food and beverages, including seating, counter space, or other eating accommodations, shall not occupy more than 250 square feet of floor area. In addition, the consumption area may not exceed 33 percent of the floor area of the primary on-site use.
 - D. Maximum Number of Seats.** The number of seats for patrons shall not exceed 20.
 - E. Enclosure.** The seating area shall be defined by fixed barriers such as full or partial walls, fencing, or planters.
 - F. Service.** Orders for food or beverages may not be taken from the table but rather shall be ordered at a counter.
 - G. Entrances and Signage.** To ensure that an accessory food service remains accessory to the primary permitted use of the property, the food service shall not have a separate building entrance from the primary use or signage on the building's exterior.
 - H. Parking.** The parking requirement for accessory food service shall be based on the parking requirement for the primary permitted use of the property.

Division 10. Accessory Dwelling Units

This Division incorporates most of the provisions of the City's existing ADU regulations with revisions necessary to be consistent with the most recent amendments to Government Code Section 65852. These include changes that allow heights up to 20 and 25 feet in certain cases and permit the sale of ADUs as condominium units.

Sections:

- 93110.1 Purpose**
- 93110.2 Applicability**
- 93110.3 Procedures**
- 93110.4 Standards**

93110.1 Purpose

The purpose of this Section is to comply with Government Code Sections 65852.2 and 65852.22, which set standards for the development of accessory dwelling units and junior accessory dwelling units, and to implement the General Plan 2021-2029 Housing Element, by increasing the supply of smaller and affordable housing units in a manner that maintains the appearance and predominant character of existing neighborhoods.

93110.2 Applicability

An accessory dwelling unit or junior accessory dwelling unit that conforms to the requirements in this Section, subject to the Director's determination, shall be:

- A.** Deemed consistent with the General Plan or zoning district designation for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located, and
- B.** Deemed within the allowable density for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located.

93110.3 Procedures

- A.** Any application for an accessory dwelling unit or junior accessory dwelling unit that meets the requirements of this Section shall be approved ministerially without discretionary review or public hearing.
- B.** Applications for accessory dwelling units and junior accessory dwelling units shall be processed within 60 days from the date the City receives a complete application if there is an existing single-family or multifamily dwelling on the lot.
 - 1.** If the application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the application for the accessory dwelling unit or the junior accessory dwelling unit until the City acts on the permit

application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.

2. If the applicant requests a delay, the 60-day time shall be tolled for the period of the delay.
3. Approval of a permit for the creation of an accessory dwelling unit or junior accessory dwelling unit shall not be conditioned on the correction of nonconforming conditions on the subject property. However, this does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code [Section 17980.12](#).

93110.4 Standards

A. Maximum Number of Units Allowed. The maximum number of accessory dwelling units and/or junior accessory dwelling units allowed on any lot shall be as follows. Unless specified below, only one category may be used per lot.

1. One accessory dwelling unit and one junior accessory dwelling unit are permitted on a lot with one or more proposed or existing single-unit dwellings, if all the following apply:
 - a. The accessory dwelling unit or junior accessory dwelling unit is proposed within the space of a proposed or existing single-unit dwelling (including an attached garage), or
 - b. The accessory dwelling unit is proposed within the space of an existing accessory structure, plus an addition beyond the physical dimensions of the accessory structure of up to 150 square feet. Further additions may also be made to the structure to accommodate ingress and egress if the total size of the structure does not exceed the maximum size for a new construction detached accessory dwelling unit that would otherwise be allowed on the same lot.
 - c. The accessory dwelling unit or junior accessory dwelling unit will have independent exterior access from the single-unit dwelling.
 - d. The side and rear setbacks are sufficient for fire and life safety as required by applicable City regulations.
 - e. The junior accessory dwelling unit complies with the requirements in Government Code [Section 65852.22](#).

B. Detached/Attached ADU on Lot with Single-Unit Dwelling. One detached or one attached, new construction accessory dwelling unit is permitted on a lot with one or more proposed or existing single-unit dwellings. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection (D)(1) of this Section.

- C. ADUs on Lot with Existing Multi-Family Dwelling.** Multiple accessory dwelling units are permitted on lots with existing multi-family dwellings subject to the following:
- D.** The number of accessory dwelling units shall not exceed 25 percent of the existing multi-family dwellings on the lot. To calculate the number of allowable accessory dwelling units, the following shall apply:
1. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one accessory dwelling unit shall be allowed, and
 2. For the purposes of this Section, multi-family developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.
 3. Space within an existing multi-family dwelling may be converted if it is not used as livable space or for amenities within common areas such as recreation rooms, outdoor space or any space previously designed to meet common area requirements. Space that may be converted may include storage rooms, boiler rooms, passageways, attics, basements, garages, or similar non-habitable areas.
 4. Space within an existing multi-family dwelling may be converted if it is not used as livable space or for amenities within common areas such as recreation rooms, outdoor space or any space previously designed to meet common area requirements. Space that may be converted may include storage rooms, boiler rooms, passageways, attics, basements, garages, or similar non-habitable areas.
 5. Up to two detached, new construction accessory dwelling units are permitted on a lot that has an existing or proposed multi-family dwelling. For the purposes of this Section, multi-family developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.
 6. If an existing multifamily dwelling has a rear or side setback less than four feet, the City will not require any modification of the existing multifamily building as a condition of approving the application to construct an accessory dwelling unit that meets all other requirements of this Section.
- E.** Notwithstanding any other provision in this Section, the number of accessory dwelling units and junior accessory dwelling units permitted on a parcel that was created through an urban lot split shall be limited as described in Part 2, Division 1, [Section 9211.6](#), Urban Lot Splits.
- F. Development Standards.** Except as modified by this subsection, accessory dwelling units and junior accessory dwelling units shall conform to all requirements of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions of this Zoning Code including, but not limited to, height, setback, site coverage, and residential development standards and objective design criteria.
1. **Minimum Lot Area.** There shall be no minimum lot area required to establish an accessory dwelling unit and/or junior accessory dwelling unit.

2. **Setback Requirements.** Accessory dwelling units and junior accessory dwelling units shall comply with the setback requirements applicable to the zoning district, except as noted below:
 - a. For conversion of existing enclosed floor area, garage, or carport, no additional setback is required, beyond the existing provided setback.
 - b. For replacement of an existing enclosed structure, garage, or carport, no setback is required beyond the existing setback. This provision shall only apply to accessory dwelling units and junior accessory dwelling units that are replacing existing structures within the same footprint and do not exceed the existing structure's dimensions.
 - c. Newly constructed accessory dwelling units shall provide a minimum setback of four feet from all side property lines and rear property lines.
3. **Building Height.** Accessory dwelling units shall comply with the following standards:
 - a. An accessory dwelling unit constructed above a detached garage shall not exceed two stories (garage with one story above and the maximum allowable height of the underlying zoning district).
 - b. A detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit located within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the California Public Resources Code may be up to 18 feet in height. A height of up to 20 feet is allowed to have a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
 - c. A detached accessory dwelling unit on a lot with an existing or proposed multifamily may have a height of 18 feet.
 - d. An attached accessory dwelling unit may have a height of 25 feet or the height this Code allows for a primary dwelling in the District where the unit is constructed, whichever is lower, but the height shall not exceed two stories.
4. **Unit size.**
 - a. The maximum size of a detached accessory dwelling unit is 1,200 square feet.
 - b. The maximum size of an attached accessory dwelling unit is 850 square feet for a studio or one bedroom unit and 1,000 square feet for a unit with more than one bedroom, or 50 percent of the floor area of the existing primary dwelling, whichever is smaller.
 - c. These size limitations shall not apply to accessory dwelling units that are converted as part of a proposed or existing space of a principal residence or existing accessory structure.

- d. The maximum size of a junior accessory dwelling unit shall be 500 square feet.
 - e. The minimum size of an accessory dwelling unit or junior accessory dwelling unit shall be at least that of an efficiency unit, as defined in Health and Safety Code Section 17958.1.
 - f. In no case shall open space, site coverage, or floor area ratio requirements reduce the permitted size of a detached or attached accessory dwelling unit to less than 800 square feet.
5. **Design.** Accessory dwelling units and junior accessory dwelling units built as additions to the principal dwelling, in a detached structure, or in a converted accessory structure shall be designed in the same architectural style as the primary dwelling and with the same roof pitch. The ADU or JADU shall have the same exterior cladding and shall be painted with colors in the same color palette as the primary structure.
6. **Required Facilities.**
 - a. Accessory dwelling units shall include complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a kitchen and bathroom.
 - b. Junior accessory dwelling units shall include living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking, including an efficiency kitchen, as defined in Government Code Section 65852.22(a), as may be amended. Junior accessory dwelling units may include separate sanitation facilities or may share sanitation facilities with the primary residence.
7. **Fire Sprinklers.** Fire sprinklers are not required for accessory dwelling units and junior accessory dwelling units unless the principal residence is required to have a sprinkler.
8. **Passageway.** No passageway shall be required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit. For the purposes of this Section, “passageway” means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.
9. **Parking.** Parking shall comply with the requirements of Part 3-A, Division 6, Off-Street Parking and Loading, except as modified below:
 - a. No additional parking shall be required for junior accessory dwelling units.
 - b. A maximum of one parking space shall be required for each accessory dwelling unit.
 - c. When additional parking is required, the parking may be provided as tandem parking and/or located on an existing driveway, however, in no case shall parking be allowed in a rear setback abutting an alley or within the front setback, unless the driveway in the front setback has a minimum depth of 20 feet.
 - d. No additional parking shall be required for:

- i. Accessory dwelling units that are part of the proposed or existing principal residence or accessory structure,
 - ii. Accessory dwelling units located within one-half mile walking distance of public transit. For the purposes of this Section, “public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public,
 - iii. Accessory dwelling units located within an architecturally and historically significant historic district,
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit, or
 - v. When there is a car-share vehicle located within one block of the accessory dwelling unit.
10. **No Replacement Parking Necessary for ADUs.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit at the same location or converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. However, off-street parking spaces shall be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a junior accessory dwelling unit or is converted to a junior accessory dwelling unit.
11. **Additional Requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units.**
 - a. *Separate Entrance.* Junior accessory dwelling units and accessory dwelling units located within a primary residence or attached to a primary residence shall include an entrance that is separate from the main entrance to the primary residence.
 - b. *Utility Connection Required.* All accessory dwelling units and junior accessory dwelling units shall connect to public utilities (or their equivalent), including water, electric, and sewer services. The City shall not require a separate utility connection between an accessory dwelling unit or junior accessory dwelling unit and the utility, or impose a related connection fee or capacity charge, for units located entirely within a primary dwelling, unless the accessory dwelling unit or junior accessory dwelling unit was constructed with a new single-family home.
 - c. *Short-Term Lodging.* Accessory dwelling units and junior accessory dwelling units shall not be rented for periods of 30 days or less.
 - d. *Deed Restriction and Recordation Required.* Prior to the issuance of a building and/or grading permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute a deed restriction, the form and content of which is satisfactory to the City Attorney. The City will record the deed restriction on the property with the County Recorder's Office, and the property

owner shall pay all recording costs. The deed restriction shall notify future owners of the prohibition on separate conveyance, the restriction on short-term rentals, the approved size and attributes of the unit, and the owner occupancy requirements, if applicable. For junior accessory dwelling units, the deed restriction shall also include a restriction on the size and attributes of the unit that conforms with Government Code Section 65852.22. The deed restriction shall run with the land and remain in effect so long as the accessory dwelling unit and/or junior accessory dwelling unit exists on the lot.

- e. *Historic Resources.* Accessory dwelling units and junior accessory dwelling units proposed on residential or mixed-use properties that are determined to be historic shall be approved ministerially, in conformance with California Government Code Sections 65852.2 and 65852.22. However, any accessory dwelling unit or junior accessory dwelling unit that is listed on the California Register of Historic Resources shall meet all Secretary of the Interior Standards, as applicable.

- 12. As provided for in Government Code Section 65852.2, an accessory unit may be sole or separately from the primary residential unit subject to the following requirements:

- a. The unit or units proposed for conversion to a condominium shall not be subject to a recorded covenant, code, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very- low income, and shall not have been occupied by a tenant during the last three years.
- b. The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (State Civil Code Section 4000 *et. seq.* the state's statutory scheme governing residential condominiums.
- c. The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act, which governs subdivision mapping, and all objective requirements of applicable local subdivision ordinances.
- d. Before recordation of the condominium plan, a safety inspection of the ADU must be conducted, evidenced either through (i) a certificate of occupancy from the local agency or (ii) housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.
- e. Each lienholder of the applicable property must consent to the recording of a subdivision map and condominium plan before either of those documents may be recorded. With respect to lienholder consent, a lienholder may (i) refuse to give consent, or (ii) give consent provided that any terms and conditions required by the lienholder are satisfied.
- f. Prior to recordation of the condominium plan (or any amendments thereto), written evidence of the lienholder's consent must be provided to

the county recorder along with the following signed statement from each lienholder:

- i. “(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”
- ii. The lienholder’s consent must be included on the condominium plan or a separate form attached to the condominium plan (and include certain information required by statute), and must be recorded in the office of the applicable county recorder.
- iii. The local agency must also include a statutory notice to consumers on any ADU submittal checklist or public information issued describing requirements and permitting for accessory dwelling units.
- iv. If an accessory dwelling unit is established as a condominium, the local government must require the homeowner to notify utility providers of the condominium creation and separate conveyance.
- v. For owners of a property or a separate interest within an existing planned development with an existing association, as defined in Section 4080 of the Civil Code, such owners may not record a condominium plan without the written authorization by the association.

Division 11. Accessory Buildings and Structures

Sections:

93111.1 Purpose and Applicability.

93111.2 Requirements.

93111.1 Purpose and Applicability.

These provisions are intended to ensure that detached buildings and structures that are clearly incidental or subordinate to the main building on the same lot or an adjacent lot under the same ownership are located and designed to avoid substantial interference with the light, air, and privacy available to primary structures on the same site or any adjacent lot.

- A.** Permanent and temporary accessory buildings and structures are permitted in all zoning districts subject to compliance with the applicable requirements of the zone in which they are located and the requirements of this Division except for the structures listed in subsection B.
- B.** The regulations in this Division do not apply to the following accessory buildings and structures, which are subject to separate regulations.
 - 1. Accessory uses under Part 3-B, Division 9,
 - 1. Accessory dwelling units and junior accessory dwelling units under Part 3-B, Division 10,
 - 2. Solid Waste, Recycling and Green Waste Storage enclosures under Part 3-A, Division 1,
 - 3. Solar installations under Part 3-A, Division 1, Solar Energy Systems,
 - 4. Swimming pools, spas, and hot tubs under Part 3-A, Division 1,
 - 5. Tennis courts subject to a Minor Use Permit,
 - 6. Signage including real estate, yard sales and other signs under Part 3 Division 51, Signs,
 - 7. Wireless communications equipment and antennas under Part 3, Division 61, Wireless Communications, and,
 - 8. Temporary structures subject to the requirements of Part 3, Division 56, Temporary Uses, and the following structures.
 - a. A mobile unit or structure used as a caretaker's or manager's residence or as a residence during the construction of a new residential unit on the same lot,
 - b. A mobile unit or structure used for temporary storage by the primary user of the property if such structure is not visible from any public street.

93111.2 Requirements.

- A. The following requirements are applicable to accessory buildings and structures in residential districts:
1. A detached accessory building may only be constructed on a lot with a legally permitted main building. The accessory building shall be related to the main building on the same lot or located on an adjacent lot under the same ownership.
 2. An accessory building may be constructed prior to a permitted main building and used for not more than one year in connection with the construction of the main building, provided that a building permit is obtained for the entire project, including the accessory building, prior to the start of any construction.
 3. Except for Accessory Dwelling Units established in compliance with Part 3-B, Division 10, accessory buildings may not contain kitchens or full baths. An accessory building that is not an approved Accessory Dwelling Unit may contain a sink and a toilet but not a shower or tub enclosure. Unenclosed showers that are outside are permitted.
 4. **Height.** Accessory buildings are permitted up to 15 feet and one story in height.
 5. Accessory buildings and structures that exceed 14 feet or one story in height may only be erected, structurally altered, converted, enlarged, or moved in any Residential District in conformance with the following regulations:
 - a. *Maximum Floor Area.* The total floor area of an accessory building that exceeds 14 feet or one story in height shall not exceed 500 square feet including any area approved for use as a garage. No accessory building shall have a second floor that exceeds 250 square feet in size.
 - b. *Maximum Building Height.* The accessory building shall not exceed two stories or 24 feet in height.
 - c. *Setbacks.* The accessory building shall conform to all setback requirements of the Residential District and the following requirements:
 - i. The accessory building shall have the same minimum side setback requirement as the principal building on the lot, but in no case less than five feet.
 - ii. The second story portion of an accessory building that is directly above the garage may extend into the required rear setback but shall be no closer than 15 feet from the centerline of the alley or 15 feet from the rear property line where no alley exists and may not extend into any required side setback.
 - iii. Accessory buildings may be in the required rear setback of a lot abutting an alley if the building is set back at least 15 from the centerline of the alley.
 6. **Location.** Accessory buildings shall be located on the rear half of the lot and shall not extend into the required side yard setback except as authorized below.

- a. Accessory buildings not exceeding 14 feet in height may be in the rear setback at least five feet from the rear lot line. A garage or garage portion of such an accessory building may extend up to one interior side lot line within the rear 35 feet of a lot.
 - b. A garage or garage portion of an accessory building may extend to the rear lot line abutting an alley, if vehicle access is not taken from the alley. Where vehicle access is taken from an alley, garages must be set back at least five feet from the rear lot line abutting said alley.
 - c. On a reversed corner lot, accessory buildings shall not be closer to the street side lot line of such corner lot than the principal structure.
 - d. Any accessory building on a through lot shall not project into any front setback and shall not be in any required side setback.
 - e. Detached private garages and accessory structures may be permitted in a required yard without street frontage if the garages or other accessory structures:
 - i. Are at least five feet from a main building or alley right-of-way,
 - ii. Are at least 50 feet from a front property line,
 - iii. Are at least three feet from any side or rear property line,
 - iv. Do not exceed 10 feet in height at their highest point within the required yard, and
 - v. Do not create a condition causing water to drain onto an adjacent site.
- B.** When a private garage or an accessory structure is attached to the main structure, it shall comply in all respects with the requirements of the Zoning Code applicable to the main structure.
- C.** Accessory buildings in mixed-use and non-residential zoning districts shall be subject to the same regulations as main buildings.

Division 12. Adult Businesses

This Division will retain all provisions in the existing Zoning Code.

Division 13. Affordable Housing and Childcare Incentives

This Division amends the Zoning Ordinance to implement General Plan Housing Element Update 2021-2029 and bring the Code into compliance with revisions to Government Code Title 7, Division 1, Chapter 4.3 Density Bonuses and Other Incentives enacted since 2015 when Carson last updated its regulations. This Division will also implement the requirements of Government Code Section 65913.4 (SB 35) for ministerial approval of infill affordable housing projects. Revisions to the existing Code to meet State requirements include, but are not limited to:

- Revising the list of projects eligible for a density bonus to include development with ten percent of the total units for transitional foster youth, 20 percent of the units for lower income students, or 100 percent of the units are for lower-income households, except that up to 20 percent of the units may be for moderate-income households,*
- Updating tables specifying how the density bonus for qualifying projects is calculated to include maximums consistent with State law,*
- Changing the requirements for affordable housing agreements to specify that units must remain affordable for at least 55 years.*

Sections:

93113.1	Purpose and Applicability.
93113.2	Definitions
93113.3	General Requirements
93113.4	Density Bonuses for Affordable and Senior Citizen Housing
93113.5	Additional Density Bonus for Land Donations
93113.6	Additional Density Bonus and Incentives for Childcare Facilities
93113.7	Additional Density Bonus for Condominium Conversions
93113.8	Incentives and Concessions
93113.9	Density Bonus Application
93113.10	Streamlined Approval of Infill Housing Projects
93113.11	Affordable Housing Agreement

93113.1 Purpose and Applicability.

This Division is intended to implement the State Density Bonus Law in compliance with the requirements of California Government Code Sections [65915](#) through [65918](#) and the Streamlined Ministerial Approval Process in Government Code Section [65913](#) through [65914.7](#), to the extent applicable to City. In the event these Government Code sections are amended, those amended provisions shall be deemed incorporated into this Chapter as if fully set forth herein. If there is any conflict between this Code and State law, the State requirements shall apply.

The Division also implements the General Plan Housing Element Update 2021-2029 by providing incentives to encourage developers to construct affordable housing that will benefit lower income households. It is the City's intent to encourage the development of rental and for-sale housing to serve an economically diverse community by providing a density bonus upon the request of an applicant when the applicant includes affordable or senior citizen restricted units in a project.

More specifically, these provisions:

- A. Provide incentives for production of housing for very low income, low income, moderate income, and senior citizen households,
- B. Provide incentives for the creation of rental housing serving lower and moderate-income households, and
- C. Provide incentives for the construction of childcare facilities serving very low, lower, and moderate-income households.

These provisions are not intended to allow for any density bonuses beyond those State law requires. However, this Division shall not prevent the City from granting a density bonus greater than what State law requires to the extent allowed by State law, the Carson Municipal Code, and the City Charter. These include, but are not limited to, implementation of provisions for community benefits or bonuses established by the General Plan, which are subject to the requirements of Part 4, Division 9, Community Benefits.

93113.2 Definitions

For the purposes of this Division, the following definitions shall apply. These terms are provided for the convenience of code-users. The meaning of any terms not defined in this Section but defined in Government Code Section [65915](#) shall have the definitions set forth therein.

- A. “Affordable rent” means annual rent, including utilities and all fees for housing services, which does not exceed the following as defined by California Health and Safety Code, Section 50053:
 - 1. Extremely low-income households: 30 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent,
 - 2. Very low-income households: 50 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent,
 - 3. Lower income households: 60 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent,
 - 4. Moderate income households: 110 percent of area median income, adjusted for assumed household size based on unit size, multiplied by 30 percent.
- B. “Affordable units” are dwelling units which are affordable to very low, lower, or moderate-income households as defined by this Division or by any federal or state housing program and are subject to rental, sale, or resale restrictions to maintain affordability.
- C. “Applicant” means a developer or applicant for a density bonus who seeks and agrees to construct a qualified housing development on or after the effective date of the ordinance codified in this Chapter pursuant to Section 65915, subdivision (b), of the California Government Code.

- D. “Area median income” means area median income for Los Angeles County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or a successor provision.
- E. “Assumed household size based on unit size” means a household of one person in a studio apartment, two persons in a one bedroom unit, three (3) persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.
- F. “Childcare facility” means a child day care facility other than a family day care home including, but not limited to, infant centers, preschools, extended day care facilities, and school age childcare centers.
- G. “Common interest development” bears the same meaning as defined in Section 1351 of the California Civil Code.
- H. “Concession or incentive” means a reduction in site development standards or a modification of zoning requirements or architectural design requirements that exceed the minimum building standards in the State Health and Safety Code or other regulatory incentives or concessions as defined by the State Government Code Section 65915, (k)(1).
- I. “Density bonus” means a density increase over the otherwise allowable zoning maximum residential density on a site as of the date of application by the applicant to the city, granted pursuant to this Chapter.
- J. “Density bonus units” means residential units granted pursuant to this Chapter which exceed the otherwise allowable zoning maximum residential density for a housing development.
- K. “Development standard” means any site or construction condition including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio that applies to a housing development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, or regulation. A “site or construction condition” is a development condition or law that provides a specification for the physical development of a site and buildings on the site in a housing development.
- L. “First approval” means the first of the following approvals to occur with respect to a housing development: specific plan, development agreement, planned development permit, tentative map, minor land division, use permit, design permit, building permit, or any other similar permit or entitlement listed in this code.
- M. “Household income” means the combined adjusted gross household income for all adult persons living in a residential unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor provision.
 - 1. “Very low income household” shall have the same meaning as provided in California Health and Safety Code Section 50105.

2. "Lower income household" shall have the same meaning as provided in California Health and Safety Code [Section 50079.5](#).
 3. "Moderate income household" shall have the same meaning as provided in California Health and Safety Code [Section 50093](#).
- N.** "Housing development" means one or more groups of projects for residential units in the planned development of the city. "Housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the California Civil Code, approved by the City and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section [65863.4](#) of the California Government Code, where the result of the rehabilitation would be a net increase in available residential units. To calculate a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. For purposes of this Chapter, "housing development" does not include projects for less than five dwelling units.
- O.** "Market-rate unit" means a dwelling unit which is not an affordable unit or an inclusionary unit.
- P.** "Maximum allowable residential density" means the maximum number of dwelling units permitted by the zoning ordinance and land use element of the general plan or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. The maximum allowable density is based on the date an application for a housing development is deemed complete. This definition is used to calculate a density bonus pursuant to this Chapter.
- Q.** "Partnered housing agreement" means a contract or agreement between a commercial development applicant and an affordable housing developer to directly develop or assist the development of affordable housing pursuant to Government Code [65915.7](#).
- R.** "Senior citizen housing development" means senior citizen housing as defined in Section 51.3 (a housing development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least thirty-five (35) dwelling units) and Section 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code.
- S.** "Shared housing building" means a residential or mixed-use structure, with five or more shared housing units as defined by the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations) and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate

- all residents. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section. A “shared housing building” may include 100 percent shared housing units or may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.
- T. “Specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete. Mere inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific adverse impact upon the public health or safety.
 - U. “Very low vehicle travel area” is defined to mean an urbanized area in Los Angeles County and other counties designated by Government Code Section 65915 (o)(9) where the vehicle miles traveled (VMT) generated by residential development is below 85 percent of either the city VMT per capita.
 - V. “Waiver” means the removal or reduction of development standards that would physically preclude the construction of a density bonus project including, but not limited to, setbacks, lot coverage, and open space requirements and building height limits.

93113.3 General Requirements

Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either density bonus units affordable to very low-income households, low-income households, or moderate-income households, or the housing development's status as a senior citizen housing development except as provided in this Division. Density bonuses from more than one category may not be combined. An applicant may propose and the Planning Commission, at its own discretion, may grant an additional density bonus as an incentive to a project eligible for such a benefit pursuant to this Division and State Government Code Section 65915. As stated in Section 93113.1, to the extent allowed by State law, an applicant may be eligible for additional density bonuses available under the City Charter and other provisions of this Code, which this Division does not regulate.

- A. When calculating the number of permitted bonus units, any calculations resulting in fractional units shall be rounded to the next larger whole number.
- B. The bonus units shall not be included when determining the number of density bonus units required to qualify for a density bonus. When calculating the required number of density bonus units, any calculations resulting in fractional units shall be rounded to the next larger whole number.
- C. The applicant may request a lesser density bonus than the housing development is entitled to, but no reduction will be permitted in the minimum percentages of required density bonus units pursuant to this Division.

93113.4 Density Bonuses for Affordable and Senior Citizen Housing

The City shall grant one density bonus, the amount of which shall be as this Section specifies below, if an applicant for a housing development applies for and agrees to construct a housing development, excluding any units permitted by the density bonus granted pursuant to this section, that will contain at least one of the following:

- A. Very Low- and Lower-Income Housing and Senior Citizen Housing.** A housing development, including a [shared housing building development](#), that includes:
 - 1. Ten percent of the total dwelling units, excluding any units permitted by the density bonus, are provided for rent or sale to lower income households.
 - 2. Five percent of the total dwelling units, excluding any units permitted by the density bonus, are provided for rent or sale to very low-income households.
 - 3. A senior citizen housing development or mobile home park that limits residency to older persons pursuant to Sections 798.76 or 799.5 of the State Civil Code.

- B. Moderate Income Housing.** A housing development that meets all the following criteria:
 - 1. At least ten percent of the total dwelling units are provided at affordable ownership costs to moderate income households, and
 - 2. The housing development is a common interest project as defined by Section 1351 of the California Civil Code, and
 - 3. All the dwelling units in the housing development are offered for sale to the public.

- C. Transitional Foster Youth, Disabled Veterans and Homeless Persons.** A housing development in which at least ten percent of the total units are provided at the same affordability level as very low-income units to at least one of the following groups of persons subject to a recorded affordability restriction of 55 years:
 - 1. Transitional foster youth, as defined in Section 66025.9 of the State Education Code,
 - 2. Disabled veterans as defined in Section 18541 of the State Government Code, or
 - 3. Homeless persons as defined in the federal McKinney-Vento Homeless Assistance Act.

- D. Lower Income Students.** At least 20 percent of the total units are affordable and restricted to lower-income students in a student housing development that meets all the following criteria:
 - 1. All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges.
 - 2. The developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the City that the developer has entered into an operating agreement or

master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions.

3. An operating agreement or master lease entered pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.
4. The rent for charged to lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
5. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless.
6. For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years.

E. 100 Percent Low- and Moderate-Income. A housing development, including a shared housing building development, in which 100 percent of the units, including density bonus units, except for the manager's unit or units, are affordable to low-income households, except up to 20 percent may be for moderate-income households. However, no maximum density shall apply to a qualifying development under this section if either of the following applies:

1. The housing development is located within one-half mile of a [major transit stop](#), or
2. The housing development is in a [very low vehicle travel area](#) within the city.

F. Higher Density Bonus for Greater Contribution of Affordable Units. Upon written request to the City, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low, lower, and moderate-income housing units exceeds the base percentage established in subsection (A) or (B) of this Section, as follows:

1. **Very low-income units.** The density bonus shall be increased up to a maximum of 50 percent, as follows:

<i>Percentage Very Low Income Units</i>	<i>Percentage Density Bonus</i>
5	20

<i>Percentage Very Low Income Units</i>	<i>Percentage Density Bonus</i>
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

1. **Low-income units.** The density bonus shall be increased up to a maximum of 50 percent, as follows:

<i>Percentage Low Income Units</i>	<i>Percentage Density Bonus</i>
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

<i>Percentage Low Income Units</i>	<i>Percentage Density Bonus</i>
21	38.75
22	42.5
23	46.25
24	50

2. **Moderate income ownership units.** The density bonus shall be increased up to a maximum of 50 percent, as follows:

<i>Percentage Moderate Income Units</i>	<i>Percentage Density Bonus</i>
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22

<i>Percentage Moderate Income Units</i>	<i>Percentage Density Bonus</i>
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

3. **Specification of Basis for Density Bonus.** Each applicant who requests a density bonus pursuant to this Division shall specify the basis on which the bonus is requested. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low-income affordable housing units, lower-income affordable housing units or moderate-income affordable housing units, or the development’s status as a senior citizen housing development. Density bonuses from more than one of these categories may not be combined.

93113.5 Additional Density Bonus for Land Donations

- A. When an applicant for a tentative map, subdivision map, parcel map, or other residential development approval qualified for a density bonus under this Division donates land to the City in accordance with this Section, and Government Code [Section 65915 \(g\)\(1\)](#), the applicant shall be entitled to an additional 15 percent density bonus above the otherwise maximum allowable residential density for the entire development. The density bonus provided pursuant to this Section shall be in addition to any density bonus granted pursuant to [Section 93113.3](#) of this Division, up to a maximum combined density bonus of 35 percent as follows:

<i>Percentage of Very Low-Income Units That Can Be Accommodated on Donated Land</i>	<i>Percentage of Additional Density Bonus</i>
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33

<i>Percentage of Very Low-Income Units That Can Be Accommodated on Donated Land</i>	<i>Percentage of Additional Density Bonus</i>
29	34
30	35

- B.** To be eligible for the increased density bonus described in this Section, the applicant shall meet all the following conditions:
1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development.
 3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of [Section 65583.2](#), and is or will be served by adequate public facilities and infrastructure.
 4. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of [Section 65583.2](#) if the design is not reviewed by the local government before the time of transfer.
 5. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.
 6. The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.
 7. The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.
 8. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

93113.6 Additional Density Bonus for Childcare Facilities

- A.** A housing development that is eligible for a density bonus pursuant to Section [931113.4](#), Density Bonuses for Affordable and Senior Citizen Housing, above, and includes a childcare facility qualified under this Section is eligible for either of the following, at the option of the City, if requested in writing by the applicant:
1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Childcare facility;
or
 2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the Childcare facility.
- B.** A Childcare facility will only qualify the housing development for an additional density bonus or incentive or concession if it is (1) located on the premises of, as part of, or adjacent to the housing development, and (2) the housing development is otherwise eligible for a density bonus pursuant to. As a condition of approving the additional density bonus for the housing development, the Childcare facility must meet all the following criteria:
1. The Childcare facility may be used only for Childcare for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable as stated in deed restrictions and pursuant to [Section 91113.11](#); and
 2. Of the children who attend the Childcare facility, the percentage of children from very low-income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are required to be affordable to very low income households, lower income households, or moderate income households pursuant to this Division.
- C.** Notwithstanding any requirement of this Section, the City shall not be required to provide a density bonus or concession or incentive for a Childcare facility if it makes a written finding, based upon substantial evidence, that the community already has adequate Childcare facilities.

93113.7 Density Bonus and Incentives for Condominium Conversions

- A.** An applicant for conversion of existing rental apartments to condominiums is eligible for either a density bonus or other incentives of equivalent financial value, at the option of the City, if the applicant agrees to provide:
1. At least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in [Section 50093](#) of the Health and Safety Code, OR

2. At least 15 percent of the total units of the proposed condominium project to lower income households as defined in [Section 50079.5](#) of the Health and Safety Code, and
 3. The applicant agrees to pay for the reasonably necessary administrative costs incurred by the City pursuant to this Section.
- B.** Condominium conversions qualified under subsection (A) of this Section may receive one of the following, at the City's option:
1. A flat density bonus of 25 percent to be provided within the existing structure or structures proposed for conversion, excepting that a condominium conversion is ineligible for this bonus if the apartments to be converted originally received a density bonus or incentives pursuant to any other provisions of this Chapter or pursuant to California Government Code [Section 65915](#). An applicant may choose to implement a lower density bonus.
 2. Incentives of equivalent financial value in the form of a reduction or waiver of requirements or fees which the City might otherwise apply as conditions of conversion approval. "Other incentives of equivalent financial value" shall not be construed to require the City to provide cash transfer payments or other monetary compensation to the condominium conversion project or its applicant.
- C.** The City reserves the right to place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value pursuant to this Section as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.
- D.** Condominium conversions are eligible only for the granting of a density bonus or incentive of equivalent value pursuant to this Section, which bonus or incentive may not be granted in addition to, or combined with, any other incentives, concessions, density bonuses or waivers and reductions of development standards pursuant to other sections of this Chapter. Nothing in this Section shall be construed to require the City to approve a proposal to convert rental apartments into condominiums.

93113.8 Incentives and Concessions

An applicant for a density bonus under this Division may also submit to the City a written proposal for specific incentives or concessions as provided in this Section and Government Code Section [65915\(k\)](#). The applicant may also request a meeting with the Director to discuss such proposal.

- E.** The applicant shall receive the following number of incentives or concessions pursuant to Government Code [Section 65915 \(d\)\(2\)](#):
1. One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low-income

households, or at least 10 percent for persons and families of moderate income in a development in which the units are for sale.

2. Two incentives or concessions for projects that include at least 17 percent of the total units for lower income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a development in which the units are for sale.
 3. Three incentives or concessions for projects that include at least 24 percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a development in which the units are for sale.
 4. Four incentives or concessions for a project in which 100 percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by [Section 50079.5](#) of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households. If the project is located within one-half mile of a major transit stop or is in a very low vehicle travel area designated by the city, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.
 5. One incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development.
- F. For purposes of this Division, concessions and incentives include any of the following:
1. Reductions in site development standards or modifications of zoning requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in [Part 2.5 \(commencing with Section 18901\)](#) of Division 13 of the California Health and Safety Code.
 - a. These include, without limitation, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
 - b. To qualify as a "concession or incentive," the city must be able to find that the requested reductions in site development standards result in identifiable, financially sufficient, and actual cost reductions.
 2. Approval of mixed-use zoning in conjunction with the housing development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located; or
 3. Other regulatory incentives or concessions proposed by the applicant or the City, so long as the City can find that such proposals result in identifiable, financially sufficient, and actual cost reductions.

- G.** The City shall grant the concession or incentive requested by the applicant unless the Planning Commission determines, based on substantial evidence in the record, that the concession or incentive:
1. Does not result in identifiable and actual cost reductions necessary to provide for affordable housing costs, or for rent for the targeted units to be set as specified in [Government Code Section 65915\(c\)](#) and/or this Division,
 1. Would have a specific, adverse impact upon public health and safety or on any real property listed in the California Register of Historical Resources for which there is no feasible method to satisfactorily mitigate or avoid,
 2. Would be contrary to State or federal law.
 3. The city shall have the burden of proof for denial of a requested concession or incentive.
- H.** In no case may the city apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria in sub-section A. This requirement shall not be interpreted to require the city to waive or reduce any development standards based on the findings in sub-sections C. 1, 2, or 3.
- I.** A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled.
- J.** A housing development that receives a waiver from any maximum controls on density pursuant to clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f) shall only be eligible for a waiver or reduction of development standards as provided in subparagraph (D) of paragraph (2) of subdivision (d) and clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f), unless the city, county, or city and county agrees to additional waivers or reductions of development standards.

93113.9 Density Bonus Application

To receive density bonuses, incentives, concessions, or waivers under this Division, an Applicant must submit to the city a Density Bonus Application, which will be treated as part of the Development Application. The Director may require from the applicant additional information only when necessary to clarify or supplement items submitted in the published list of required application materials or to determine the development's consistency with the requirements of this section. The Application shall include all the items on the list of materials itemized and described in regulations published by the Director including the following:

- A.** A development plan showing that the "base" project meets all existing general plan and zoning development standards,
- B.** A description of the proposed housing development, including the total number of proposed affordable housing units, senior housing units, or age-restricted mobile home park

- spaces including the level of affordability of all affordable inclusionary units qualifying the development for a density bonus,
- C. If a density bonus or concession is requested for a land donation, a description and location of the land the applicant proposes to donate for low-income housing units with evidence that each of the required findings can be made,
 - D. If a density bonus or concession is requested for a childcare facility, the location and square footage of childcare facilities the applicant proposes to construct as part of the qualifying housing development premises or on an adjacent property.
 - E. The zoning and General Plan designations and assessor's parcel number(s) of the project site.
 - F. A vicinity map showing the location of the proposed project.
 - G. A set of preliminary project plans that include a site plan showing all building and structure footprints or locations, drive aisles and parking layout; floor plans of all structures and buildings; and architectural elevations of all buildings and structures, all drawn to scale.
 - H. An Affordable Housing Unit Plan including:
 - 1. The location, structure (attached, semi-attached, or detached), proposed tenure (sale or rental), and size and number of bedrooms of proposed market-rate and affordable housing units and the proposed size of non-residential uses included in the development,
 - 2. The income level at which each affordable housing unit will be made affordable,
 - 3. For phased developments, a phasing plan that provides for the timely development of affordable housing units in proportion to other housing units in each proposed phase of development as required by this section.
 - 4. Any other information reasonably requested by the Director to aid in the implementation of this Division.
 - I. A request for a waiver shall include evidence to justify why it is necessary to allow construction of the development on the site. Specifically, any applicant requesting a waiver of development standards that physically preclude construction at the densities proposed and/or concessions and incentives permitted shall submit evidence in the form of a site plan, drawing or written explanation describing why the waiver is needed to permit the project. A financial report or pro forma is not required to justify a waiver.
 - J. If construction of a project is to be:
 - 1. Phased over more than two years, and those entitlements are vested by instruments such as a Development Agreement or other similar instrument, and
 - 2. The vesting document(s) allows for the phased submittal of Design Review plans including the floor plans and elevations of proposed buildings, the applicant may

be allowed to phase submittal of the floor plans and elevations required by subsection E of all planned residential buildings until such time that the Design Review plans are submitted pursuant to the vesting documents.

K. Procedure.

1. The Director shall review the application for completeness in compliance with the requirements of Part 4, Division 2, and Government Code 65915(a)(3)(D). When application is deemed complete, the Director shall provide the applicant with a written determination stating:
 - a. The amount of density bonus for which the applicant is eligible,
 - b. If requested by the applicant, the parking ratio for which the applicant is eligible.
 - c. If the applicant requests incentives or concessions pursuant to Section 93113.8 or waivers or reductions of the development standards pursuant to subsection (e)(1) whether the applicant has provided adequate information for the local government to decide as to those incentives, concessions, or waivers or reductions of development standards.
 - d. The determination shall be based on the development project at the time the application is deemed complete.
 - e. A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled.
2. A project with a Density Bonus Application, including a request for concessions, incentives, or waivers, shall be reviewed for approval by the Planning Commission; provided, however, that if a development involves another permit or entitlement requiring City Council approval, then the Planning Commission may deny the development project or recommend its approval to the City Council.
3. A requested concession, incentive, or waiver shall be approved unless the city finds, based on substantial evidence, that the requested concession or incentive:
 - a. Would not result in identifiable, financially sufficient, and actual cost reductions necessary to reduce the cost of the housing project sufficiently to make feasible the provision of the affordable housing units;
 - b. Would have a specific adverse impact on public health, safety or on property which is listed on the State Register of Historical Resources and there is no feasible method to satisfactorily mitigate the specific adverse impact without making the project unaffordable to the affordable households; or
 - c. Would be contrary to state or federal law.

- L.** Decisions of the Planning Commission may be appealed to or reviewed by the City Council as provided in Part 4, Administration and Permits, Division 2, [Section 9412.13](#), Appeals, of this Code.

- M. Notwithstanding these provisions, applications eligible for expedited processing under Government Code [Section 65913.4](#), Ministerial approval of infill affordable housing projects.

93113.10 Streamlined Approval of Infill Housing Projects

An applicant proposing a residential development that includes at least 50 percent affordable units and meets the eligibility criteria of Government Code [Section 65913.4](#) may request that the entitlement be approved through a streamlined, ministerial approval process. Projects that meet the eligibility criteria in this Section and the requirements of the State law shall be approved under a ministerial approval process, which exempts them from environmental review under the California Environmental Quality Act. This process also exempts such projects from any discretionary review that would otherwise be required by this Zoning Code, including, but not limited to requirements for conditional use approval or site development plan review, and does not allow public hearings.

- A. Eligibility criteria for streamlined ministerial approval. The project shall meet all the requirements set forth in Government Code [Section 65913.4](#), including without limitation the following:
1. The development shall be multi-family housing and contains two or more dwelling units that will be offered for rental or for sale. This definition does not include Accessory Dwelling Units (ADU) unless the project is for new construction of a single-unit home with an attached ADU in a zone that allows multi-family development.
 2. At least 75 percent of the perimeter of the development site is developed with urban uses. For purposes of this section, parcels that are only separated by a public street or highway shall be considered adjacent.
 3. At least two-thirds of the square footage of the development shall be designated for residential use and the site meets any of the following requirements:
 - a. The site is zoned for residential use or residential mixed-use development,
 - b. The site has a general plan designation that allows residential use or a mix of residential and nonresidential uses, OR
 - c. The site is in a zone where office, retail, or parking is a principal permitted use and meets all other requirements of Government Code [Section 65852.24](#) (Middle Class Housing Act of 2022).
 4. The developer shall dedicate at least 10 percent of the units in the project to households making 80 percent or less of the area median income and restricted by an agreement under [Section 93113.11](#).
 5. The development shall be consistent with all applicable standards of this Zoning Code.
 6. The site's zoning designation, applicable specific plan or master plan designation, or general plan designation must permit residential or a mix of residential and nonresidential uses by right or with a use permit.

7. The project shall meet the parking requirements in Part 3-A, Division 6, Off-Street Parking and Loading, of this Code or a maximum of one parking space per unit, whichever is lower. However, no parking will be required if the project is located:
 - a. Within one-half mile of a public transit stop,
 - b. A designated architecturally or historically significant district,
 - c. Within one block of a car-share vehicle station; or
 - d. In a permit parking area but permits are not offered to development occupants.
8. The project site is not in any of the following areas:
 - a. Wetlands as defined by federal law,
 - b. Within a flood plain designated by the Federal Emergency Management Agency (FEMA) or a FEMA-designated regulatory floodway Prime farmland or farmland of statewide importance as defined by the United States Department of Agriculture and designated on maps prepared by the State Department of Conservation OR land zoned or designated for agricultural protection or preservation by a local voter-approved measure,
 - c. A very high fire hazard severity zone designated by the State Department of Forestry and Fire Protection,
 - d. A hazardous waste site designated by the State Department of Toxic Substances Control (DTSC) unless it has been cleared for residential or residential mixed-use by DTSC,
 - e. Within an earthquake fault zone unless the development meets applicable seismic protection building code standards,
 - f. Protected species habitat area,
 - g. Lands under a conservation easement or identified for conservation in an adopted conservation plan or other adopted natural resource protection plan,
 - h. A site where development would require demolition of housing subject to recorded rent restrictions or occupied by tenants during the past ten years,
 - i. A site where demolition of an historic structure listed on a local, state, or federal register,
 - j. A site governed by the Mobile Home Residency Law, the Recreational, Vehicle Park Occupancy Law, the Mobile Home Parks Act, or the Special Occupancy Parks Act, including any mobile home park.
9. The project developer makes the certification required by Government Code Section [65913.4\(a\)\(8\)\(A\)](#) regarding payment of prevailing wages and the certification

required by Government Code Section 65913.4(a)(8)(B) regarding use of a skilled and training workforce, if applicable.

10. The project does not involve a subdivision of a parcel subject to the Subdivision Map Act unless the development is consistent with all objective CMC subdivision standards and either of the following apply:
 - a. The development has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to Government Code Section 65913.4(a)(8)(A); or
 - b. The development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce used, pursuant to Government Code Section 65913.4(a)(8).

- B. Application and Review Process.** An applicant seeking approval under the requirements of this Section and Government Code Section 65913.4 shall submit proposed plans and an application for Streamlined Approval on the form issued by the Director. The application shall be accompanied by (i) a fee adopted by the City Council, (ii) a completed Affordable Housing Supplemental Application Form signed by property owner or authorized agent, and (iii) dimensioned plans that meet the current application and checklist requirements.

93113.11 Affordable Housing Agreement

Each development for which a density bonus and incentive or incentives is granted or is entitled to streamlined approval pursuant to this Division shall be the subject of an Affordable Housing Unit Agreement, the provisions of which will vary depending on how a development satisfies the provisions of this Division. The Affordable Housing Agreement shall be recorded as a restriction on title to the parcel or parcels on which the affordable housing units will be constructed. The Affordable Housing Agreement shall be approved and recorded before final map approval, or, where a map is not requested, prior to issuance of building permits for market-rate units. The Affordable Housing Unit Agreement shall run with the land and bind future owners and successors in interest.

- A. Affordable Housing Agreement Contents.** An Affordable Housing Unit Agreement shall be on a City Attorney-approved form and shall include, without limitation:
1. A description of the development, including the total number of units, and the number and tenure (sale or rental) of affordable housing units.
 2. The size, in square feet, and location of affordable housing units;
 3. A description of the income group to be accommodated by the affordable housing units, and the formula for determining the affordable rent or sales price and affordable housing cost for each affordable housing unit;
 4. The duration of affordability for the affordable housing units; and provisions to ensure that the units remain affordable for the required term, such as resale and rental restrictions, deeds of trust, and rights of first refusal;

5. A schedule for completion and occupancy of the affordable housing units;
 6. Provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal or rental restrictions or other appropriate means to maintain the affordability of the affordable housing units;
 7. A Marketing Plan approved by the City for sale or rental of the affordable housing units, which shall use an equitable method to select renters or purchasers of the affordable housing units and describe how the applicant will inform the public, and those within the appropriate income groups, of the availability of affordable housing units;
 8. Provisions for subletting units consistent with affordability restrictions;
 9. Procedures for qualifying tenants and prospective purchasers of affordable housing units, to be administered by the applicant;
 10. Provisions for monitoring by the applicant of the ongoing affordability and habitability of affordable housing units; and
 11. A description of the concession(s) or incentive(s) provided by the city.
- B.** Affordable units qualifying a housing development for a density bonus shall remain affordable as follows:
1. Very low income, low income and moderate household units shall remain affordable to the designated income group for a minimum of 55 years, or for a longer period if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.
 2. Each household unit shall remain affordable for the period set forth in this Section unless circumstances require the household to sell, and they are unable to find qualified buyers in which event an equity sharing repayment to the city or the agency low- and moderate-income housing fund shall be required.
- C.** Any contract, deed restriction, or other instrument used to implement the continued affordability pursuant to this Section, shall be signed by the applicant, the property owner (if other than the applicant) and by the City as parties. If the housing development is located in or found by the Director to benefit a property listed in City's then-applicable Long Range Property Management Plan Property Inventory, such contract, deed restriction, or other instrument, in order to be effective, must also be signed by the Carson Housing Authority as a party or, at the City's discretion, the contract, deed restriction, or other instrument shall identify the Housing Authority as an express third-party beneficiary with the right to enforce the terms of such contract, deed restriction, or other instrument.

Division 14. Alcoholic Beverage Sales and Service

This Division consolidates the provisions for Alcoholic Beverage Sales and Services in Section 9138.5 including regulations in 9182.21 regarding nonconforming alcohol sales and service businesses. The proposed regulations have been augmented with additional provisions for making a determination of public convenience or necessity. This Division would also include specific finding for allowing alcohol to be sold in a variety of eating and drinking establishments and in establishments selling alcohol for off-site consumption.

Sections:

- 93114.1 Purpose.**
- 93114.2 Applicability.**
- 93114.3 Requirements.**
- 93114.4 Determination of Public Convenience or Necessity.**
- 93113.5 Eating and Drinking Establishments.**
- 93113.6 Food and Beverage Retail Sale Establishments.**
- 93113.7 Deemed Approved Alcoholic Beverage Sales Establishments.**

93114.1 Purpose.

These regulations are established to implement the General Plan's policy to promote responsible alcohol sales and to protect public health, safety, and welfare by reducing problems arising from the operation of businesses selling alcoholic beverages for consumption either on the site or off-site. Such problems include, but are not limited to, public inebriation, driving under the influence of alcoholic beverages, littering, loitering, noise, interference with children on their way to and from school and defacement, domestic abuse, and damaging of public and private property. Because alcoholic beverages sales are often important to the operation of certain establishments such as hospitality, entertainment, and related businesses, which contribute to the City's economy, these regulations provide reasonable restrictions the City Council deems necessary to achieve these objectives.

93114.2 Applicability.

The sale and service of alcoholic beverages, including beer, wine, malt beverages, and distilled spirits, for on-site or off-site consumption is subject to the requirements of this Chapter.

93114.3 Requirements.

No person shall dispense for sale or other consideration, alcoholic beverages, including beer, wine, malt beverages, and distilled spirits, for on-site or off-site consumption without first obtaining a Minor or Major Use Permit unless the sale or service is associated with a restaurant, brewpub, micro-brewery, tasting room or wine shop and permitted at the proposed location pursuant to the applicable requirements of Part 2, Base Districts of the Title or an adopted Specific Plan or Planned Development Permit. All alcoholic beverage sales uses are also subject to the following requirements:

- A. The operator of the use shall prevent loitering or other activity in the parking lot that would be a nuisance to adjacent uses and/or residential neighborhoods,
- B. The use shall not be in a reporting district with more than the recommended maximum concentration of the applicable on or off-premises sales use, as recommended by the State of California Alcoholic Beverage Control Board (ABC), nor with a high crime rate as reported by the Los Angeles Sheriff Department unless the Director or the Planning Commission has made a determination of public convenience or necessity as provided for by State law and these regulations;
- C. Hours of operation are limited to 8:00 a.m. to 12:00 midnight, or in the DMX, 8:00 a.m. to 1:00 a.m., daily unless the planning commission approves a major use permit allowing additional hours after considering:
- D. The impacts of any nearby discretionary land use that is already subject to a major use permit and that also proposes to engage in late night alcohol sales and/or service,
- E. Conditions including, but not limited to, interior and exterior restrictions such as noise controls, location and use of parking areas, sound barriers, and other performance standards to manage, minimize, mitigate, eliminate, or reduce the impacts of that activity on the public health and safety.
- F. The use shall not be located within 500 feet of a public school, or public park, except:
 - 1. Locations in the Downtown Mixed Use, Corridor Mixed Use or Flex Mixed-Use districts; or
 - 2. Large grocery stores with more 10,000 square feet of floor area, and providing fresh fruit, vegetables, and meat in addition to canned goods.
- G. The site shall always be free of litter and graffiti. The owner or operator is responsible for daily removal of trash, litter, and debris from premises and on all abutting sidewalks with twenty feet of the premises. One permanent, non-flammable trash receptacle shall be installed near all public entrances and exits to the establishment.
- H. Notices shall be prominently displayed that prohibit loitering and littering and request patrons to not disturb neighbors or block driveways,
- I. Employees of the establishment shall walk a 100-foot radius from the facility at some point prior to 30 minutes after closing and shall pick up and dispose of any discarded beverage containers and other trash left by patrons.
- J. The following signs shall be prominently displayed in a readily visible manner:
 - 1. "California State Law prohibits the sale of alcoholic beverages to persons under twenty-one years of age",
 - 1. "No loitering or public drinking"; and

2. "It is illegal to possess an open container of alcohol in the vicinity of this establishment".
- K.** A copy of the conditions of approval and the ABC license shall be required to be kept on the premises and presented to any law enforcement officer or authorized city official upon request.
- L.** All businesses that engage in retail alcoholic beverage sales shall be subject to inspection by the city staff any time the chief of police, or their designee, finds that criminal or nuisance activities are occurring on or near the premises.
- M.** A sound wall up to six feet in height shall be provided between the business and any abutting residential zoning district or use. Such wall may not obstruct the view of the building or parking areas from the street.
- N.** When an existing alcohol outlet with a major use permit changes ownership or undergoes an interior remodel, the establishment shall be subject to review pursuant to Part 4, Division 4, 16.603, Zoning Compliance Review, to ensure compliance with the existing minor or major use permit.
- O.** When an existing alcohol outlet without a minor or major use permit changes ownership or undergoes an interior remodel, it shall be subject to review pursuant to [Part 4, Division 4, Zoning Compliance Review](#) and [Section 93113.7, Deemed Approved Alcoholic Beverage Sales Establishments](#), and the following additional requirements:
1. An existing alcohol outlet that was lawfully established and is non-conforming solely due to the lack of an approved minor or major use permit is exempt from the requirements of this chapter if the licensed premises have remained in continuous operation without substantial change in mode or character of operation. Approval of a minor or major use permit shall be required for a change in the licensed classification. The operation of an existing non-conforming alcohol outlet shall be considered lapsed and a minor or major use permit shall be required where operations have been discontinued for a period of over one year.
 2. Any existing premises where operations have been discontinued for these time periods shall be required to obtain a use permit prior to resuming business whether a use permit was obtained in the past for the premises.
 3. A substantial change in mode or character of operation shall include, but is not limited to, a change in operational hours that extends past 11:00 p.m. Sunday through Thursday and midnight on Friday and Saturday, a five percent increase in the floor area of the premises, a ten percent increase in the shelf area used for the display of alcoholic beverages, queuing outside the establishment, age requirements for entry, checking identification at the door, implementing a cover charge, offering bottle service, or a five percent increase or decrease in the number of seats in any restaurant that serves alcoholic beverages, but in no case shall the increase exceed any established seating limitation in the underlying zoning district.

- a. For purposes of this Division, bottle service shall mean the service of any full bottle of liquor, wine, or beer, of more than 375 ml, along with glass ware, mixers, garnishes, etc., in which patrons are able to then make their own drinks or pour their own wine or beer.
- b. Cover charge shall mean requiring payment of customers before they may enter the establishment.

93114.4 Determination of Public Convenience or Necessity.

A determination of public convenience or necessity is required to allow the establishment of a new retail alcohol sales establishment or to allow the issuance of an additional license for any alcohol sales establishment in any area of the city that has an undue concentration of retail alcohol outlets or a higher crime rate than the average defined by the California Business and Professions Code Section 23958.4 (a) as:

- A. A crime reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes from all crime reporting districts within the jurisdiction of the local law enforcement agency; or
- B. The ratio of on- and off-sale retail licenses to population in the census tract or census division in which the premises are located exceeds the ratio of on- and off-sale retail licenses to population in the county.
- C. The Director may make a determination of public convenience or a determination of necessity based on crime statistics provided by the Police Department and consideration of the following:
 1. Special or unusual circumstances that justify a new establishment or license including, but not limited to, providing a service that existing alcohol sales uses do not offer;
 2. Evidence that the proposed outlet needs the license in order to operate profitably;
 3. If the business has a license at a different location and is relocating within the same census tract;
 4. Consistency of the proposed use with the General Plan and any applicable Specific Plan or Planned Development approval and evidence that the proposed retail outlet will not have impacts detrimental to development or people living or working in the immediate surrounding neighborhood;
 5. Proximity of other alcohol retail outlets, which would serve the needs of prospective patrons;
 6. Proximity of the proposed site to a residential neighborhood or other sensitive land use such as elementary, secondary and high schools, transitional housing, or facilities providing services to homeless persons;
 7. Whether the economic benefit of the proposed outlet to the district and/or the city will outweigh any possible negative impacts because the proposed use will attract

patrons to the area and positively effect adjacent businesses by furthering a City objective, such as the creation and enhancement of entertain and craft beverage areas;

8. Whether there is a history of alcohol-related crimes or calls for police service for the area where the use is proposed;
9. Input from surrounding business owners and residents.

93114.5 Eating and drinking establishments

Eating and drinking establishments offering: live entertainment, dancing or late-night alcohol beverage service and stand-alone banquet facilities offering alcohol beverage service, and bars, nightclubs (excluding adult nightclubs), lounges, taverns, and taprooms offering alcohol beverage service in the CMX Zoning District shall require a minor use permit, as prescribed in Part 4, Division 7, Minor and Major Use Permits, unless the sale or service is associated with a and any other establishment that services alcohol, with the exception of a bona fide eating place, as defined by the California State Department of Alcohol Beverage Control.

- A. Bars, taverns, brewpubs, micro-breweries, tasting rooms or wine shop shall require a minor use permit, as prescribed in Part 4, Division 7, Minor and Major Use Permits; and pursuant to the applicable requirements of Part 2 , Base, Overlay, and Special Districts of this Code or an adopted specific plan or planned development permit.
- B. The Planning Authority may only grant such a use permit if it makes the following findings and complies based on the substantial evidence in the record in addition to the findings required for approval of the use permit in accordance with Part 4, Division 7, Minor and Major Use Permits:
 1. The location and operating characteristics of the proposed alcohol sales will not adversely affect sensitive land uses in the surrounding area, including, but not limited to, residences, schools, parks, playgrounds, places of religious assembly, hospitals, and convalescent homes. For the purposes of this chapter, "adversely affect" means to impact in a substantial, negative manner the economic value, habitability, or use of properties in the immediate area.
 2. The impacts of any nearby discretionary land use that is already subject to a use permit and that also proposes to engage in late night alcohol sales and/or service are not increased.
 3. Conditions including, but not limited to, interior and exterior restrictions such as noise controls, location and use of parking areas, sound barriers, and other performance standards manage, minimize, mitigate, eliminate, or reduce the impacts of that activity on the public health and safety.

93114.6 Food and beverage retail sale establishments

Liquor stores, convenience stores, and mini-markets associated with fuel sales offering alcoholic beverages for off-site consumption shall require a major use permit, as prescribed in Part 4, Division 7, Minor and Major Use Permits.

- A. The Planning Commission may grant such a permit only if, from the facts presented with the application, at the public hearing, or as determined by investigation, it makes the finding listed in Section 93114.5.B.
- B. No liquor store, except for a large format liquor store, or convenience store, or mini-market associated with fuel sales offering alcoholic beverages for off-premises consumption shall be established within 1,000 feet of a property containing an existing or approved liquor store, convenience store or mini-market associated with fuel sales offering alcoholic beverages for off-site consumption.
- C. A convenience store or mini-market may sell beer and wine under a ABC Type 20 license provided the total floor area devoted to display of such products does not exceed ten percent of the gross floor area.

93114.7 Deemed Approved Alcoholic Beverage Sales Establishments

The regulations in this Division require that businesses selling alcoholic beverages, and were non-conforming uses before the adoption of these regulations, comply with performance standards and requirements to achieve the following objectives:

- A. To protect adjacent neighborhoods from the harmful effects attributable to the sale of alcoholic beverages.
- B. To provide opportunities for businesses which sell alcoholic beverages to operate in a mutually beneficial relationship to each other and to other commercial and civic services.
- C. To provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior, and escalated noise levels.
- D. To ensure that businesses which sell alcoholic beverages are not the source of undue public nuisances in the community.
- E. To ensure that sites where alcoholic beverages are sold are properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.
- F. To monitor deemed approved uses to ensure that they do not substantially change their mode or character of operation.

- G.** Applicability. All businesses engaged in the sale of alcoholic beverages, including eating and drinking establishments that were non-conforming uses prior to XXX and still do not possess a minor or major use permit for the sale and service of alcohol shall automatically become deemed approved uses and shall no longer be considered non-conforming uses.
- H.** Each such deemed approved use shall retain this status and may continue to engage in late night alcohol service, dancing and/or live entertainment provided such activities were lawfully engaged in prior to, and as long as it complies with the standards as specified in [Section 93114.3](#) above.
- I.** None of the provisions of this chapter restrict any authority to require modification or termination of any deemed approved use which does not conform to the performance standards in Section 93114.3. or which has been declared to be a nuisance by the City Council.
- J.** Any business engaged in the sale of alcoholic beverages that obtained a major use permit for the sale and service of alcohol prior to August 1, 2017 may continue to lawfully operate pursuant to the terms and conditions of its major use permit so long as that permit has not been modified, revoked, suspended, or abandoned as set forth Part 4, Division 7, Minor and Major Use Permits or Part 4, Division 19, Enforcement and Abatement or sub-section C, Abandonment.
- K.** **Abandonment.** Whenever a deemed approved use discontinues active operation for a continuous period of 12 months, such deemed approved use shall not be resumed. Related structures may be utilized thereafter only for a permitted use. Furthermore, if another use has been substituted before the lapsing of 12 months, the original deemed approved use may not be resumed thereafter.
- L.** **Notification.** The Director shall notify the owner of each deemed approved use, and the property owner if not the same, of the use's deemed approved status. Such notice shall be sent via certified return receipt mail; shall include a copy of the performance standards as specified in Section 93114.3, Requirements, with the requirement that these be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review; notification that the use is required to comply with all these performance standards; that a review fee is required, the amount of such fee shall be as established or amended by the city council; and that the use is required to comply with all other aspects of the deemed approved regulations. Should the notice be returned, then the notice shall be sent via regular U.S. Mail. Failure of any person to receive notice given pursuant to this section shall not affect the deemed approved status of the use.
- M.** **Performance Standards for Deemed Approved Alcoholic Beverage Sales Uses.** An alcoholic beverage sales establishment shall retain its deemed approved status only if it conforms with all the following standards:
1. It does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
 2. It does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area.

3. It does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
4. It does not result in violations to any applicable provision of any other city, county, state, or federal regulation, ordinance, or statute.
5. Its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding area.
6. A copy of the performance standards shall be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review.

93114.8 Employee Alcohol Awareness training.

The operator shall submit a plan for approval by the Director regarding employee alcohol awareness training programs and policies. The plan shall outline a mandatory alcohol-awareness training program for all employees having contact with the public and shall state management's policies addressing alcohol consumption and inebriation.

- A. The program shall require all employees having contact with the public to complete an ABC-sponsored alcohol awareness training program within 90 days of the effective date of the zoning approval. New employees shall attend the alcohol awareness training within 90 days of hiring.
- B. In the event the ABC no longer sponsors an alcohol awareness training program, all employees having contact with the public shall complete an alternative program approved by the Director.
- C. The operator shall provide the City with an annual report regarding compliance with this requirement. The operator shall be subject to any future citywide alcohol awareness training program affecting similar establishments.

93114.9 Designated Driver Program.

Prior to occupancy, the operator of any establishment selling alcohol for on-site consumption shall submit a Plan describing the establishment's designated driver program, which shall be offered by the operator to the establishment's patrons. The Plan shall specify how the operator will inform patrons of the program, such as offering on the menu a free non-alcoholic drink for every party of two or more ordering alcoholic beverages.

Division 15. Animal Care, Sales, and Services

This Division revises Section 9122.3, Animal Keeping, of the existing Code to include provision for keeping a limited number of fowl for personal use and regulations for commercial animal care sales and services.

Sections:

93115.1 Purpose and Applicability

93115.2 Requirements

93115.1 Purpose and Applicability.

This Division establishes provisions to regulate the keeping and care of animals as pets and animals for the use of persons residing on the property while protecting surrounding residents from any possible adverse effects. These requirements apply to the keeping of domestic and exotic animals that are accessory to the residential use of a property and sales and services including, but not limited to animal boarding/kennels, animal grooming, animal retail sales and veterinary services.

93115.2 Requirements.

A. Animal Keeping.

The keeping of animals is permitted when accessory to a residential use in any residential or mixed-use district consistent with the Carson Municipal Code, Article III, [Chapter 3, Pound Regulations](#); Article IV, Public Peace, Chapter 1, Prohibited Conduct – Offenses, [Section 4101 \(f\) , Noises by Animals](#), and the requirements of this Section.

1. Wild, exotic, dangerous, or nondomestic animals, including but not limited to mammals, fowl, fish or reptiles, are not permitted except for species this Division specifically allows and alligators which have been kept as pets within single family residential property occupied by the owners thereof located in the area now within the city limits of the City of Carson continuously since a date prior to the incorporation of the City of Carson on February 20, 1968.
2. Poultry and rabbit keeping.
 - a. Chickens, ducks, geese, and rabbits shall be kept in a securely fenced area within the rear yard of a residential property and a coop and pen shall be provided. The coop or hutch and pen shall meet the following requirements:
 - i. Coops/hutches shall be set back a minimum of five feet from side or rear property lines and at least 10 feet for up to six birds. All coops shall be located a minimum of 20 feet from habitable structures on adjacent properties or more when possible.
 - ii. Coops/hutches shall be no taller than eight feet in height.

- iii. The coop/hutch and pen shall be designed, constructed, and maintained so that animals are always securely contained.
 - iv. The coop and pen shall be maintained in a clean and sanitary condition. All enclosures shall be constructed and maintained to prevent rats or other rodents from being harbored underneath, within, or within the walls of the enclosure.
 - v. All feed and other items associated with hen keeping shall be stored to minimize contact with rodents.
- b. Roosters are prohibited.
3. Other similar animals, subject to the same numerical limitations, which are neither more obnoxious nor detrimental to the public welfare than the animals listed, shall be permitted subject to approval by the Director. Large animals or livestock such as horses, cows, sheep, goats, standard pigs, and hogs are prohibited.

TABLE 93 I 15.2: NUMBER OF ANIMALS AND POULTRY ALLOWED

Type of Animal	Number/Dwelling Unit Permitted
Dogs and cats	Three over four months age per unit
Tropical fish	No limit
House birds ¹	Three
Rabbits and chinchillas	Three
Pot-bellied pigs	One
Poultry	Three on lots up to 5,000 sq. ft./six on lots larger than 5,000 sq. ft.
Reptiles ²	Three

Notes:

1. Canaries, mynahs, parrots, parakeets, cockatiels, macaws, and similar birds of psittacine family

2. Turtles, lizards, non-lethal snakes, and similar species.

B. Pigeons (Optional)

1. Pigeons not raised or kept for market or other commercial purpose may be kept and liberated for exercise or racing if their enclosure is not less than 35 feet from the owner's dwelling, and not less than 50 feet from any other dwelling.
2. No person shall keep or maintain on any lot or parcel of land more than 20 live pigeons.
3. Pigeon coops shall be maintained in a clean and sanitary condition.
4. All feed for the pigeons shall be stored in containers which offer protection against rodents and insects; pigeon manure and other waste material arising from their maintenance shall be removed from permittee's premises at least once a week, or as often as it is necessary to prevent fly breeding, or other similar nuisance; such material shall be disposed of in a sanitary manner.
5. No person shall allow any pigeon owned or controlled by such person, except when said pigeon or pigeons are being exercised or raced through flight, to run at large.

C. Beehives. (Optional)

1. No more than four beehives may be established or maintained on any residential property within the City.
2. Any person intending to establish or maintain any beehive on any residential property within the City must first register with the County of Los Angeles and provide a copy of such registration to the Director of the Animal Care Services Bureau.
3. No person shall establish or maintain a beehive in the front yard of the property.
4. No person shall establish or maintain a beehive at a distance less than ten feet (10') from all property lines.
5. Beehive entrances shall face away from or be parallel to the nearest property line(s).
6. Beehives must either be screened so that the bees must fly over a six-foot barrier, which may be vegetative, before leaving the property, or be placed at least eight feet (8') above the adjacent ground level.
7. A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property.
8. For the purposes of this Section, a "beehive" means any box, container, structure, chamber or shelter within which bees are kept or of which bees have taken possession.
9. For the purposes of this Section, the term "dwelling" means any place of human habitation.

D. Animal Grooming.

Animal grooming facilities shall be entirely enclosed, soundproofed, and air-conditioned. Boarding of animals, outside runs or cages, outside trash containers, and offensive odors is prohibited.

E. Animal Retail Sales.

Animal retail sales establishments shall be entirely enclosed and air-conditioned. Boarding of animals not offered for sale, outside runs or cages, outside trash containers, and offensive odors shall be prohibited. Grooming activities shall be incidental to the retail use.

F. Veterinary Services.

Animal hospitals/clinics are permitted in mixed-use and commercial districts if they are entirely enclosed, soundproofed, air-conditioned, and not located within 200 feet of a residential use or a residential zone. Facilities shall also meet the following standards.

1. Services limited to dogs, cats, and other household pets. Large animals not permitted.
2. Outside runs or cages, outside trash containers, and offensive odors shall be prohibited.
3. Animal cremation shall not be allowed.
4. Grooming activities shall be incidental to the hospital/clinic use.
5. Temporary boarding of animals shall be allowed as an accessory use.

G. Animal Boarding/Kennels.

Animal boarding facilities and kennels are permitted in non-residential districts subject to compliance State Health and Safety Code Part 6, [Chapter 11, Pet Boarding Facilities](#) and with the following standards.

1. Location. The site shall not adjoin or abut a residential use or a residential district.
2. Size. Adoption and boarding areas shall remain an accessory component of the established primary operation and shall not exceed 50 percent of the gross floor area.
3. Building Improvements.
 - a. The facility shall be improved with sound abatement measures to ensure compliance with the noise ordinance of the Carson Municipal Code. Written documentation by a licensed acoustical engineer shall be provided to demonstrate compliance with the noise ordinance, subject to the approval of the Director.
 - b. Impervious flooring surfaces and floor drains shall be incorporated in the areas dedicated for recreation or boarding of animals. Operations involving the care of cats are exempt from providing floor drains.

- c. Facilities shall be temperature-controlled with a heating, ventilation, and air conditioning (HVAC) system. Ventilation and exhaust systems shall conform to the latest edition of the California Mechanical Code and California Building Energy Efficiency Standards for Residential and Nonresidential Buildings, as adopted, and amended by the Carson Municipal Code, or as otherwise required by applicable provisions of the California Health and Safety Code.
4. **Operations.**
 - a. All business activities must be confined within an enclosed building.
 - b. Operations and care of animals shall be in compliance with Article 3, [Chapter 3, Pound Regulations](#) of the Carson Municipal Code.
 - c. The number of animals shall be limited to a minimum area of 75 square feet of floor area per animal.
 - d. The operator shall clean all recreational and boarding areas daily and properly dispose of associated animal waste.
5. The following special development standards shall apply to businesses involving outdoor animal daycare services in addition to the requirements applicable to the location pursuant to [Part 2, Base, Overlay and Special Districts](#), of this Code.
 - a. Separation distance. Outdoor dog animal daycare uses shall be at least 200 feet from the nearest property zoned or used for residential purposes.
 - b. Attendant Required. Staff shall be in the outdoor area whenever animals are in the outdoor area.
 - c. Limitation on the number of animals. The number of animals permitted in the outdoor area shall be limited in accordance with the standards set by the American Society for the Prevention of Cruelty to Animals (ASPCA) with a minimum of 75 square feet of floor area per animal.
 - d. Fencing. Opaque fencing shall be required to screen all outdoor areas from adjacent uses and subject to the height requirements of [Part 3-A, Division 2, Fencing, Walls, and Screening](#), of this Code.
 - e. Landscaping. Landscaping shall be provided adjacent to the outdoor fencing to allow for planting.
 - f. Hours of operation. Outdoor animal daycare hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Sunday.
 - g. Daily cleaning. The operator shall clean all outdoor areas daily and properly dispose of associated animal waste.
 - h. No puppy or kitten under the age of eight weeks shall be brought or shipped into the City for the express purpose of selling the animal. This subsection shall not apply to non-profit kennels that accept a distressed puppy or kitten under the age of eight weeks from any other location.

- Division 16. Automobile Service Stations (Phase 2)**
- Division 17. Automobile/Vehicle Sales and Leasing (Phase 2)**
- Division 18. Automobile/Vehicle Repair, Major (Phase 2)**
- Division 19. Automobile/Vehicle Washing (Phase 2)**

Division 20. Bed and Breakfast Lodging

Sections

- 93120.1 Purpose
- 93120.2 Requirements

93120.1 Purpose

These provisions are intended to allow an additional type of transient accommodation that maintain the residential character of the neighborhoods in which they are located and operate in a manner that will not disturb surrounding residents. Bed and breakfast facilities also support the local economy by providing an additional source of income for homeowners and contributing to city revenues.

93120.2 Requirements

Bed and breakfast establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Type of Residence.** Bed and Breakfasts may only be located and operated in a single unit dwelling that is located on a parcel that conforms to the minimum size required in the district where the facility is located.
- B. **On-site Owner or Caretaker Required.** An on-site caretaker or the owner of the property shall reside in each Bed and Breakfast establishment.
- C. **Appearance and Signage.** The exterior appearance of a residential structure with a bed and breakfast establishment shall not be altered from its original single unit character. A sign that complies with the applicable requirements for single unit residential structures shall be permitted.
- D. **Number of Rooms.** No more than two rooms may be rented unless the floor area of the structure exceeds 4,000 square feet, in which case, a maximum of four rental rooms may be permitted. Where a use permit is required by the District regulations, the use permit may further limit the number of rooms.
- E. **Parking.** A Bed and Breakfast establishment is only permitted where the existing primary residential use complies with the off-street parking spaces required by [Part 3-A, Division 6, Off-Street Parking and Loading](#). Except for City-designated historic resources, parking for the Bed and Breakfast use shall be provided at a ratio of one space per room for rent in addition to the parking required for the primary residential use. Such spaces shall be individually accessible and may not encumber access to a required parking space for the residential use.

- F. **Limitation on Services Provided.** Meals shall only be prepared and served to registered guests. Separate or additional kitchens for guests are prohibited. Alcohol service may be provided for registered guests subject to the approval of a Conditional Use Permit pursuant to [Part 4, Division 7, Minor and Major Use Permits](#).
- G. **Limitation on Rental Period.** No room shall be rented to any guest for more than 15 consecutive days.
- H. **Transient Occupancy Tax.** The property owner shall be required to pay all necessary transient occupancy tax pursuant to Carson Municipal Code, Article VI, [Chapter 4](#).

Division 21. Blimp Ports (Phase 2)

Division 22. Childcare and Early Education

Sections:

- 93122.1 Purpose and Applicability
- 93122.2 Requirements

93122.1 Purpose and Applicability.

These provisions implement General Plan policies encouraging a range of childcare facilities and ensure the safety of children attending these facilities while maintaining the character of the residential or commercial areas where they are located. These provisions apply to all facilities, whether for-profit or not-for-profit, other than day care for children operated accessory to a dwelling unit.

93122.2 Requirements

- A. **Fences and Walls.** Outdoor play areas shall be enclosed by a fence of at least four feet in height. In a required front setback, the minimum four-foot height is allowed by right. However, the fence height in a required front setback may not exceed four feet in height unless permitted through approval of an adjustment consistent with Part 3-A, Division 2, Fences, Walls, and Screening, and Part 4, Division TBD, Modifications and Waivers. Materials, textures, colors, and design of the fence or wall shall be selected from the same pallet as on-site development and adjacent properties. All fences or walls shall provide for controlled points of entry.
- B. **Outdoor Play Area.** At least 50 square feet of outdoor space shall be required for each child older than two years in compliance with applicable State requirements. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners. This requirement may be waived if the applicant can demonstrate that there is a public park, school, or other public open area close to the facility.
- C. **Organized Outdoor Activities—Hours.** Childcare and Early Education facilities located in or adjacent to a residential district, or adjacent to a residential use, shall limit organized outdoor activities to the hours of 8:00 a.m. to 8:00 p.m. or sunset, whichever comes first on weekdays and 9:00 a.m. to 8:00 p.m. or sunset, whichever comes first on weekends.
- D. **Passenger Loading.** A passenger loading plan shall be required in accordance with Part 3-A, Division 6, Off-Street Parking and Loading, subject to the approval of the Director. All loading facilities shall be provided off-street and within the subject property. The Director may authorize up to one required on-street passenger loading space along a frontage curb for certain designated times for Childcare and Early Education Facilities.
- E. **State and Other Licensing.** All Childcare and Early Education Facilities shall be State licensed and shall be operated according to all applicable State and local regulations.

- F. **Neighborhood Liaison.** All Childcare and Early Education Facilities shall designate an on-site contact person to serve as a neighborhood liaison to address any neighborhood concerns related to the Childcare and Early Education Facility operation.

- Division 23. Cemeteries and Crematoriums (Phase 2)**
- Division 24. Colleges, Universities, and Trade Schools (Phase 2)**

Division 25. Community Assembly

Sections:

93125.1 Purpose and Applicability 93125.2 Requirements

93125.1 Purpose and Applicability

This Division establishes provisions applicable to a wide range of facilities where community members come together for civic purposes, social and cultural events, religious assembly, and other activities that provide opportunities for community involvement. These include facilities for meetings, including community centers, banquet centers, religious worship places, civic and private auditoriums, union halls and such. These provisions implement General Plan policies promoting civic engagement and ensure that activities do not interfere with other activities in the zones where they take place.

93125.2 Requirements

Community assembly uses shall be located, developed, and operated in compliance with the following regulations in the zones where they are allowed:

- A. **Minimum Site Area.** Assembly uses may only be located on sites with at least 7,500 square feet in area.
- B. **Buffer.** A buffer at least 20 feet wide shall be provided adjacent to any Residential District or use. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities. The minimum buffer requirement may be reduced subject to the review and approval of a use permit pursuant to [Part 4, Division 7 Minor and Major Use Permits](#). Any reduced buffer shall still maintain the minimum setback requirement of the district in which the facility is located.
- C. **Landscaping.** The site on which a community assembly use is located shall be landscaped consistent with the standards of [Part 3-A, Division 3, Landscaping](#).
- D. **Outdoor Activity Areas.** Outdoor areas used for recreation, meetings, services, or other activities involving groups of persons shall be at least 50 feet from any Residential District or use.
- E. **Hours of Operation.** Permitted hours of operation are 7:00 a.m. to 10:00 p.m., seven days a week. Additional hours may be allowed subject to approval of a Conditional Use Permit.
- F. **Accessory Uses.** Community assembly uses may include administrative offices, kitchen facilities, multi-purpose rooms, storage and other uses that are accessory to the facilities for public or private meetings. Places of worship may provide religious instruction as an accessory use; however, when a full school curriculum comparable to that of the Los Angeles Unified School District is offered, the school use shall be separately classified as a public or private school. Accessory uses do not include gymnasiums or other sports facilities, uses that represent more than 20 percent of the gross floor area, convention centers, or facilities such as day care centers and schools that are separately classified and regulated.

Division 26. Community Gardens

Sections:

- 93126.1 Purpose.**
- 93126.2 Applicability**
- 93126.3 Requirements.**

93126.1 Purpose

These provisions establish requirements and regulations for creating and operating community gardens to implement the General Plan's Environmental Justice Element and contribute to the social, economic, and environmental wellbeing of Carson residents. More specifically, this Division of the Zoning Code is intended to:

- A.** Increase community access to fresh local produce,
- B.** Strengthen the health and social environment of the community by supporting projects that engage and involve a wide variety of community members while providing an opportunity for physical exercise,
- C.** Provide a potential source of additional income to households and individuals through cooperative marketing of home-grown produce,
- D.** Improve the natural environment by adding vegetation that reduces greenhouse gas emissions,
- E.** Beautify neighborhoods by reducing the blighting effect of vacant lots; and
- F.** Ensure that urban agricultural activities are compatible with and do not have negative impacts on surrounding residents.

93126.2 Applicability.

Community gardens that comply with the requirements of this Chapter are allowed as a primary or interim use in all zoning districts subject to the Director's approval as provided for in Part 4, Division 4, Zoning Compliance Review.

93126.3 Requirements.

- A. Duration.** When an application proposes establishing a community garden as an interim use, the application shall specify the proposed duration of the use.
- B. Site Requirements.** Proposals for establishing gardens on sites previous occupied by any industrial or other non-residential facility that involved the use, handling, or disposal of materials identified as hazardous to human health or the environment pursuant to federal or State law may be required to demonstrate that the site is not contaminated. The Director

may require that sites are remediated to the satisfaction of the State Department of Toxic Substances Control (DTSC) or that measures have been incorporated to mitigate exposure to contaminated soil such as the use of containers or raised beds.

- C. **Garden Management.** Community gardens can be organized by community groups, non-profit organizations, the City, or landowners. In all cases, the garden shall be managed by a garden coordinator who serves as liaison between gardeners, property owners, and the City, and shall be operated according to a set of rules addressing governance, hours of operation, maintenance and security responsibilities, and the system for assigning plots subject to review by the Director.
- D. **Structures.** Structures are limited to storage sheds, plant cultivation structures (greenhouses, hoop houses, and cold frames), benches, bike racks, raised planting beds, compost or waste bins, picnic tables, fences, and rain barrel systems. Individual structures may not exceed 120 square feet in size or 12 feet in height. The combined area of all covered structures excluding compost bins and trash enclosures shall not exceed 15 percent of the garden area. All structures shall meet the setback requirements of the underlying zoning district and [Part 3A, Division 1, General Development Regulations](#).
- E. **Fencing.** Community gardens shall be fenced in accordance with the development standards of the underlying zoning district and the applicable requirements of [Part 3A, Division 2, Fences, Walls, and Screening](#).
- F. **Signs.** One sign per street frontage is permitted. Signs shall not exceed 4 square feet of sign face area and shall not exceed 6 feet in height. The sign shall include a contact telephone number and/or contact e-mail address/website address for the garden coordinator. No advertising for garden sponsors, donors, supporters, suppliers, etc. is permitted on site.
- G. **Water.** Community gardens shall have a metered water supply with costs paid by the garden coordinator on behalf of the body.
 - 1. Watering may be provided by a drip irrigation system or by hand using a hose or watering can.
 - 2. The garden coordinator shall provide information to plot holders including advice on water conservation, mulching, effective watering techniques, etc.
- H. **Composting.** Composting in compliance with the following requirements may be performed on the site:
 - 1. Compost materials shall be stored in a container or containers located at least 3 feet from an adjacent property in a manner that is not visible from any adjacent property.
 - 2. Odors and infestation shall be controlled so they do not exceed levels typically found in a well-maintained residential garden.
 - 3. Compost materials may only be generated on site or by active members of the community garden.

- I. **Trash and Recycling.** Appropriately sized trash and recycling receptacles shall be placed on-site. The garden coordinator shall be responsible for arranging for and making payment for regular trash collection. The operating rules shall encourage onsite composting of plant materials only and encourage gardeners to take their trash off-site for disposal.
- J. **Lighting.** Outdoor lighting shall be located and designed to avoid glare visible from adjacent properties. Low level light controlled by motion sensors is preferred.
- K. **Other Operational Requirements.**
 - 1. Allowable uses include the cultivation of fruits, vegetables, plants, flowers, or herbs. The cultivation of cannabis and any plants prohibited by the Los Angeles County Department of Agriculture is not allowed.
 - 2. Gardening activity shall be conducted between the hours of 7 a.m. and 8 p.m.
 - 3. Use of mechanized farm equipment such as tillers, trimmers, etc. or flame-producing tools is prohibited with the following exceptions:
 - a. Heavy equipment may be used initially to prepare land for agricultural use,
 - b. Landscaping equipment designed and used for home use is permitted,
 - c. Equipment shall be enclosed or screened from sight when not in use.
- L. Plants and produce grown in a community garden may be sold and marketed in the following manner:
 - 1. At Farmers' Markets subject to compliance with the Market's rules and requirements.
 - 2. Community garden members may sell plants and flowers that they have grown on their own plots as a home-based business subject to the requirements of [Part 3-B, Division 33, Home-Based Businesses](#).
 - 3. Produce may be distributed or sold from the community garden site subject to the Director's approval.

Division 27. Convenience and Discount Stores

This Division consolidates the requirements of Sections 9138.12 and 9138.19 of the existing Code.

Sections:

- 93127.1 Purpose**
- 93127.2 Requirements**

93127.1 Purpose

These provisions are enacted to ensure that there are a diversity of retail goods and services available to Carson residents and to protect residential and neighborhood retail areas from the adverse impact of uses with extended hours and which generate a high volume of customer traffic.

93127.2 Requirements

A. Minimum Lot Area.

- 1. Convenience stores are only permitted on lots with more than 32,670 square feet of net area.
- 2. Discount stores are only permitted on lots with six or more acres.

B. Separation Requirements. New convenience markets and discount stores shall not be closer than one half mile from existing convenience markets and discount stores.

C. Hours of Operation.

- 1. The permitted business hours of convenience markets, including truck loading and deliveries, shall be 5 a.m. to 11 p.m. seven days a week.
- 2. The permitted business hours of discount stores, including truck loading and deliveries, shall be 8 a.m. to 9 p.m. seven days a week.

D. Parking. Convenience stores and discount stores shall provide at least one parking space for every 250 square feet of gross floor area and comply with other applicable requirements of Part 3-A, Division 6, Off-Street Parking and Loading including, but not limited to regulations for loading areas and bicycle parking.

E. Alcohol Sales.

- 1. Alcohol sales in convenience stores are subject to the requirements of Division 14, Alcoholic Beverages Sales and Service, and the following regulations:
 - a. Alcohol sales are only permitted between the hours of 5 a.m. and 9 p.m. seven days a week.

- b. Alcohol sales are not permitted within 300 feet of any residential use, schools, and parks measured from the perimeter of the property.
- c. Alcohol sales are not permitted in discount stores.

F. Nonconforming Uses.

Existing legally established convenience markets and discount stores may continue to operate subject to the requirements of Division 44, Nonconforming Uses. Alterations to the building exterior and any increase in floor area shall require review and approval under Part 4, [Division 6, Development and Site Plan Review](#).

Division 28. Day Care, Adult and Child

Sections:

- 93128.1 Purpose.**
- 93128.2 Applicability**
- 93128.3 Requirements.**

93128.1 Purpose

These provisions implement policies of the Carson General Plan to promote an adequate and diverse supply of care facilities including public and private centers, preschool programs, and before and after school programs that are affordable and accessible for families and provide safe educational, and high-quality services. They also promote the establishment of facilities that provide safe and fulfilling services for elderly residents. The requirements are intended to ensure that facilities complement other uses in the areas where they are established and do not interfere with their operation.

93128.2 Applicability

These standards apply in addition to the requirements of the California Department of Social Services and its facility licensing procedures. Licensing by the Department of Social Services is required for all adult and child day care facilities.

93128.3 Requirements

A. Child Day Care Center Standards.

1. **Location Requirements.** A residential parcel shall not be bordered on more than one side by a care facility. No more than 25 percent of the parcels on any residential block may be utilized for care facilities.
2. **Fencing.** A six-foot high solid decorative fence or wall shall be constructed on the side and rear property lines. The Director may allow a solid fence or wall in the front yard setback up to a maximum height of five feet if deemed necessary to ensure safety or to mitigate nuisance.
3. **Parking and Loading.** An application for establishing a day care or early education center shall include a plan for parking and loading subject to review and approval by the Director of Public Works.
 - a. The staff parking required by [Part 3-A, Division 6, Off-Street Parking and Loading](#), may be arranged in tandem with a depth of more than two spaces.
 - b. The parking plan shall be designed to ensure that vehicles dropping off and picking up children do not interfere with traffic or block driveways.
 - c. Required parking for employees and drop-off areas for children may be located off-site subject to the Director's approval.

- d. The Director may impose conditions to ensure that the operation of the facility meets the requirements of this Section.
4. Swimming Pools or Spas. No swimming pools or spas shall be installed on the site due to high risk and safety considerations. An existing pool or spa for a separate use on the parcel may be allowed if the Director determines that adequate, secure separation exists between the pool or spa and the facilities used by the children and subject to compliance with all applicable requirements of the State Department of Social Services Child Care Licensing Program.

B. Adult Day Care Center Standards.

1. The application shall include a plan for parking and loading subject to review and approval by the Director of Public Works.
2. Required staff parking may be arranged in tandem with a depth of more than two spaces.
3. The Director may impose conditions to ensure that the operation of the facility meets the requirements of this Division.

Division 29. Drive-In and Drive-Through Facilities

Sections:

- 93129.1 Purpose**
- 93129.2 Applicability**
- 93129.3 Requirements**
- 93129.4 Findings Required**

93129.1 Purpose

These provisions are intended to ensure that drive-in and drive-through facilities operate in a manner that will not adversely impact the area in which they are located or be detrimental to public health, safety, or welfare. More specifically, their purpose is to:

- A.** Avoid increased congestion or interference with vehicle circulation on public or private streets or other rights-of-way adjacent to the property,
- B.** Impede or interfere with pedestrian movement or create a threat to pedestrian safety,
- C.** Avoid litter on the site and in the surrounding area,
- D.** Control the generation of light, glare, and noise that could disturb of nearby residents and surrounding businesses, and
- E.** Minimize adverse impacts on air quality created by automobile exhaust.

93129.2 Applicability.

These provisions apply to establishments providing products or services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include, but are not limited to, fast-food restaurants, banks, dry cleaners, mortuaries, and pharmacies. Drive-through facilities do not include "click and collect" facilities in which an online order is picked up inside a stationary retail business without use of a drive-in service.

93129.3 Requirements.

Drive-in and drive-through facilities are allowed subject to the applicable requirements of the districts where they are proposed and the requirements of this Division.

- A. Circulation.** Drive-through facilities shall provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. A site plan showing directional movements for interior traffic circulation shall be provided for review by the Public Works Director.

B. Pedestrian Walkways. Vehicle aisles shall not intersect with interior pedestrian walkways unless the Planning Authority determines that no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

C. Queuing. Vehicular queuing areas shall be provided to ensure that vehicles waiting for service will not interfere with public rights-of-way, private streets, or with on- or off-site parking and circulation. The circulation system shall be designed with due consideration for menu board location and any adjacent public right-of-way to ensure vehicles entering and leaving the premises shall not create any vehicular or pedestrian travel hazards based on a traffic study prepared for review and approval by the Director of Development Services and the Public Works Director.

A minimum stacking distance of 180 feet shall be provided to each pick-up window or automated machine.

A drive-through restaurant service facility with a separate ordering point and pick-up window shall provide stacking space for at least four vehicles in advance of each ordering point and stacking space for at least four vehicles between each ordering point and pick-up window.

D. Screening. Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a height of 36 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.

E. Site Design.

1. Drive-through elements shall be placed to the side or rear of the building. Drive-through windows shall be oriented away from the street frontage and provide adequate screening measures through landscaping and design to minimize visibility of the drive-through.
1. Entrances to drive-through lanes shall be at least 25 feet from driveways entering a public or private street or alley.
2. A drive-through restaurant service facility shall not require a reduction in the number of required parking spaces.
3. The minimum width of each drive-through lane shall be 11 feet.
4. The entrance to the lane and the direction of traffic flow shall be clearly designated by signs and pavement marking or raised curbs.
5. The design of freestanding drive-through facilities shall be compatible with the principal building, in terms of building color, materials, and form.
6. The site shall be landscaped in compliance with Part 3-A, Division 3 of this Code and any additional requirements the Planning Authority deems necessary to balance the aesthetic effect and thermal impact of the additional paving for drive-through lanes.

- F. Site Maintenance.** The site shall be always kept free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 100 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building and near the drive-through lane.
- G. Solid Waste, Recycling, and Organic Waste.** Solid waste and recycling containers shall be provided in locations suitably enclosed and screened from a public right-of-way.
- H. Operating Requirements.**
1. Operation of any drive-through facility adjacent to any residential zoning district or residential use is restricted to the hours of 7:00 a.m. to 10:00 p.m. unless the Planning Authority approves different hours of operation as a condition of approval.
 2. The manager shall be responsible for posting notice on premises warning patrons to not engage in activities that may create annoy adjacent businesses and residences or disturb the public peace including, but not limited to the following:
 - a. Littering on the property or in the surrounding neighborhood,
 - b. Racing or accelerating the motor of any vehicle or bringing to a sudden start or stop any motor vehicle,
 - c. Blowing or honking the horn of any motor vehicle except where reasonably necessary for safety reasons,
 - d. Leaving a motor vehicle on the premises of any drive-through facility as defined in Part 5, Division 2, of this Code so as to block or obstruct any driveway of ingress or egress of said premises,
 - e. Possessing any bottle, can, or other receptacle containing any alcoholic beverage, which has been opened or a seal broken, or the contents of which have been partially removed. This sub-section does not apply within premises licensed under the Alcoholic Beverage Control Act, or to any person under 21 years of age, or to any person keeping alcoholic beverages in a vehicle in the manner authorized by the Vehicle Code of the State.
 - f. Entering or remaining on the premises of a drive-through restaurant", as defined in this Code when the owner or operator of the drive-in or takeout restaurant has withdrawn from such person, for cause and not contrary to the provisions of the Unruh Civil Rights Act ([Civil Code Section 51](#)), the actual or implied invitation extended generally to members of the public to enter such premises. Not applicable to no application to a trespass committed by any officially authorized peace officer or law enforcement agent when such trespass is committed in the execution of such officer's or agent's official duty.

93129.4 Findings Required

The Planning Authority shall not approve any drive-in or drive-through facility without determining that the proposed facility complies with the specific requirements of this Division and substantially conforms with the purpose, intent and provisions of the General Plan, any applicable Specific Plan or Planned Development District, based on the following findings:

- A. The location and design of the facility is compatible with surrounding existing uses, includes a prominent main entrance at street or lot frontage, attractive landscaping, and includes sufficient pedestrian amenities, and interior floor area.
- B. The facility includes sufficient emissions controls to prevent idling vehicles, tunneling of emissions, and associated impacts on employees, visitors, and nearby sensitive receptors.
- C. The facility includes buffering sufficient to control any spillover impacts, including but not limited to noise, light, and debris that may impact surrounding sensitive receptors.
- D. The facility, if located within 150-feet of a residential zone, includes appropriate limits on hours of operation of the drive-through. Hours of operation for dine-in or take-out customers shall not be limited.
- E. That said facility is not located in an area of existing overconcentration of drive-through facilities and is not located within a 500-foot radius of a school or park unless mitigating factors exist.
- F. That development of the subject property shall not otherwise be suitable or necessary for more-intensive development that would advance the City's housing and economic goals, as described in the General Plan.

Division 30. Emergency Shelters

Sections:

93130.1 Purpose and Applicability.

93130.2 Requirements.

93130.1 Purpose and Applicability.

This Division establishes regulations for temporary, short-term housing to accommodate the need for sheltering for homeless families and individuals. These provisions implement the Housing Element of the General Plan and meet the requirements of State law to allow Emergency Shelters by right in one or more districts where residential uses are permitted subject to compliance with such objective standards and requirements allowed by State law.

93130.2 Requirements.

Any application for an Emergency Shelter facility that meets the following location, development, operating, and management standards shall not require a discretionary permit as required by Section [65583\(a\)\(4\)\(A\)](#) of the California Government Code:

A. Location Requirements.

1. No more than one emergency shelter shall be permitted within a radius of 300 feet from another shelter.
2. Emergency shelters serving single adults shall be located at least 1,000 feet from a public or private K-12 school, senior housing, childcare facility, or business licensed for on- or off-site sales of alcoholic beverages to the public.
3. Shelters shall be located within one-quarter mile of a designated public transportation stop.
4. All measurements shall be from property line to property line.

B. Development and Design Standards. An Emergency Shelter shall conform to all property development standards of the zoning district in which it is located, except as modified by these performance standards.

1. Parking. Off-street parking shall be provided at a ratio of one on-site parking space for every eight adult beds, plus one additional space designated for the on-site manager.
 - a. Parking facilities shall be designed to provide security for residents, visitors, and employees with parking spaces provided in the following ratios: one space for every eight adult beds plus one space per staff member. A covered and secured area for bicycle parking shall be provided for use by staff and client, commensurate with demonstrated need, but with no less than a minimum of eight parking spaces. No on-street parking shall be allowed.

- b. **Bicycle Racks.** Bicycle racks that allow for the secure storage of bicycles shall be provided. Bicycle racks shall accommodate at least one bicycle storage space for every eight adult beds. All bicycle racks must be located in an area that is not visible from the public right-of-way.
- 2. A client waiting and intake area shall be provided as interior space and contain a minimum of ten square feet per bed provided at the facility, and a minimum size of 100 square feet of floor area.
- 3. **Maximum Number of Beds.** No more than a total of 45 beds shall be provided on the entire property where the emergency shelter is located. Beds shall be provided for men and women in separate and secured areas.
- 4. **Restroom and Shower Facilities.** Separate and secured restrooms and shower facilities shall be provided for men and women with at least two toilets, one shower and one sink provided for every 20 clients in accordance with Building Code requirements.
- 5. **Personal Space.** At least 30 square feet shall be allocated for each client bed.
- 6. **Common Space.** Interior and/or exterior common space for the on-site clients to congregate shall be provided on the property at a ratio of not less than 15 square feet per occupant or a minimum overall area of four hundred 400 square feet, whichever is greater.
- 7. Any outdoor storage, including, but not limited to, items brought on site by clients for overnight stays, shall be screened from public view by a minimum six-foot high decorative wall or fence. Shopping carts are not permitted on site.
- 8. External lighting shall be provided for security and safety purposes on pedestrian pathways and in parking lot areas. Lighting shall be stationary and shielded and/or reflected away from residential areas and public streets. Light shall comply with Part 3A, Division 4, Light and Glare.
- 9. Outdoor charitable food distribution shall be conducted entirely on private property in a covered area during times that are approved by the city and shall not block accessible pathways. Hours of operation shall be the same as the hours of operation for Social Services Centers and Government Offices in the zoning district where the facility is located unless the Director determines that extending the hours will not interfere with or adversely affect surrounding uses based on the circumstances of the application.
- 10. No signs shall be placed on the property identifying its use as a shelter for the homeless.

C. Operating Requirements.

- 1. Emergency Shelters shall obtain and maintain in good standing all required licenses, permits and approvals from City, County, State and federal agencies or departments and demonstrate compliance with all applicable building and fire codes.

2. The length of stay of an individual client shall not exceed six months within a 12-month period.
3. The maximum number of beds for emergency shelters shall be 45 unless a Major Use Permit is approved to permit additional beds.
4. **Hours of Operation.** The facility shall operate on a first-come, first-serve basis with clients only permitted on site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.
5. **Staffing.**
 - a. Facility staff shall be trained in operating procedures, safety plans, and assisting clients.
 - b. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex offender under Penal Code [Section 290](#).
6. **Client Restrictions.**
 - a. The emergency shelter operator shall not intake any person as a client if that person is wanted by the police or has a record of committing violent offenses.
 - b. The emergency shelter operator shall conduct a background check on all prospective clients using Megan's Law database and restrict client intake in compliance with applicable State residency restrictions.
 - c. Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed one hundred 120 days in a 365- day period.
 - d. At no time shall any client be allowed to keep on site any alcoholic beverages, drugs, or weapons of any kind. The manager of the emergency shelter shall conduct routine inspections of each client's personal space to verify compliance and report to the Los Angeles County Sheriff's Office any client that is found in possession of illegal substances, drugs, and/or weapons of any kind.
 - e. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.
 - f. Service providers shall establish criteria to screen clients for admittance eligibility, with an objective to provide first service to individuals with connections to Carson.

7. **Client Assistance.**
 - g. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment.
 - h. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the Director.
8. **Site Maintenance.**
 - a. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility at least once during every 24-hour hour period.
 - b. All graffiti on the premises shall be removed by the operator within 24 hours.
 - c. Service providers will maintain good communication with and have procedures for responding to operational issues identified by neighboring uses, City staff, or the public.
 - d. Anti-loitering signs shall be installed on the property.
 - e. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Readmittance policies for clients who have previously been expelled from the facility shall also be established.
 - f. Donation/collection bins and areas shall be screened from public view and shall be open to the public between the hours of 9:00 a.m. to 6:00 p.m. A sign stating hours of operation shall be placed in a clear, visible location and shall be no larger than 15 square feet.
 - g. No client may sleep or live within a motor vehicle on the property of an emergency shelter at any time unless it includes an area designated for such use.
9. **Food Service.** The emergency shelter operator shall be responsible for compliance with all applicable Los Angeles County Health Department regulations in providing food service to its clients.
 - a. Outdoor charitable food distribution shall be conducted entirely on private property in a covered area during times that are approved by the City and shall not block accessible pathways.
 - b. Hours of operation for food service open to those who have not been admitted to the shelter as clients shall be the same as the hours of operation for Social Services Centers and Government Offices in the zoning district where the facility is located unless the Director determines that extending

the hours will not interfere with or adversely affect surrounding uses based on the circumstances of the application.

- D. Management Plan.** A proposed facility operator shall submit a Management and Operations Plan for the emergency shelter for review and approval by the Director prior to approval of a business license. The Plan shall meet the requirements of this Division including, but not be limited to, the following:
1. Security.
 2. Staff training.
 3. Neighborhood relations.
 4. Pet policy.
 5. Client intake process. List of services provided.
 6. Facility maintenance.
 7. Solid waste control.
 8. Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity policies.
 9. Anti-discrimination policies.
- E. Security Plan.** The facility operator shall submit a plan for on-site security plan to the to the City for review and approval by the Los Angeles County Sheriff's Office. The emergency shelter operator shall be responsible for ensuring that the approved security plan is always implemented at the emergency shelter.
- F. Subsequent Review of Facility Operations.** The City may inspect the facility during business hours for compliance with the management plan and any other applicable regulations and standards.
1. The City may request revisions to the management plan by the operator to address any issues identified.
 2. The facility shall implement other conditions and/or measures as determined by the City, in consultation with other City/County agencies, necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.
 3. Health and Safety. Each emergency shelter shall comply with all applicable local and State health and safety codes such as the California Building Code, California Fire Code, California Health and Safety Code and applicable zoning standards for the development and use of the property on which the emergency shelter is located.

Division 31. Farmers' Markets

Sections:

- 93131.1 Purpose and Applicability.**
- 93131.2 Requirements.**

93131.1 Purpose and Applicability

These provisions implement the policies of the Carson General Plan to support development of venues with healthy food options by establishing requirements and regulations for creating and operating farmers' markets that will contribute to the social, economic, and environmental well-being of Carson's residents. More specifically, this Division is intended to:

- A.** Increase community access to fresh local produce,
- B.** Strengthen the health and social environment of the community by supporting projects that engage and involve a wide variety of community members while providing an opportunity for physical exercise,
- C.** Promote a use that encourages pedestrian activity in the areas of the City where they are located.

93131.2 Requirements

Farmers markets shall be located, developed, and operated in compliance with the following standards in addition to other applicable requirements of the Carson Municipal Code, in the zoning districts where they are allowed:

- A. Qualified Operator.** Farmers' markets shall be operated by one or more producers, a non-profit organization, or a local government agency.
- B. Permits Required.** The market operator and vendors shall be approved by the Director and secure all necessary licenses, certificates, and health permits, including permits for street closure, if applicable. All permits (or copies of them) shall be in the possession of the farmers market manager during all hours of operation.
- C. Management Plan.** A management plan shall be prepared and provided to the Director for review and approval. The management plan shall include the following:
 - 1. Identification of a market manager or managers, who shall be present during all hours of operation.
 - 2. A set of operating rules addressing the governance structure of the market, the method of assigning booths and registering vendors, hours of operation, maintenance, security, solid waste collection, and parking.

- D. **Hours of Operation.** Market activities may be conducted between 7:00 a.m. and 8:00 p.m., seven days a week. Set-up of market operations cannot begin more than one hour prior to the operational hours of the market and take-down shall be completed within one hour of the close of the market.
- E. **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.
- F. **Pedestrian Clearance.** A farmers' market shall not obstruct any sidewalk or path that is part of a pedestrian circulation system.

Division 32. Group Residential

Sections:

- 93132.1 Purpose**
- 93132.2 Requirements**

93132.1 Purpose

This Division is intended to ensure that Group Residential developments do not adversely impact adjacent parcels or the surrounding neighborhood and are developed in a manner that protects the health, safety, and general welfare of nearby residents, while providing for the housing needs of an important segment of the community.

93132.2 Requirements

- A. Maximum Number of Private Living Quarters.** If the building contains a common kitchen, dining space, and living space adequate to serve all residents, the total number of private living quarters may exceed the maximum density that is otherwise is permitted by standards applicable to residential development in the zoning district where the project is located.
- B. Kitchen Facilities.** Private living quarters may have one-wall efficiency kitchen facilities, excluding an oven and dishwasher. No other kitchen facilities shall be allowed in private living quarters.
- C. Laundry Facilities.** The development shall provide laundry facilities or services adequate to meet the needs of all residents.
- D. Common Facilities.** In addition to the required central cooking facility, dining room, and living space, the development may provide facilities such as the following for the exclusive use of the residents:
 - 1. Beauty salon and barber shop,
 - 2. Small pharmacy,
 - 3. Therapy rooms,
 - 4. Cafes,
 - 5. Recreation room,
 - 6. Library,
 - 7. Laundry facilities.
- E. Security.** Parking garages, surface parking, and private and common areas located outside the building shall be designed to protect the security of residents, guests and employees by controlling access to the facilities by other persons. Adequate external lighting shall be

- provided for security purposes and shall meet the requirements of Section TBD, Light and Glare.
- F. Outdoor Living Area.** Any project containing four or more private living quarters shall provide the following minimum open space:
1. 100 square feet per living quarter for projects with four or five private living quarters with an additional 50 square feet per living quarter for projects with six or more private living quarters.
 2. Affordable housing projects may substitute one square foot of common open space for each square foot of required private open space.
- G. Management Plan.** All facilities shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

Division 33. Hazardous Materials Handling and Storage (Phase 2)

Division 34. Home-Based Businesses

Sections:

- 93134.1 Purpose.**
- 93134.2 Home-Based Business Permit and Business License Required.**
- 93134.3 Uses Permitted.**
- 93134.4 Regulations**
- 93134.5 Exclusions**

93134.1 Purpose

This Division implements the General Plan by fostering economic resilience and promoting a mix of employment opportunities by providing regulations that allow for the establishment of businesses operated as an accessory use in a place of residence. The purpose of the regulations in this section is to provide criteria and procedures allowing such home-based businesses to contribute to the local economy and the economic welfare of residents in a manner that protects public health, safety and welfare and protects the character of residential neighborhoods. More specifically, the regulations are intended to ensure that:

- A. The home occupation is secondary and incidental to the principal use of the property for residential purposes,
- B. The character of the dwelling unit and the premises on which it is located retains its residential character,
- C. The use does not generate pedestrian or vehicular traffic beyond that typically created by a residential use.

93134.2 Home-Based Business Permit and Business License Required

A home-based business shall require a [City business license](#) and a home-based business permit pursuant to [Part 5, Division 4, Zoning Compliance Review](#), and the requirements of this Division. Where the provisions of this Division allow modifications subject to approval of a Minor Use Permit under [Part 5, Division 7, Minor and Major Use Permits](#), the Director may impose reasonable conditions deemed necessary to ensure compliance with the regulations in this Division.

93134.3 Uses Permitted

Any use, except those excluded by the requirements of this Division or standards applicable to the zoning district where the residential unit is located, may be a home-based business if the Director determines that it complies with all the requirements of this Division.

93134.4 Regulations

In addition to all other applicable requirements of the Carson Municipal Code and this Chapter, home-based businesses shall comply with all the following regulations:

- A. The use shall be conducted entirely within the dwelling, garage or accessory structure and shall be conducted by and employ or have as volunteers only those persons who reside in the dwelling unit to which the use is clearly incidental and secondary, except for a cottage food business consistent with [Section 113758](#) of the California Health and Safety Code which may have one non-resident employee.
- B. A home-based business shall not create offensive or objectionable noise, vibration, odors, smoke, fumes, heat, dust, dirt, glare, or electrical disturbance perceptible by the average person beyond the lot line or party walls of multi-family buildings of the subject premises.
- C. The use shall not change the residential character of the dwelling unit or property, or adversely affect the residential or other zoning district where the home-based business is located. Deliveries shall be only by a step-truck or vehicles with a gross vehicle weight rating 16,000 pounds or less.
- D. A home-based business shall not occupy more than 20 percent of the floor area, but in no case shall it occupy more than 400 square feet, of the dwelling unit to which it is clearly incidental and secondary.
- E. No portion of any dwelling where a home-based business is located shall have a separate designated access or private entrance specifically for the home-based business use, except an accessory structure used in conjunction with a home-based business.
- F. No owner of any dwellings used for a home-based business shall make any internal or external alterations or install construction features in any portion of the dwelling or accessory structure not customarily found in similar dwellings.
- G. Materials or supplies used in connection with the home-based business shall not be stored outdoors nor in a covered parking space, such as a garage or carport.
- H. Employees and Visitors to the Premises. Employees working or meeting at the site shall be limited to persons who reside at the residence and one non-resident, as allowed for a cottage food business or a microenterprise kitchen.
- I. The one non-resident employee's hours shall be between 8:00 a.m. and 8:00 p.m.
- J. A home-based business shall not have more than four clients on the premises at any given time or more than ten clients at the premises in any given business day.
- K. Additional employees or increased hours of operation may be permitted subject to approval of a Minor Use Permit pursuant to Part 4, Division 7, Minor and Major Use Permits.
- L. Vehicles. No more than one truck or other motor vehicle of a size larger than 16,000 pounds shall be permitted in conjunction with any home-based business, and no more than two vehicles shall be associated with multiple home-based businesses within a single residential unit.

- M.** No vehicle maintenance shall occur on premises.
- N.** Vehicles either directly or indirectly associated with the home-based business shall not obstruct or impede the flow of traffic on public roads and shall not generate undue noise during loading or unloading activities.
- O.** When used in connection with the operation of a home-based business, the following and similar types of vehicles shall be stored off-site and are expressly prohibited on the premises of a home-based business:

 - 1. Limousines or taxicabs,
 - 2. Dump trucks,
 - 3. Tow trucks,
 - 4. Pick-up trucks with the bed converted into a hauling compartment designed to hold materials and equipment that exceed the height of the existing sides of the truck, construction vehicles (e.g., front-end loaders, backhoes),
 - 5. Trailers (e.g., construction trailers, chipper trailers), and
 - 6. Construction equipment (e.g., cement mixers, chippers).
- P.** No vehicles used in connection with the operation of a home-based business shall be parked overnight on residential streets.
- Q.** Product sales. Food products offered for sale shall be limited to those produced on the premises, except for (i) food products produced in a manner consistent with the California Health and Safety Code, which may not be sold at the premises, and (ii) plants, which may be grown or kept in outdoor areas of the subject premises, except for cannabis, which is subject to the provisions of Chapters 15, Commercial Cannabis Operations Regulatory Program, and 17, Personal Cannabis Cultivation, of Carson Municipal Code, Article VI, Taxes and Licenses.
- R.** There shall be no signs, name plates or other forms of advertising such as products displayed on the premises including windows in which a home-based business is conducted. Window display of materials associated with the home-based business is prohibited.
- S.** A home-based business that involves hazardous materials or processes and that is not prohibited by Section 93134.5 of this Division or other provisions of this Code shall require Fire Department approval for compliance with same, in addition to any inspections and approvals required pursuant to state laws or regulations.
- T.** Food preparation for permitted home cottage food operations and micro-enterprise kitchens consistent with the California Health and Safety Code shall be allowed subject to Los Angeles County Health Department regulations, permitting and safety inspections.

93134.5 Exclusions

The following activities shall not be conducted as a home-based business:

- A. Teaching of organized classes totaling more than four persons at one time or a business that has more than ten clients arriving in-person on the premises per day,
- B. Banks and financial institutions, including but not limited to, nontraditional financial institutions,
- C. Care, treatment, boarding or breeding of animals for commercial purposes,
- D. Operation of food handling, processing, or packing that is not in compliance with Los Angeles County Environmental Health regulations and [Section 113758](#) of the California Health and Safety Code,
- E. On-site vehicle-related uses such as, but not limited to, storing of either operational or non-operational vehicles, cleaning, dismantling, embellishing, installing, manufacturing, repairing, or servicing, selling, leasing or renting, and towing, driving schools, dispatching of vehicles, boat towing, scrap yards, parts sales, or any storage of autos.
- F. Where the person conducting the home-based business serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles shall be received, stored, and sold directly to customers at off-premises locations,
- G. Any on-premises retail sales including, but not limited to, firearms, weaponry, ammunition, liquor, tobacco, and any off-premises sales of tobacco or tobacco related products, except that retail sales consistent with provisions of cottage food operations shall be allowed per [Section 113758](#) of the California Health and Safety Code,
- H. Funeral and interment services, including but not limited to, crematories, mortuaries, mausoleums, and undertaking,
- I. Uses defined and regulated by the California Health and Safety Code [Section 1500 et seq.](#) (California Community Care Facilities Act), unless established and operated in compliance with the applicable requirements of this Code,
- J. Transient habitation, except for bed and breakfast inns (as defined in Part 5, General Terms, of this Code) established and operated in compliance with [Division 20, Bed and Breakfast Lodging](#), this Part of the Code.
- K. Bona fide eating and drinking places, including, but not limited to, bars, nightclubs, and restaurants,
- L. Laundry and dry-cleaning services,
- M. Communication facilities, including, but not limited to, transmission towers,

- N.** Businesses involving hazardous materials that are not approved and typically used on residential premises, including, but not limited to, waste facilities, transfer, storage and treatment,
- O.** Adult businesses, including but not limited to, retail and performance-oriented uses, or
- P.** Any business involving the cultivation, manufacturing, testing, distribution, or sale of cannabis.

Division 35. Hotels and Motels

These new provisions are proposed to facilitate the development of hotels, motels, and other commercial lodging to meet the needs of persons visiting Carson for business or recreation while ensuring that establishments are developed and operated in a manner that minimizes adverse impacts to nearby residential areas and surrounding businesses.

Sections:

93135.1 Purpose and Applicability

93135.2 Requirements

93135.1. Purpose and Applicability

This Division is intended to ensure that hotels and motels are developed and operated in a manner that protects the general welfare of nearby residents while providing a satisfying experience for visitors staying in these facilities while visiting Carson. The requirements of this Division are deemed necessary to provide for a variety of commercial lodging accommodations to meet the needs of those visiting the city for business or recreation while ensuring that facilities are developed and operated in a manner that minimizes adverse impacts including, but not limited to an increased demand for parking, interference with traffic and circulation; excessive light, glare, and noise, and other potential nuisances.

93135.2. Requirements

Hotels and motels may be established in the Downtown Mixed Use, Corridor Mixed Use, and Flex Mixed Use districts subject to compliance with standards applicable to the site where they are located and the regulations of this Division.

A. Development Standards.

1. Location. Proposed hotel or motel must be within a one-mile radius of a bus or other public transit stop.
2. Entry. Hotel access shall be designed to not disrupt neighboring residential areas.
3. Delivery and Loading. Delivery and loading areas shall be screened from and shall not be disruptive to neighboring residential uses.
4. Mechanical Equipment. Mechanical equipment of all types shall be located to ensure that the resulting noise would not be heard at any adjacent residential property line.
5. Driveways, garage ramps, or loading and service areas shall not be located where they interfere with the flow of pedestrian movement or impact the privacy of the guest rooms.

B. Exterior of Property

1. **Exterior Lighting.** The exterior of the property, including adjacent public sidewalks and parking lots under the control of the operator, shall be illuminated during all hours of darkness during which the property is open for business in a manner so that persons standing in those areas at night are identifiable from the street. Lighting shall meet the requirements of Part 3-A, Division 4, Lighting and Glare of this Code and shall be located and designed to minimize light and glare that may affect nearby residents or their property.
2. **Landscaping.** All areas on the property designated for landscaping shall be maintained with properly trimmed living plant materials and without collecting litter or debris.
3. **Directional Signs.** Directional signs shall be posted as appropriate to ensure that emergency personnel can find guest rooms in a timely manner.
4. **Exterior Trash and Garbage Storage.** All containers used for the storage of trash, garbage, or recycled materials and placed on the exterior of the building(s) shall be maintained in a locked and screened enclosure.

C. Operations

1. **Guest Registration Required.** No hotel or motel owner or operator shall let, lease, or rent a hotel or motel room to any person without verifying that the guest registration card has been accurately completed, that the name, address, and official identification card number is legibly printed on the guest registration card and that the information corresponds to the information on the person's official identification card.
2. Hotel and motel guest rooms shall not be provided on less than a daily basis.
3. **Nuisance Activity.** The property shall be managed to avoid any activity or activities on the property or to contribute to activities in close proximity to the property that would constitute a nuisance including but not limited to disturbance of the peace, illegal drug activity, prostitution, public drunkenness, drinking in public other than at a licensed facility, harassment of passersby, gambling, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, and others that result in police detentions and arrests.
4. **Graffiti.** All graffiti shall be removed on a continuous basis within forty-eight (48) hours of application.
5. **Litter.** Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking lots under control of the operator. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
6. A property management representative shall be accessible, in person or by telephone, on a 24-hour basis.
7. **Security.** CCTV recording cameras are required in a hotel/motel's common areas, entry points, and parking areas.

- Division 36. Junk and Salvage Yards (Phase 2)**
- Division 37. Large Format Retail (Phase 2)**

Division 38. Live/Work and Shopkeeper Units

Sections:

93138.1 Purpose and Applicability **93138.2 Requirements**

93138.1 Purpose and Applicability.

These provisions implement policies of the General Plan by supporting the development of additional housing choices in proximity to commercial uses. These housing types provide more affordable housing and working spaces for community residents, help to support retail commercial sales and services in the areas where they locate, and create more activity in mixed-use and commercial districts. They may also provide a buffer between residential uses and light industrial activity.

93138.2 Requirements.

[Live-work](#) and [shopkeeper](#) units are permitted subject to compliance with the applicable requirements of the district where they are located and the following additional standards:

A. Development Standards.

1. The minimum unit size is 750 square feet.
2. No more than a third of the floor area of any unit shall be used for exclusive residential purposes such as sleeping area, kitchen, bathroom, and closet areas including full cooking and bathing facilities complying with the California Building Code as adopted by the City (CMC 8100). The rest of each unit shall be reserved and regularly used for workspace.
3. Each Live/Work Unit shall be separated from other live/work units and from other uses in the building.
4. Each unit shall have a separate entrance that is clearly identified to provide for emergency services. Access to individual Live/Work Units shall be provided from common access areas, common halls, or corridors, or directly from the exterior of the building.
5. Live/work studios shall be designed to accommodate commercial or industrial uses conforming to the Group B occupancy classification under the California Building Standards Code (as adopted by the City) and as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity,
6. No part of the residential area of the live/work unit shall be in the front portion of the ground floor facing the street.

B. Permitted Work Activity.

The work activity in a building where Live/Work or Shopkeeper Units are allowed shall be any use permitted by right or use permit in the zoning district, except that, in order to protect the health and safety of persons who reside in a live/work or shopkeeper unit or in a building which contains one or more live/work units, no work activity shall be permitted nor shall any live/work unit be established on any site that contains uses that may be hazardous to the health or safety of persons living or working in the unit or other unit in the building.

C. Prohibited Uses.

Prohibited uses in Live/Work Units include, but are not limited to, those with the potential to create significant impacts by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or would be hazardous by way of materials, process, product, or wastes.

1. No toxic, explosive, flammable, combustible, or corrosive materials shall be stored or used on the site in quantities or in a manner that violates any provision of the Uniform Fire Code as adopted by the City. No etiologic or radioactive materials shall be used or stored on the site at any time.
2. No mechanical equipment shall be used which generates noise higher than the noise standards established for residential uses in Part 3-A, Division 5, Noise.
3. There shall be no outside operations, outside storage or outdoor display of materials or products.
4. The Director may require the discontinuance of a work activity in a Live/Work Unit if as operated or maintained there has been a violation of any applicable condition or standard.
5. The Director shall have the authority to prescribe additional conditions and standards of operation for any category of work activity in an artist's studio with residence including the provision of additional parking to accommodate employees who do not live on the premises, customers, or clients.

D. Landscaping. Where a building with [work/live use](#) adjacent to residentially zoned land, screening landscaping shall be provided and maintained as a buffer between the work/live building and adjacent residentially zoned land where feasible considering building setbacks, existing and required parking and whether there is land available along the property boundary.

E. Parking.

1. At least one parking space shall be provided for each Live/Work Unit with the exception that no parking space is required in the downtown area, or those units within half mile of transit or a bus stop.
2. The work use shall not displace or block the use of parking spaces required for the residential use, including any business storage in required garage parking areas.

3. Not more than two additional vehicles shall be used in the business, only one of which may be commercially licensed.

F. Permits and licenses required.

1. All necessary building permits shall be obtained prior to the use of the space for residential occupancy.
2. The property owner shall record a covenant, prior to the issuance of a building permit, ensuring that the provisions of this Section are continually adhered to and that the Live-Work Unit remains consistent with the definition in Part 5, General Terms, Division 2, Definitions.
3. Business License Required. At least one occupant of each [live/work studio](#) shall maintain a current City of Carson business license for a business located in that studio.
4. Prior to the City issuing a building permit for any [live/work studio](#), the property owner shall file with the county recorder a declaration of restrictions, which has been approved by the City Attorney as to its form and content, specifying the limitations of use and operation included in the use permit and all Additional Requirements specified in this Chapter.

Division 39. Low-Barrier Navigation Center

Government Code Section 65660 requires municipalities to allow a Low Barrier Navigation Center (LBNC) to be permitted by right in mixed-use districts and nonresidential zones that permit multi-family development. LBNC means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. If the city receives applications for these uses, it must process them ministerially as required by State law. The City will amend the Zoning Ordinance to include provisions applicable to LBNCs including:

- *Revising the Use Classification Descriptions to identify LBNCs as a type of emergency shelter and defining this use type as "A housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to in-come, public benefits, health services, shelter, and housing,*
- *Allowing LBNCs as a by-right use in all zones where mixed-use development is permitted and in all nonresidential zones where multifamily uses are permitted,*
- *Establish standards applicable to LBNCs that incorporate best practices to entry, consistent with those identified in the Low-Barrier Navigation Center Checklist published by the Association of Bay Area Governments at <https://abag.ca.gov/tools-resources/digital-library/low-barriernavigationchecklistjune282021pdf>*

Sections:

93139.1 Purpose and Applicability

93139.2 Requirements

93139.1 Purpose and Applicability

This Division establishes development and operational standards for low-barrier navigation centers to ensure these facilities are constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Article 12 of Chapter 3 of Division 1 of the Planning and Zoning Law, commencing with California Government Code Section 65660.

These provisions apply to service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

93139.2 Requirements

A low-barrier navigation center development is permitted by-right in all mixed-use and non-residential districts where multifamily uses are allowed, if it meets the following requirements:

A. Development Standards.

1. Separation requirements:
 - a. The center shall be at least 300 feet from any existing low barrier navigation center or emergency shelter.
 - b. The center shall be at least 300 feet from any public recreation facility, public or private K-12 school, public or private preschool and child daycare center.
2. Waiting areas. The center shall include an interior waiting area near the main entrance. The waiting area shall have at least five square feet per bed and a total minimum area of 100 square feet.

B. Operational requirements.

1. **Coordinated Entry System.** The facility shall be linked to a centralized or coordinated entry system that allows staff in the interim facility or staff who co-locate in the facility to conduct assessments and provide services to connect people to permanent housing. The coordinated assessment system shall be developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
2. **Management Plan.** The operator shall prepare and submit for Staff review a management plan incorporating hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior on-site waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, house rules regarding use of alcohol and drugs, on-site and off-site security procedures and protocols for communications with local law enforcement agencies and surrounding property owners. The Plan shall be based on best practices for reducing barriers to clients by providing for:
 - a. The presence of partners if it is not a population-specific site for persons such as survivors of domestic violence or sexual assault, women, or youth,
 - b. Accommodations for persons with disabilities,
 - c. Pets,
 - d. Storage for personal possessions.
 - e. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
3. **Amenities.** The center may include amenities for clients including, but not limited to, private toilet and/or shower facilities, bicycle parking, indoor and/or out-door recreation area, laundry facilities, kitchen/dining facilities, counseling centers and job placement centers.

1. **Housing first components.** The center shall meet the requirements of Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
2. **Client Information System.** The center shall include a system for entering information regarding client demographics, client stays, client income, and exit destinations into a local Homeless Management Information System as defined by [Section 578.3 of Title 24](#) of the Code of Federal Regulations.

Division 40. Manufactured Housing

Sections:

- 93140.1 Purpose and Applicability**
- 93140.2 Requirements**
- 93140.3 Mobile Homes Without Permanent Foundation System**

93140.1 Purpose and Applicability.

This Division is intended to ensure that manufactured and factory-built residential units can be developed as a more affordable option for meeting housing needs while protecting public health and safety and maintaining the character of residential neighborhoods.

93140.2 Requirements.

Mobile homes to be placed on individual lots (i.e., outside of mobile home parks) shall comply with the following requirements, in addition to all other applicable provisions of the Zoning Code:

- A.** The mobile homes shall be constructed after September 15, 1971, with an insignia of approval from the California Department of Housing and Community Development, or constructed after July 1, 1976, with an insignia of approval from the U.S. Department of Housing and Urban Development. Such units shall not have been altered in violation of applicable codes.
- B.** The mobile homes shall be located on a permanent foundation system pursuant to Section 18551 of the California Health & Safety Code.
- C.** Mobile homes meeting the requirements of this Division may be placed on any lot zoned for single-unit residential development, with the following exceptions:
 - 1. Mobile homes shall not be permitted on non-graded hillside lots exceeding 10 percent grade or split-level graded lots, and
 - 2. Mobile homes shall not be permitted on lots zoned for single-unit development in a neighborhood which has been designated as a district of historic or architectural significance or identified in an approved City survey as potentially eligible for designation unless such mobile homes meet the design guidelines adopted for such neighborhoods or such other criteria as determined by the Director. A copy of any approved City survey shall be available from the Planning Division.
- D.** The mobile homes shall have a minimum width of 20 feet,
- E.** Covered parking and storage buildings on the lot shall have the same architectural treatment as the main structure,
- F.** Siding and roofing materials shall be compatible with the surrounding architecture, and

- G.** Eaves shall extend to provide appropriate solar screening and to be compatible with adjoining architecture.

93140.3 Mobile Homes Without Permanent Foundation System

A mobile home not meeting the requirements of this Division may only be placed in a mobile home park. Mobile home parks shall meet the standards and conditions of the mobile home park standards of Division 41, Mobile Home Parks, and any other requirements adopted by the City Council.

Division 41. Massage Establishments

Sections:

93141.1 Purpose and Applicability

93141.2 Definitions

93141.3 Requirements

93141.1 Purpose and Applicability.

The requirements and restrictions of this Division are reasonably necessary to protect the health, safety, and welfare of the citizens of the City of Carson while allowing massage therapy as a legitimate business use and health-related service.

- A.** The City of Carson is authorized, by virtue of the State Constitution, Sections 51030 et seq. of the Government Code, and Section 13 of the Chiropractic Act to regulate massage establishments by imposing, reasonable standards relative to the skill and experience of massage operators and massage technicians and reasonable conditions on the operation of massage establishments.
- B.** There is a significant risk of injury to massage clients by improperly trained and/or educated massage technicians, and this Code provides reasonable safeguards against injury and economic loss.
- C.** Because there is opportunity for acts of prostitution, lewdness, and other unlawful sexual activity to occur in massage establishments that may be brothels in disguise, courts have long recognized massage as a pervasively regulated activity. The establishment of reasonable standards for issuance of permits and restrictions or operations would serve to reduce the risk of illegal activity and would thereby benefit the public health.
- D.** The restrictions and requirements contained in this Section are intended to reduce the burden on the Sheriff's Department and the City of Carson Code Enforcement Division in the regulation of massage establishments.
- E.** The restrictions and requirements contained in this Section are intended to be in addition to the requirement of a valid business license and permit issued by the Business License Division or any license requirements imposed by the State or local agency.
- F.** The regulations and restrictions contained in this Code are intended to discourage massage establishments from degenerating into houses of prostitution, and the means utilized in this Code bear a reasonable and rational relationship to the goals sought to be achieved by the City of Carson as described in the General Plan.
- G. Applicability.**

In addition to the exceptions included in Municipal Code Sections 63134.4 and 63134.5, the required permits described in this Section shall not apply to, have no effect upon, and shall not be construed as applying to:

1. Any duly licensed physician, surgeon, chiropractor, acupuncturist, osteopath, or physical therapist licensed to practice such specialized profession in the State of California.
2. Any registered nurse or licensed vocational nurse, licensed to practice under the laws of the State of California, who is an employee of and working under the direction of a physician, surgeon, chiropractor, or osteopath, duly licensed to practice their respective professions in the State of California. Practical nurses or other persons that do not meet the requisite qualifications for a massage technician, or any other person not otherwise licensed by the State of California, whether employed by physicians, surgeons, or chiropractors, osteopaths, acupuncturists, or physical therapists or not, may not provide massage or act as a massage technician.
3. Any person licensed to practice any healing art under the provisions commencing with Section 700 of the Business and Professions Code when engaging in such practice within the scope of such license.
4. Any person providing massages ancillary to a legitimate primary business which do not involve disrobing and are not administered in a room separate and apart from the legitimate primary business. For the purposes of this section, separate room does not mean a space separated by privacy panels, curtains, or similar means if such space or spaces do not comprise more than 25 percent of the gross floor area of the establishment.
5. Hospitals, senior-citizen nursing homes, sanatoriums, or other health care facilities duly licensed by the State of California, and the employees of such facilities while working on the premises of such State-licensed facilities.
6. Accredited high schools, junior colleges, trade schools, and colleges or universities whose coaches and trainers are acting within the scope of their employment.
7. Barbers, beauticians, or manicurists who are duly licensed by the State of California pursuant to the Barbering and Cosmetology Act set forth in the Business and Professions Code Section 7300 et seq., as the same may be amended from time to time, while engaging in practices within the scope of such license, except that this exemption applies solely for the massaging of the back, neck, face, and/or scalp of the customer or client of said barber or beautician or, in the case of a licensed manicurist, the massaging of the forearms, hands, calves, and/or feet.
8. Schools of cosmetology or barbering which comply with the requirements of Business and Professions Code Section 7362 et seq. when instructors are acting within the scope of their employment or when students are working as unpaid externs pursuant to the requirements of Business and Professions Code Section 7395.1.
9. Any person claiming exemption under this Section shall furnish satisfactory evidence that he or she is entitled to such exemption, including, proof of bona fide employment, or if applicable, a citation or certification to the particular provision of the Business and Professions Code upon which that person relies. Any facility used for massage service shall be available for City inspection subject to reasonable notice.

93141.2 Definitions.

In addition to the definitions provided in [Article VI](#), Section [63134](#) of the Carson Municipal Code, the following definitions apply for purposes of this Division:

- A. “Massage Establishment” means a fixed place of business where one or more persons engage in or carry on the practice of massage either as a principle or ancillary use. For the purposes of this Section, this definition shall not include those businesses that offer sexual stimulation or other adult-oriented activity in the guise of an establishment for therapeutic massage.
- B. “Massage Parlor” means an establishment that provides massage service as its principal use. For the purposes of this Division, this definition shall not include those businesses that offer sexual stimulation or other adult-oriented activity in the guise of an establishment for therapeutic massage.
- C. “Massage” or “Massage Service” means any method of pressure or acupressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. This definition includes the practice of Therapeutic Massage or Massage Therapy. For the purpose of this Section, “Massage” or “Massage Service” shall not apply to any duly licensed physician, surgeon, osteopath, chiropractor or to other persons duly licensed by the State to treat, manipulate, operate upon or prescribe for the persons or bodies of human beings and who are actually practicing said licensed profession or to graduate nurses, or to students of medicine, surgery, osteopathy, chiropractic or similar professional callings actually attending accredited schools.
- D. “Massage Technician” or “Massage Practitioner” means any person, who, for any monetary form of consideration whatsoever, gives or administers to another person a massage as defined in this Section.
- E. “Therapeutic Massage” or “Massage Therapy” means the practice of kneading or otherwise manipulating a person’s muscles and other soft tissue with the intent of improving a person’s well-being or health and preventing and alleviating pain, discomfort, muscle spasm, and stress.

93141.3 Requirements.

Massage service establishments as defined by Section 93141.2, are allowed subject to the regulations of [Article VI](#), Section [63134](#) of the Carson Municipal Code, the applicable requirements of the districts where they are located, and the following:

- A.** Except for massage services that are deemed to be an accessory use, it shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in the application of massage or the operation of a massage service without having obtained certification from the California Massage Therapy Council (CMTTC) and approval of a discretionary permit as prescribed in, Part II, Base, Overlay and Special Districts of this Code.
- B. Zoning Compliance Review Required.** A massage service or therapy establishment with two or fewer practitioners shall require a zoning compliance review, pursuant to Part 4, Division 4, Zoning Compliance Review.
- C. Business License and Business Permit.**
1. No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in any location within the City, the business or operation of a massage establishment, and no person shall manage a massage establishment, without first obtaining a valid business license and permit issued by the City Business License Division.
 2. Each establishment providing massage services in a massage parlor must additionally obtain a valid massage parlor permit in compliance with Section [63134](#) of the Carson Municipal Code, regardless of whether such person has a valid business permit for a massage establishment. In addition, no operator and/or manager shall employ or allow any person to work in the establishment as a massage technician who does not have a valid massage technician permit issued by the City Business License Division.
- D. Massage Technician Permit.**
1. No person shall work as a massage technician in a massage establishment without first having obtained a valid massage technician permit in accordance with CMC [63135](#). A valid massage technician permit shall be required for any person who offers to, engages in, conducts, or provides massage services from any location within the City whether in the capacity of an employee or an independent contractor.
 2. A massage technician permit does not automatically authorize the operation or management of a massage establishment. Any person permitted to perform massage services who desires to operate or manage a massage establishment must apply separately and obtain a business license and a massage service permit.
- E. Massage Regulatory Permit.**

It is unlawful for any person to operate, engage in, conduct or carry on any massage business unless the owner of such business first obtains from the director, and continues to maintain in full force and effect, a massage regulatory permit for such business.

1. **Permit application.**
 - a. The owner of a proposed massage entertainment business shall be the only person eligible to obtain massage regulatory permit for such business. The

owner shall not be eligible to obtain an massage regulatory permit unless the owner is at least 18 years of age.

b. The following shall be submitted to the director at the time of application for a Massage regulatory permit:

- i. A completed application form signed by (1) the applicant; and (2) either the record owner of the property or the lessor of the premises (if the business premises are leased to the applicant business) where the massage business is to be conducted.
- ii. The applicant's fingerprints on a form provided by the Los Angeles Sheriff Department. Any fees for the fingerprints shall be paid by the applicant.
- iii. Two color photographs, taken within six months prior to the date of the application, that clearly show the applicant's face. Any fees for the photographs shall be paid by the applicant.
- iv. A written description of the proposed massage establishment and how it will satisfy the requirements of this chapter.
- v. A site plan depicting the building and unit proposed for the massage establishment. the site plan shall include a dimensional interior floor plan that depicts how the business will comply with the requirements of this chapter. The site plan shall also include a diagram of the off-street parking areas required by chapter 16.508, off-street parking and loading of this code.
- vi. A statement signed by the applicant certifying under penalty of perjury that all the information submitted in connection with the application is true and correct.
- vii. A nonrefundable application fee in an amount set by the master fee schedule.

c. If the Director determines that the application does not comply with the requirements of this Section, the Director shall notify the applicant in writing and return the application. The time limit for granting or denying the permit requested shall be stayed during the period in which the applicant is granted an extension of time.

2. **Approval or denial of permit.** Applicants for a massage regulatory permit as defined in this chapter shall provide proof that a background check has been cleared by the Los Angeles Sheriff department for the holder of the permit and all employees.

a. Neither the Applicant, if an individual, or any of the officers or general partners if a corporation or partnership, or employees have been found guilty or pleaded *nolo contendere* within the past seven years of a misdemeanor or a felony classified by the state as a sex or sex-related offense.

- b. The Director shall, within 30 calendar days of the filing of a complete application, approve and issue the massage regulatory permit if the requirements of this chapter have been met; otherwise, the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid, deposited during transmission with the United States Postal Service on the date of such decision. If the application is denied, the director shall attach to the notice a statement of the reasons for the denial. The time limit set forth in this paragraph shall not be extended except upon the written consent of the applicant. Any interested person may appeal the decision of the director to the hearing officer in accordance with [Part 4, Section 941213.13](#), Appeals.
3. No massage regulatory permit issued pursuant to this chapter shall be transferable.
 - a. No person shall operate a massage business under the authority of a massage regulatory permit at any place other than the address of the massage business stated in the application for the permit.
 - b. Any attempt to transfer a massage regulatory permit is hereby declared invalid and the permit shall automatically become void effective the date of such attempted transfer.
 - c. Nothing in this section shall prevent the director from approving a second massage regulatory permit for a single location provided that the holder of the massage regulatory permit previously approved for such location consents in writing to the automatic expiration of such previously approved permit upon the effective date of such second permit.
- F. For the purpose of this Section, privacy panels and similar separation systems shall not constitute a separate room subject to the approval of the Planning Division. The massage activity pursuant to this paragraph shall be considered ancillary if it can be demonstrated that it does not comprise more than 25 percent of the gross floor area of the overall business.
- G. Location and Operating Requirements**
1. **Locational Limitations.** Massage establishments shall not be within five hundred feet from other massage establishments or less than one thousand feet from a school or park.
 2. **Hours of operation.** Hours of operation are limited to 7:00 a.m. to 9:00 p.m., seven days a week unless otherwise specified.
 3. **Transparency required.** Every massage establishment shall have windows facing the public right-of-way that are transparent to allow a clear view into the establishment and shall not be obscured with blinds, shades, drapes, or blocked by furniture.
 4. **Display of Massage Therapy Office Zoning Approval.** Every massage establishment or business shall maintain on its premises evidence for review by local authorities

that demonstrates that all persons providing massage services have obtained zoning approval and hold a valid license under the Article VI, [Chapter 3 Section 63134, Massage Parlors](#), of the Carson Municipal Code.

H. Owner and Operator Responsibility

For the purposes of enforcing the requirements of this Division, all owners and operators of any non-exempt massage business or establishment shall be responsible for the conduct of all of their employees, agents, independent contractors or other representatives, while on the premises of the business or establishment or providing massage therapy. The operator shall maintain a register of all persons employed as massage practitioners and their permit number. The register shall be always available for inspection during regular business hours.

I. Enforcement

The city may revoke, restrict, or suspend zoning approval for any violation of this Code as provided for in [Part 4, Division 19](#), Enforcement and Abatement.

Division 42. Mobile Food Vending

Sections:

- 93142.1 Purpose and Applicability**
- 93142.2 Permit Requirements**
- 93142.3 Application Requirements**
- 93142.4 Site and Performance Requirements**

93142.1 Purpose and Applicability

The provisions of this Section are intended to provide conditions and requirements under which mobile food vending may be permitted to operate on private properties within certain areas of the City. Such use is distinguished from mobile food vending on public property as provided for in Carson Municipal Code Sections [63142](#), [63143](#), and [31001 et seq.](#)

93142.2 Permit Requirements

- A. **Director's Permit.** Mobile food vending shall require the approval of a Zoning Compliance Certificate as provided for in Part 4, Administration and Permits, [Division 4, Zoning Compliance review](#), of this Code. The approval shall be specific to a location and shall not be transferable to other locations or operators.
- B. **Business license.** Every mobile food vendor shall obtain a City business license prior to operation.
- C. **Los Angeles County Environmental Health.** Every mobile food vendor shall have a valid permit from the Los Angeles County Department of Public Health, Environmental Health and Safety Department.
- D. **Building Division and Fire Department.** All applicable permits and approvals from the Building Division and the Fire Department shall be obtained prior to operation of a mobile food vending facility.
- E. **Permit and License Display.** At all times while vending, a valid business license and Director's Permit shall be displayed at the mobile food vending site.

93142.3 Application Requirements

The Director shall publish application requirements for approval of mobile food vending uses that include submission of the following information:

- A. Authorization from the property owner or an authorized agent, including full name and contact information,

- B. Site plan showing where the mobile food vending vehicle (food truck) will be parked during hours of operation,
- C. The location and description of any proposed outdoor dining area, including the number and location of tables, chairs, and shade structures,
- D. Proposed hours of operation, and,
- E. Signed lease agreement with the commissary where the food truck will be parked when it is not in service.

93142.4 Site and Operating Requirements

Mobile food vendors shall comply with the following requirements:

- A. Mobile food vending shall be conducted entirely upon private property and not within any public right-of-way unless the applicant has applied for and received a permit under Carson Municipal Code [Section 63142](#) (or [Carson Municipal Code Sections 63143 and 31000 et seq.](#) for sidewalk vendors).
- B. The proposed location where the truck will be parked must be paved.
- C. The proposed location must be such that the presence of the truck will not interfere with the operation of any approved uses on the site, as determined by the Director.
- D. Mobile vendors operating within a parking lot shall not park in any part of the lot designated as required on-site parking for the principal use on the property during the primary business hours of operation.
- E. Mobile food vendors shall maintain their immediate sales location in a clean and hazard free condition, including the following:
 - 1. Mobile food vendor permittees shall place garbage container(s) immediately adjacent to the vending location for use by customers.
 - 2. A clear path at least 5 feet wide shall always be maintained. This path shall be free of any permanent structures or obstructions including, but not limited to, street trees, parking meters, light poles, newspaper racks, and planters. The permittee is responsible for maintaining the clear path.
 - 3. Tables, chairs, or other street furniture, if permitted by the Director's Permit, shall be placed at least 2 feet from the curb. Street furniture shall be always kept clean and in good condition by the permittee.
 - 4. Umbrellas, if permitted, may not exceed 7 feet in height. Umbrellas and awnings may not be placed where they would obstruct the view of any street signs or traffic signals.
 - 5. The truck may not be parked, and street furniture, if allowed, may not be located, where they would interfere with vehicle or pedestrian circulation.

6. After the permitted hours of operation, all mobile food vending equipment such as dining furniture shall be stored off-site with the food truck or within an approved, enclosed structure on-site and the food truck shall be moved from the site to the location the permittee specified in the permit application.

Division 43. Mobile Home Parks

This Division incorporates most of the standards in Section 9128.2, Mobile Home Parks, of the existing Zoning Code with new and revised standards to facilitate the development of new mobile home parks as an important source of affordable housing consistent with General Plan Housing Element 2021-2029. The requirements for Relocation Impact Reports in Section 9128.21 of the existing code have also been included in this Division. Alternatively, these requirements could be in Part 4 of the new Code with other procedures.

Sections:

- 93143.1 Purpose and Applicability**
- 93143.2 Requirements.**
- 93143.3 Relocation Impact Report (RIR)**
- 93143.4 Relocation Impact Report Procedures**

93143.1 Purpose and Applicability.

These regulations are established to implement the General Plan Housing Element 2021-2029 and applicable requirements of California law and regulations. They are also intended to ensure that new mobile home park developments are developed and maintained to provide a safe, satisfying, and affordable housing option for lower-income residents, and to ensure that they are designed to fit into the neighborhoods where they are located. Existing mobile home park uses within the Mobile Home Park Overlay District as set forth in [Section 9216.1](#) of this Code are not subject to the requirements of this Division.

93143.2 Requirements.

New mobile home parks are allowed subject to approval of a Major Use Permit and compliance with the following standards:

- A. Minimum Park Area.** Each mobile home park shall contain a minimum of 200,000 square feet.
- B. Maximum Density.** A mobile home park shall not exceed the density requirements applicable to the zoning district in which it is located.
- C. Minimum Area per Mobile Home.** The average size of the mobile home sites shall not be less than 2,200 square feet. No mobile home site may have an area of less than twelve hundred 1,200 square feet. The area of a mobile home site covered by a mobile home and any other structure(s) shall not exceed 75 percent of the site area.
- D. Setbacks.**
 - 1. **Front.** Each mobile home park shall have a front setback measured from the front property line to the nearest mobile home lot line that is the same as required in the zone in which it is located but not less than 15 feet for the full width of the parcel.

2. **Sides and rear.** Each mobile home park shall have a rear setback and side setbacks measured from the property line to the nearest mobile home lot line, not less than 15 feet on all sides of the parcel, except where a side or rear setback abuts a street, in which case the setback shall not be less than 20 feet.
3. **Setbacks for individual mobile homes.**
 - a. *Front and rear.* There shall be an aggregate front and rear setback width of at least 20 feet measured from the mobile home, carport, canopy, or any other structure to the mobile home lot line. No front or rear setback shall be less than five feet.
 - b. *Sides.* There shall be a minimum side setback of five feet measured from the mobile home, carport, canopy, or any other structure to the mobile home lot line. Where the side setback abuts an internal access road, public parking area, or walkway, that side setback shall be not less than 10 feet in width.
 - c. *Separation Between Mobile Homes and Other Structures.* There shall be not less than 10 feet between mobile homes. Where a mobile home is located near any permitted building other than another mobile home, the minimum space between the mobile home and any other building shall be 20 feet.
- E. **Height.** No mobile home shall exceed the maximum permitted height for a detached single-unit residence in the zoning district where the park is located. Other structures shall meet the requirements applicable to accessory structures other than Accessory Dwelling Units.
- F. **Permanent Structures Prohibited.** Permanent buildings or structures on individual mobile home sites, including room additions, cabanas, carports, or patio structures shall be prohibited. Portable demountable structures, which may be easily disassembled and moved, may be permitted subject to review and approval by the Director and the Building Official.
- G. **Parking.** At least one individually accessible and one tandem parking space shall be provided for each mobile home site.
- H. **Lighting.** Mobile home park lighting shall comply with the applicable requirements of Part 3-A, Division 4, Lighting and Glare for multi-unit residential projects.
- I. **Access and Street Standards.**
 1. **Pedestrian access.** Pedestrian access into the mobile home park shall be provided by connecting the interior pedestrian pathway network with sidewalks located in the rights-of-way of perimeter streets.
 2. **Vehicular access.** Vehicular access to mobile home parks shall be from abutting Major, Secondary, or Collector streets identified in the General Plan Circulation Element. Vehicular access to mobile home parks from Local streets in areas zoned

Low Density Residential (LDR) and Low Medium Density Mixed Residential (LMX) shall be prohibited. A mobile home park may have one vehicular access to from each abutting Major, Secondary, or Collector Street.

3. **Internal access roads.** Internal access roads shall be paved to a width of not less than 25 feet. Internal access roads of less than 25 feet may be permitted when mobile home orientation is toward interior open space. Internal access roads shall be 32 feet in width if car parking is permitted on one side, and 40 feet in width if car parking is permitted on both sides. Widths shall be measured from the flowline for both standard curb construction and rolled curb construction.
4. No mobile home park entrance shall be located closer than 100 feet to any intersection of any public streets.
5. All internal access road cul-de-sacs shall have a minimum outside turning radius of 32 feet.
6. All internal corners shall have minimum 15-foot radii.
7. Curbs and gutters shall be installed on both sides of all internal access roads. Curbs may be roll-type rather than vertical.
8. All internal access roads shall be adequately lighted.
9. Each site shall have access directly to an internal access road.
10. Stop signs shall be provided at all intersections with public streets.

J. Walls, Fences and Landscaping.

1. **Required fences and walls.** A six-foot-high solid masonry wall or such other decorative fencing or screening of a similar nature in compliance with the requirements of Part 3-A, Fencing, Walls, and Screening, shall be constructed along all boundaries adjoining other properties and 15 feet back of the property line adjacent to any public street unless otherwise approved.
2. **Park perimeter landscaping.** All setbacks and incidental open space areas shall be landscaped and maintained. Landscaping shall include trees not less than a number required by Part 3-A, Division 3, Landscaping. The trees shall be at least eight feet in height at the time of installation. An irrigation system shall be included within all landscaped areas, and other assurances given prior to the development of the mobile home park that all landscaping shall be adequately maintained.
3. **On-site landscaping.** Mobile home parks shall be landscaped in compliance with the requirements of Part 3-A, Division 3, Landscaping.
 - a. At least 20 percent of each individual mobile home site shall be landscaped with plant materials, including at least one tree at least eight feet in height with a trunk diameter of at least one inch measured a foot above ground level.
 - b. The Planning Commission may approve exceptions to the Landscaping requirements determined necessary to ensure the affordability of the park

without degrading the development's appearance to the detriment of park residents or neighboring properties.

K. Grading. Mobile home parks in areas of excessive slope may require additional lot area to minimize cut and fill slopes, however, where mobile home sites are graded into stepped pads, there shall be no more than a three-foot vertical elevation difference between adjoining pads whether separated by an internal access road or not.

L. Recreation and Open Space. Recreation facilities for the reasonable use and enjoyment of the residents of the park and their guests shall be provided.

1. A common recreation area with at least 100 square feet of floor area for each mobile home unit shall be provided.
2. A patio of wood, concrete, or a combination thereof, with a minimum area of 160 square feet, shall be installed as part of each mobile home lot prior to occupancy of the unit.

M. Storage.

1. **Tenant storage.** A minimum of 75 cubic feet general storage locker shall be provided for each mobile home space. Storage lockers may be located on the mobile home lot or in locker compounds located within close to the mobile home lot being served.
2. **Reservoir parking.** In addition to the required parking for each unit, "reservoir parking" at the rate of one such parking space for every 4 mobile home sites shall be provided to accommodate campers, boats, pickup trucks, hauling trailers, and the like. Each reservoir parking space shall be at least ten feet by 30 feet in size.
3. **Storage of mobile homes.** No mobile home shall be hauled to or stored within a mobile home park unless it is properly erected on a site approved for its use.

N. Signage. Signs in a mobile home park shall meet the following requirements:

1. One sign up to 20 square feet in area may be erected on each street frontage except no signage is permitted along a freeway frontage.
2. Directional or informational signs identifying services and amenities within the park, not exceeding four square feet in area and up to four feet in height may be established.
3. Directory signs up to 24 square feet in area may be erected at each vehicular entrance to the park.
4. Sign locations shall be identified on the site plan submitted.

O. Utilities.

1. All service utilities such as electricity, water, gas, and the like within the property lines of the premises of a mobile home park shall be installed underground in compliance with the requirements of this Code.

2. **Sanitary sewer.** Each mobile home space shall be provided with a connection to a City sewer line, either directly or indirectly.
- P. Fire Protection.** Every mobile home park shall be equipped with fire extinguishing equipment in good working order of such type, size, and number and so located within the park as to meet applicable regulations of the Fire Department.
- Q. Management office.** Each mobile home park shall maintain a management office. Suitable facilities shall be provided for mail distribution.
- R. Additional Requirements.** Except to the extent otherwise mandated by state law (including Civil Code Section 798.45, as may be amended), new mobile home parks are subject to the requirements of [Article IV, Chapter 7](#), of the Carson Municipal Code (Mobilehome Space Rent Control Ordinance). New mobile home parks are also subject to the following additional requirements:
 1. Each mobile home shall be located on an approved mobile home site, and all mobile home sites shall be designed to accommodate independent mobile homes.
 2. No mobile home site shall be used as the location for more than one mobile home or trailer.
 3. The mobile home park shall comply with all other applicable statutes, ordinances, rules, and regulations.

93143.3 Relocation Impact Report (RIR)

For the purpose of this Section, any closure of a mobile home park or trailer park or any part thereof or any change of the park's status to a vacant use shall be deemed to be conversion of the park. Prior to the conversion of a mobile home park or trailer park or any part thereof to any other use or to a vacant use, the person or entity (hereinafter "the applicant") proposing such conversion shall file an application with the City and obtain approval from the City of a relocation impact report (RIR) in accordance with the provisions contained in this Section.

- A. Meaning.** For the purpose of this Section, the term "Mobile Home" shall mean a vehicle designed or used for human habitation and shall include camping trailers, motor homes, slide-in campers and travel trailers, when used as the occupant's primary place of residence as established by nine months' continuous residency, and mobile homes as defined in the California Mobile Home Residency Law, [Civil Code Section 798, et seq.](#)
- B. Signage.** No sign stating that the mobile home park or trailer park is closing, may be closing or has been closed, and no sign concerning a proposed new use of the park, may be placed on or adjacent to a mobile home park or trailer park before the City has adopted a final resolution approving the RIR for the park and the applicant has executed and recorded a certificate of acceptance of the conditions of the resolution approving the RIR and given the required six months' notice of termination of tenancy.
- C. Time for Filing RIR.**

1. An RIR shall be filed by the applicant and approved by the Commission prior to the giving of the written notice of change in use of a mobile home park or trailer park or any portion thereof required by [Section 798.56](#) of the California Civil Code. The RIR shall constitute an application for a permit requesting a change of use within the meaning of [Section 798.56](#) of the California Civil Code.
2. If the applicant files a tentative tract or parcel map to a subdivision to be created upon the conversion of a mobile home park or a trailer park to another use prior to giving the written notice under [Section 798.56](#) of the California Civil Code, then the RIR shall be filed concurrently with the filing of the map.

D. Applicant and Resident Questionnaire. The City may require that the applicant file an application on a form, provided by the City, concurrently with the filing of an RIR. The City may also require that the applicant give to each affected mobile home owner a questionnaire, provided by the City, which includes, but is not limited to:

1. The purchase price and date of purchase of the mobile home by the resident. (Information may be provided at the option of the resident.)
2. The amount and terms of any remaining amount due on a mortgage on the mobile home.
3. The cost incurred by the resident in making any improvements, such as additions to or enlargement of the mobile home, patios, porches, carports, landscaping, and related amenities.
4. Any circumstances, including but not limited to job location, which would restrict the area in which the resident is able to relocate.
5. The annual income of the resident's household. (Information may be provided at the option of the resident).
6. All questionnaires shall be given to each resident by the applicant at least 40 days prior to filing the proposed RIR with the City and shall be returned by each resident to the applicant within 30 days.
7. All questionnaires shall be given to each resident by the applicant at least 40 days prior to filing the proposed RIR with the City and shall be returned by each resident to the applicant within 30 days. All completed questionnaires shall be submitted to the City by the applicant concurrently with the filing of an RIR.
8. The questionnaires shall be kept separate from the RIR and will not be included in the RIR sent to each resident. The identity of a resident and his or her individual responses shall be confidential and shall not be divulged except as necessary to determine the relocation assistance to be received by that particular resident or to settle disputes concerning the relocation assistance approved by the City. The City may also require information, such as that in the questionnaire, directly from the resident.

E. RIR Contents. The RIR shall contain the following:

1. A description of the proposed new use, including whether it will include or contribute to housing opportunities or choices for low- and moderate-income households within the City.
2. A timetable for conversion of the park.
3. A legal description of the park.
4. The number of spaces in the park, length of occupancy by the current occupant of each space, and current rental rate for each space.
5. The date of manufacture and size of each mobile home.
6. The appraised in-place market on-site value and off-site value of each of the mobile homes in the park. The appraiser is to be selected by the City and the cost is to be borne by the applicant. The appraiser shall be state-certified and have experience establishing the value of mobilehomes. The appraisal of in-place market value shall be based on the current in-place location of the mobilehome and shall assume continuation of the mobilehome park.
7. The total number of mobile home residents, broken down space by space, to identify owner or renter occupancy, principal or second home occupancy, resident under 16 years of age, residents 62 years of age or over, and the number of residents who are handicapped and/or disabled, and, to the extent the information is available to the applicant, the number of resident households whose incomes are: (i) below 30% of the applicable area median income (“AMI”); (ii) 30-50% of AMI; (iii) 50-80% of AMI; and (iv) 80-120% of AMI.
8. The name and mailing address of each mobile home resident and each nonresident mobile homeowner.
9. A list of known available spaces in the South Bay-Long Beach area of Los Angeles County, the Orange County area, and other areas of Los Angeles County within a 50-mile radius from the park, including any written commitments from mobile home parks and trailer park owners willing to accept displaced residents, the comparability of such parks and the rental rates for such spaces.
 - a. If comparable spaces are not available for the mobile homes of the residents within the above described areas, the RIR shall contain information on the location and rental rates of available spaces in other areas, if any, within a reasonable distance from the mobile home park, the purchase price of comparable mobile homes in place in a comparable park within a reasonable distance, the purchase and installation cost of a new mobile home if spaces are available for new mobile homes in a comparable park within a reasonable distance, the rental rates in such parks.
 - b. If comparable spaces are not available within a reasonable distance, the purchase price of condominiums similar in size to the mobile homes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance.

10. A replacement and relocation plan that adequately mitigates the impact upon the ability of the park residents who will be displaced to find adequate housing in a mobilehome park within a reasonable distance.
11. Estimates from two moving companies as to the minimum and per mile cost of moving mobile homes of various sizes, including tear-down and setup of mobile homes and moving of improvements such as porches, carports, patios, and other moveable amenities installed by the residents. Said moving companies shall be approved by the Director prior to inclusion with the RIR.
12. Proposed measures to mitigate the adverse impacts of the conversion upon the park residents.
13. The City may require that the applicant hire a Relocation Specialist to find alternate housing. The specialist shall be selected by the applicant, subject to the City's approval, and shall be paid for by the applicant.
14. Information whether residents have been offered the option of a long-term lease of the land and purchase of the improvements if the park is to be sold.

93143.4 Relocation Impact Report Hearing and Notice

- A. **RIR Submission.** The applicant shall submit the Relocation Impact Report (RIR) to the Director, who shall review the report for compliance with the requirements of this Division. Within 90 days of receiving the RIR, the Director shall notify the applicant in writing whether it is complete and has been accepted for processing.
 1. If the Director determines that the RIR is incomplete, the Director shall notify the applicant in writing of the reason for the determination and shall list the information that must accompany a resubmitted application. If the applicant does not resubmit the application within 30 days or request an extension of the time to respond, the Director shall so notify the applicant in writing.
 2. The Director's determination that the RIR is incomplete may be appealed to the Planning Commission, which shall schedule the appeal for consideration within 45 days in accord with the procedures in Part 4, Section 9412.13, Appeals.
- B. **Complete RIR.** When a complete RIR has been filed it shall be accepted by the Director, and the Director shall set a time, date, and place for review of the RIR by the Commission not later than 45 days after the date of acceptance.
 1. The Director shall mail a copy of the RIR to all residents of the mobile home park or trailer park and any nonresident owners of mobile homes in the park and shall give notice by certified mail or personal delivery to the applicant, the residents, and any nonresident owners of mobile homes in the park of the date, time and place of the hearing at least 60 days prior thereto.
 2. The RIR sent to each resident and nonresident mobile home owner shall not include the resident questionnaire but it shall include the individual appraisal of that resident's mobile home. The notice shall also contain a general explanation of the matters to be considered by the Commission.

3. The Director may give such additional notice as the Commission deems necessary or desirable. The hearing shall be conducted and the decision made in accordance with [Part 2, Section 9412.6](#).

C. Commission Findings and Decision. Upon review of the RIR and consideration of the written and oral evidence received at the hearing, the Commission shall make a finding as to whether or not approval of the park's conversion into the proposed new use, taking into consideration both the RIR as a whole and the overall housing availability within the City, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate- income households within the City and, by resolution, shall render its decision on the RIR application within 45 days of the date first set for hearing.

1. The Commission shall approve the RIR if it is able to make an affirmative findings that:
 - a. Any displaced resident who cannot obtain adequate housing in another mobilehome park within a reasonable distance will be paid the in-place market value of the displaced resident's mobilehome, as appraised in accordance with this Section, by the applicant; and
 - b. Reasonable measures have been provided to adequately mitigate the adverse impact of the conversion on the ability of the park residents to be displaced to find adequate alternative housing in a mobilehome park within a reasonable distance.
2. If the Commission does not make any one of these findings and is unable to impose reasonable measures to mitigate the adverse impact, the Commission may disapprove the RIR. No other permit or approval shall be granted in furtherance of the proposed conversion and no change of use shall occur until and unless an RIR has been approved.

D. Conditions of RIR Approval. In approving an RIR, the Commission may impose reasonable measures not exceeding the reasonable costs of relocation to mitigate adverse impacts created by the conversion on the ability of the park residents to be displaced to find adequate housing in a mobilehome park within a reasonable distance, which may include, but not be limited to, any of the following:

1. Provision for payment of the cost of physically moving the mobile home to a new site, including tear-down and setup of mobile homes, including, but not limited to, movable improvements such as patios, carports, and porches.
2. Payment of a lump sum to compensate for payment of the first and last month's rent and any security deposit at the new mobile home park.
3. Payment of a lump sum to compensate for any differential between rental rates at the closing mobile home park and the new mobile home park during the first year of the new tenancy.
4. For those mobile home residents who move to apartments or other rental housing alternatives, provision for the first and last month's rent, plus security deposit,

cleaning fees, not to exceed the Fair Market Rents for new construction and substantial rehabilitation for the Los Angeles area as established by the U.S. Department of Housing and Urban Development. Mobile home households may be compensated based on the number of bedrooms in the mobile home so that a one bedroom mobile home may be compensated based on a one bedroom apartment, a two bedroom mobile home based on a two bedroom apartment, etc.

5. Provision of a replacement space within a reasonable distance of the mobile home park or trailer park.
 6. A provision for setting aside a certain number of units for the residents of the park if the park is to be converted to another residential use, including with respect to affordable housing units if affordable housing units will be included in the subsequent residential use.
 7. An effective date of RIR approval that commences not less than one year following the date of the approval action, or such longer period, not to exceed three years, as the Planning Commission finds is necessary to provide sufficient time for the relocation of the displaced park residents and mobilehomes.
 8. The total of the mitigation measures required shall be subject to and shall not exceed the limitation in Government Code [Section 65863.7](#) which stipulates that the steps required to mitigate shall not exceed the reasonable costs of relocation, as the same may be amended from time to time.
 9. A requirement that a resident whose cannot obtain mobile home cannot be relocated adequate housing in another mobilehome park within a reasonable distance to a comparable park be compensated by a lump sum payment equal to the in-place based upon consideration of the fair market value of the displaced resident's mobile home on-site, including resident improvements (i.e., landscaping, porches, carports, etc.) as appraised in accordance with this Section 9128.21, any mortgage obligations of the resident on the mobile home, and the costs of purchasing a mobile home on-site in a comparable park or acquiring other comparable replacement housing.
- E. Effective Date of Action and Appeal.** The decision of the Planning Commission shall become effective and final 15 days after the date of its decision unless an appeal is filed in accordance with Part 4, Section 9412.13.
1. An appeal shall be considered by the Council as provided in Section 9412.13 except that the Director shall advise the appellant within 15 days after receipt of the appeal whether it is complete, shall set a date for the appeal hearing not later than 30 days after it is accepted as complete, and shall give 15 days' notice of the hearing to all affected parties in the manner required by subsection D of this Section and the
 2. The Council shall, by resolution, render its findings and decision within 45 days after the date first set for hearing on the appeal.
- F. Subsequent Modification of Mitigation Measures.**

After an RIR has been approved and after the applicant has executed and recorded a certificate of acceptance of the conditions of the RIR, modification of the mitigation measures imposed, including additions and deletions, may be considered upon the filing of a written application by the applicant, or the applicant's authorized representative.

1. Modification may be granted on the grounds that there has been a change in circumstances or new information, which could not reasonably have been known or considered at the time of the hearings on the RIR, has become available. Examples of such new information or changed circumstances include, but are not limited to, revised plans by the applicant and a change in the availability of relocation spaces. Modification shall not be granted when it would unreasonably prejudice the ability of the residents to relocate to comparable housing.
2. Any application for modification shall be subject to the notice and hearing procedures set forth in subsection D of this Section. The decision and any appeal in connection with a modification request shall take place as with the initial approval.

G. Performance of Mitigation Measures. The applicant shall execute and record a certificate accepting the mitigation measures imposed on the approval of an RIR within 90 days of the final resolution approving the RIR and imposition of the mitigation measures and shall give the six month notice of the termination of tenancy and closure of the park within 120 days of the adoption of that resolution, unless otherwise provided in the resolution.

1. A resolution approving an RIR shall automatically become null and void if the certificate accepting the conditions is not filed and executed and the notice of termination not given within 90 days of the date of the final resolution approving the RIR, or if the notice of termination is not given within 120 days of the adoption of that resolution or such other date as is provided in the resolution.
2. All mitigation measures imposed in the approval of an RIR shall be fully performed as to each resident prior to that resident's required vacation of the mobile home park or trailer park, unless otherwise provided in the mitigation measure.
3. No resident shall be required to vacate a mobile home/trailer space unless the applicant is in full compliance with all mitigation measures imposed pertaining to such resident and has otherwise fulfilled the notice requirements of the California Mobile Home Residency Law relating to "Termination of Tenancy" and the notice required in [CMC 4700 through 4709](#).

H. Expiration, Extension and Revocation of RIR.

1. **Expiration.** An RIR shall become automatically null and void if the conversion of the mobile home park has not occurred within 12 months of its effective date unless extended as provided in subsection (2) of this Section or unless otherwise provided in the RIR or the resolution of approval of the RIR.
2. **Extension.** Upon application by the applicant filed with the Director on or before the date of expiration of the RIR, an RIR may be extended by the Commission, or the Council on appeal, if the Commission finds that the termination of the RIR would constitute an undue hardship to the applicant and that the continuation of

the RIR would not be detrimental or have any further adverse impact on the residents in the park.

- a. An application for an extension shall be subject to the hearing and notice procedures set forth in subsection D of this Section.
 - b. In approving an extension, the Commission may subject the RIR to any additional mitigation measures deemed necessary to mitigate any adverse impacts resulting from the extension.
 - c. Multiple extensions may be granted, but no one extension shall be issued for more than 12 months.
3. **Revocation.** Proceedings for the revocation of an RIR may be initiated by the Council, the Commission, or the Director. Upon initiation of a revocation, the Commission shall conduct a hearing with notice given in the same manner set forth in subsection D of this Section, except that notice to the applicant shall be by certified mail or personal service. After the hearing, the Commission may, by resolution, revoke the RIR if any of the following findings are made:
- a. Approval was obtained by fraud, deceit, or misrepresentation.
 - b. The applicant is not or has not complied with the mitigation measures contained in the RIR or with the provisions of this Section.
 - c. A revocation shall be effective 15 days after the date of the action by the Commission unless an appeal is filed and the Council has acted on the appeal as provided in CMC 9173.4.
 - d. Upon revocation, the applicant shall not be entitled to convert or change the use of the park until such time as a new RIR is filed and accepted as complete by the Director, a new written notice of change of use is given to park residents and a new RIR is approved by the Commission.
- I. **Time Limits.** The time limits set forth in this Section may be extended with the applicant's consent and waiver of the applicable time limits in writing or orally on the record during a public hearing.
- J. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of subsections A through I of this Section 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. The City Council hereby declares that it would have adopted said sections and each subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more of said sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.
- K. **Effect on Pending Applications.** Any completed RIR application pending upon the effective date of this Section shall continue to be processed and the applicant shall have thirty (30) days in which to provide any further information required by this Section."

Division 44. Nonconforming Uses (Phase 2)

Division 45. Reuse and Redevelopment of Brownfield Sites (Phase 2)

Division 46. Outdoor Retail Sales

Sections:

- 93146.1 Purpose.**
- 93146.2 Applicability.**
- 93146.3 General Requirements.**

93146.1 Purpose.

The purpose of this Division is to ensure that outdoor displays of retail products do not interfere with or be a hazard to pedestrian or vehicular traffic and to ensure that outdoor displays are aesthetically pleasing and compatible with surrounding land uses.

93146.2 Applicability.

The provisions of this Division shall apply whenever any retail business engages in the outdoor display of products or merchandise as permitted in the zoning district where the business is located.

93146.3 General Requirements.

Outdoor display and sales are permitted subject to the requirements of this Division.

- A.** Up to 50 square feet of outdoor display area is allowed for every 1,000 square feet of enclosed retail store space provided that any business permitted to have outdoor display is entitled to 50 square feet of outdoor area regardless of the number of square feet of enclosed retail store space. The total outdoor display area for any business shall not exceed 750 square feet.
- B.** The goods or merchandise displayed outdoors shall be immediately adjacent to the retail store and shall be on private property unless an encroachment permit is approved by the Public Works Department.
- C.** The display of goods or merchandise outdoors shall permit safe pedestrian access and shall not require pedestrians to walk in areas reserved for fire lanes, parking, or vehicular traffic.
- D.** The goods or merchandise displayed outdoors shall not consist of any goods or merchandise, such as mirrors or hubcaps, which can reflect sufficient sunlight to cause a traffic hazard for drivers of vehicles.
- E.** Unless in racks specifically designed for display, goods or merchandise displayed outdoors shall be stacked with due regard for safety and not more than six feet in height.
- F. Location.** Displayed merchandise shall occupy a fixed, specifically approved, and defined area that does not disrupt the normal function of the site or its circulation, and does not

encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.

1. The outdoor sales area shall be delineated by striping, enclosure, or otherwise approved boundary.
2. Outdoor sales and display areas shall not encroach into required setback areas. In zoning districts where no setback is required, the outdoor sales area shall be set back a minimum of 15 feet from adjoining property lines, unless otherwise allowed by the review authority.

G. Hours of Operation. Outdoor sales are only allowed when the business is open for operation with the associated permanent structure. All sales facilities, signs and furniture shall be removed from the site at the close of daily business.

H. Screening. All outdoor sales and display areas, except for automobile displays and plant nurseries, shall be screened by a wall or fencing that complies with the requirements of the Zoning Code. The height of merchandise, materials, and equipment on display shall not exceed the height of the screening wall or fence.

I. Signs. Additional signs identifying the outdoor sales and display area, beyond those allowed for the subject use, shall not be permitted.

J. Rental of automobiles, trucks, and trailers. Except as otherwise provided by the Zoning Code, no rental trailers, trucks, or automobiles available to the public, by lease or for sale, shall be stored on any commercial premises.

Division 47. Outdoor Dining and Seating

Sections:

- 93147.1 Purpose.**
- 93147.2 Applicability.**
- 93147.3 Requirements.**

93147.1 Purpose

The purpose of this section is to permit outdoor dining and seating that enhances the pedestrian ambiance of the City while ensuring that such use does not adversely impact adjacent properties and surrounding neighborhoods.

93147.2 Applicability

The provisions of this Division shall apply to all new sidewalk cafés or outdoor dining, seating areas and parklets and to all existing sidewalk cafés or outdoor dining, seating areas and parklets that are expanded or enlarged by more than 10 percent in outdoor dining area.

93147.3 Requirements

Restaurants may provide outdoor dining and seating designed, located, and operated consistent with the following standards:

- A.** Outdoor dining and seating may be established as an accessory use to a legally established eating and drinking establishment that is located on the same lot, a contiguous adjacent parcel, or on public right-of-way immediately adjacent to the tenant space subject to a Zoning Compliance Determination pursuant to the requirements of Part 4, Administration and Permits, Division 4.
- B.** Outdoor dining located on public sidewalks requires approval of an encroachment permit issued by the Department of Public Works.
- C.** Awnings or umbrellas may be used in conjunction with a sidewalk cafe but there shall be no permanent roof or shelter over the sidewalk cafe area. Awnings shall be adequately secured, retractable, and shall comply with all applicable provisions of the California Building Code as adopted by the City, and any applicable design guidelines.
- D.** Furniture and fixtures shall consist only of movable tables, chairs, umbrellas, and trash receptacles. Lighting fixtures may be permanently affixed onto the exterior front of the principal building subject to applicable requirements.
- E.** No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the sidewalk cafe on the public sidewalk or right-

- of-way. Outdoor dining establishments shall utilize the trash enclosure of the associated restaurant or other eating and drinking establishment and shall be always clear of litter.
- F.** The hours of operation of the outdoor dining and seating shall be limited to the hours of operation of the associated restaurant or other eating and drinking establishment.
 - G.** Where outdoor dining and seating occupies less than 200 square feet of area, additional parking spaces for the associated eating and drinking establishment shall not be required. Parking shall be provided according to the required ratio in Part 3-A, Division 6 Off-Street Parking and Loading.

Division 49. Personal Storage (Phase 2)

Division 50. Small Recycling Facilities

Sections:

- 93150.1 Purpose.**
- 93150.2 Applicability.**
- 93150.3 Requirements.**

93150.1 Purpose

This Division establishes clear standards and criteria for the design and operation of small recycling facilities within designated districts. The purpose of these regulations is to implement the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986 (State Public Resources Code, [Division 12.1](#)) and General Plan policies to reduce the generation of solid waste and promote recycling to reduce waste accumulation in local and regional landfills. These provisions are intended to ensure the integration of recycling facilities as accessory uses to existing primary commercial activities, promoting efficient waste management practices while maintaining compatibility with the surrounding community.

93150.2 Applicability

A small collection recycling facility is permitted only within a one mile radius of a supermarket or other area designated as a convenience zone by the Division of Recycling in the Department of Resources Recycling and Recovery pursuant to State Public Resources Code, [Division 12.1](#).

93150.3 Requirements

New recycling facilities or existing facilities proposing to expand the size or area by more than 50 percent shall be located, developed, and operated in compliance with the requirements of this Division when accessory to an existing or proposed non-residential use.

- A. Approval.** Recycling facilities shall be designated on a site plan subject to review and approval by under [Part 4, Division 6, Development and Site Plan Review](#) to ensure compliance with applicable of this Code Certification.
 - 1. The Director may review and approve new and expanded facilities unless they are proposed as part of an application subject to review by the Planning Commission.
 - 2. Recycling facilities shall be certified, or shall have applied to be certified, as a recycling location pursuant to [Division 12.1](#) (commencing with Section 14500) of the Public Resources Code.
- B. Location.** Facilities shall be located on the site in such a manner as not to obstruct pedestrian, automobile, or truck circulation in compliance with the following requirements.
 - 1. Facilities outside a structure occupied by the primary use of the property shall not be sited within 50 feet of a residential district or residential use.

- C. They shall be setback at least 10 feet from any lot line with street frontage and shall not occupy any portion of a front setback or any setback which abuts an existing or approved future public right-of-way.
 - 1. Reverse vending machines shall be located adjacent to the entrance of the host use in a manner that does not obstruct or interfere with pedestrian or vehicular circulation.
 - 2. Facilities shall not occupy any parking spaces required by the primary commercial use.
- A. **Construction and Design.** The new and expanded facilities shall be designed and built to meet the following requirements.
 - 1. Facilities shall be located within an enclosed structure or screened from public rights-of-way and adjoining properties by solid masonry walls or landscaping.
 - 2. When located outside they shall be constructed with durable, waterproof, and rust-proof material.
- B. Facilities shall not occupy an area larger than 500 square feet, including any protective enclosure not including space needed for the removal or exchange of materials or containers.
 - 1. Small collection recycling facilities consisting of one single-feed reverse vending machine shall not occupy an area larger than 50 square feet, including any protective enclosure, and shall not exceed eight feet in height.
- C. **Operation and Management.**
 - 1. Facilities shall only accept recyclable materials including, but not limited to, metals, glass, plastic, and paper, which is intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form.
 - a. Recyclable material does not include refuse, hazardous materials, or waste.
 - b. Recyclable material may include used motor oil collected and transported in accordance with Sections [25250.11](#) and [25143.2\(b\)\(4\)](#) of the California Health and Safety Code.
 - 2. Hours of operation shall be the same as the hours of operation of the primary commercial use.
 - 3. Site shall be illuminated to ensure comfortable and safe operation between dawn and dusk.
 - 4. Noise. Recycling facilities shall not operate at noise levels in excess of 60 dBA as measured at the property line of any adjacent residentially zoned property.
 - 5. Storage sufficient to contain all recyclable materials shall be provided within the facility or within a building occupied by the primary use.
 - 6. Containers.

- a. Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material.
 - b. Containers shall be clearly marked to identify the type of accepted material.
 - c. The total capacity of containers must be sufficient to accommodate materials collected in the collection schedule.
7. **Maintenance and Cleanliness.** At all times, the site must be maintained clean, sanitary and free of litter, waste materials and loose debris. Temporarily stored materials must be moved to an approved processing site as soon as practical.
8. **Refuse Disposal.** Sites with reverse vending machines must maintain adequate on-site refuse containers for the disposal of non-recyclable, non-hazardous waste. A 40-gallon garbage can for nonrecyclable materials must be placed adjacent to facilities and be emptied periodically so as not to create litter in the adjacent area. The container shall be marked to indicate that it is only intended for nonrecyclable materials.

D. Signage

1. Facilities shall be clearly marked to identify the type of material to be deposited and display a notice stating that no material can be left outside the enclosure or machine. The operating hours and instructions, as well as the identity and telephone number of a responsible person to call if the facility is inoperative. The signage on any reverse vending machine shall not exceed four square feet, exclusive of the operating instructions.
2. In addition to the signs specified above, each reverse vending machine shall be posted with a clear and conspicuous sign on or near the reverse vending machine that states that beverage containers may be redeemed by the host dealer if the machine is nonoperational at any time during the required hours of operation pursuant to State Law.

Division 51. Residential Care

The provisions applicable to residential care facilities that appear in various parts of the existing Code will be replaced with new requirements to implement Carson Housing Element 2021-2029 and applicable requirements of State law. The new provisions will allow licensed residential care facilities for seven or more persons in any district where multi-family projects are permitted subject to compliance with objective standards for their development and operation. The changes will include procedures that prevent denying any new facility or imposing conditions that would reduce the number of persons who may be accommodated without a specific finding of detriment to public health and safety or the health and safety of the facility's residents.

Sections:

- 93151.1 Purpose.**
- 93151.2 Applicability**
- 93151.3 Requirements.**

93151.1 Purpose

These regulations establish requirements for residential care facilities provide varying levels of care for persons who require assistance for daily living, including older adults, the developmentally disabled, and others. They are intended to implement Carson Housing Element 2021-2029 and applicable requirements of State and federal law by ensuring that licensed care facilities are permitted subject to compliance with objective standards for their development and operation and ensuring that no facility will be denied or approved subject to conditions that would require a reduction in the number of persons who can be served without a specific finding of detriment to public health and safety or the health and safety of the facility's residents.

93151.2 Applicability.

The requirements in this Division apply to General Residential Care, General Hospice, and Senior Residential Care facilities for more than six persons. Residential Facilities for six or fewer residents shall be treated as a residential use and subject only to the same requirements as any permitted residential use of the same housing type in the District in which they are located.

93151.3 Requirements

- A. Location.** Minimum distance from any other Residential Facility shall be 300 feet as specified by State Health and Safety Code Section 1267.9 (b).
- B. Parking.**
 - 1. Residential Care, General. At least .5 space per bed plus one visitor space for every five beds.
 - 2. Residential Care, Senior. At least .25 space per bed plus one visitor space for every five beds.

3. **Hospice Care, General.** At least .25 space per bed plus one visitor space for every five beds.
- C. **Usable Open Space.** At least 20 square feet of usable open space shall be provided for each person who resides in the facility.

Division 52. Schools

Sections:

- 93152.1 Purpose and Applicability**
- 93152.2 Requirements**

93152.1 Purpose and Applicability

These provisions ensure that schools can be located close to where students live and provide a safe environment for students, faculty, and other school employees while minimizing potential adverse impacts on nearby residents and non-residential uses. The requirements apply to all facilities for primary and secondary education including public, charter, private and parochial schools registered with the State.

93152.2 Requirements

Schools shall be located, developed, and operated in compliance with the following standards in the zoning districts where they are allowed.

A. Use Permit Required.

1. A Minor or Major Use Permit is required if a new school will be in an existing building, any new space added to the building, or if a new school is constructed, based on the school size and applicable zoning district where they are located.
2. A Major Use Permit is required for all new construction of schools and for additions to existing building that exceed 20 percent of existing floor area.
3. To grant the use permit, the Director or the Planning Commission shall determine, based on the information presented by the applicant and the standards of this Section, that the design and operation of the school will allow the facility to provide a safe environment for students, staff, and visitors and that the potential impacts on neighboring uses will be minimized.

B. Site Plan Required. The applicant shall provide a site plan with the use permit application that includes all the following information:

1. Proposed enrollment and student capacity of the school,
2. Number and size of all classrooms,
3. Size and location of all indoor and outdoor areas for physical education,
4. Pedestrian and traffic circulation systems proposed for the site, including location and design of parking areas, driveways, walkways, and student drop-off areas for private automobiles and school buses,
5. Proposed automobile and bicycle parking, both on-site and off-site including areas designated for teachers and staff, visitors, and students; and

6. A development phasing schedule if the school will be developed in phases.

C. Locational Standards.

1. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be submitted with the use permit application, prepared by a competent professional trained in assessing the frequency, speed, and schedule of railroad traffic and pedestrian and vehicle safeguards at railroad crossings. In addition to the analysis, reasonable and feasible mitigation measures to address existing or potential safety issues shall be identified, which shall be incorporated into conditions of approval, as appropriate.
2. If the proposed site is within 1,500 feet of an above-ground fuel storage tank or high-pressure oil or gas pipeline, or within 2,000 feet of a hazardous waste disposal site, a hazards risk assessment shall be submitted with the use permit application, and recommendations of that assessment shall be incorporated into conditions of approval, as appropriate.
3. The Director may waive submission of the studies required above if a safety or hazards risk assessment has been previously prepared for the site and submitted to the city or another permitting agency, and the applicant agrees to the recommendations and mitigation measures of such an assessment.

D. Site Standards.

1. The site shall have frontage on arterial or collector streets and shall allow minimum peripheral visibility from planned driveways and drop-off areas.
2. Parent drop-off areas, bus loading areas if provided, and on-site parking shall be separated from walkways to allow students to enter and exit the school grounds safely.
3. Adequate outdoor or indoor play areas shall be provided to meet the needs for the planned enrollment. The minimum standard is 50 square feet of active play area per student. The Director or the Planning Commission, whichever has use permit approval authority, may reduce this requirement upon finding that:
 - a. Public parks are within one-quarter mile of the school and a joint-use agreement with the city has been executed, or
 - b. The scheduling of physical education (e.g., staggered recess times) permits more efficient use of on-site facilities.
4. All outdoor play facilities that border a street or parking area shall be enclosed by a minimum six-foot high fence or wall.
5. Delivery and service areas shall be located to provide vehicular access that does not jeopardize the safety of students and staff. Delivery/utility vehicles shall have direct access from the street to the delivery area without crossing over playground or field areas or interfering with bus or parent loading unless a fence or other barrier protects students from large vehicle traffic on playgrounds.

- E. Parking Required.** Parking shall be provided in compliance with the requirements of Part 3-A, [Division 6](#), Off-Street Parking and Loading.
- F. Accessory Uses.** Accessory uses customarily found in conjunction with schools, including dormitories, gymnasiums, stadiums, performing arts facilities, and auditoriums, are permitted with an administrative use permit or a conditional use permit, as required for the principal use, provided such accessory uses are located on the same lot or a contiguous lot adjoining the school.
- G. Design Standards.**
1. Schools shall be designed at a neighborhood scale, and new or replacement elementary schools, kindergarten through grade 5 or 6, shall generally be planned to accommodate an enrollment of 500 students, unless the Planning Commission determines that a larger or smaller facility is warranted at a specific location.
 2. The design of structures shall incorporate setbacks, recesses, projections, upper-story setbacks, and similar architectural measures that comply with standards for non-residential uses applicable to the site.
 3. Larger structures with high levels of activities and parking areas shall be located away from surrounding residential development that is smaller in scale or less intense.
 4. School campuses, excluding outdoor recreational areas, shall comply with the applicable requirements of Part 3-A, [Division 4](#), Lighting and Glare and are subject to the minimum lighting standards applicable to multi-family development when located in residential or mixed-use districts.
 - a. Entries shall be lighted to ensure the safety of persons and the security of buildings.
 - b. Outdoor lighting that is not required for security shall be turned off when a building or outdoor recreational area is not in use.

Division 53. Signs (Phase 2)

Division 54. Single Room Occupancy Housing

This Division proposes several revisions to the provisions in Section 9128.7, Single Room Occupancy Housing, to recognize these facilities as a residential use with small units that are affordable to extremely low-income households. Although single-room occupancy (SRO) facilities may accommodate single individuals or couples transitioning from homelessness, they are not necessarily “transitional housing” as defined by Government Code Section 65582 (j). Under the Government Code, rental housing developments classified as “transitional housing” are considered temporary housing requiring termination of assistance, including accompanying supportive services, at a future date. Due to the severe shortage of housing for extremely low-income households in the Los Angeles region it should be recognized as another housing type that is suitable not only for those who have been homeless but also for others who are unable to afford market-rate housing. In Pasadena, Los Angeles, Santa Monica, San Francisco, and Oakland, “micro-housing” projects with shared facilities are attracting tenants including students, young working adults, and others.

Sections:

93154.1 Purpose **93154.2 Requirements**

93154.1 Purpose

This Division establishes regulations to implement the Housing Element of the General Plan and State law to encourage and facilitate the development of single-room occupancy units (SROs) intended to accommodate extremely low-income single persons and 2-person households.

93154.2 Requirements

Single Room Occupancy (SRO) Housing, also called residential hotels, shall be located, developed, and operated in compliance with the following standards in the districts where they are permitted or subject to approval of a Use Permit:

- A. Maximum Number of Units.** If an SRO contains a common kitchen that serves all residents, the maximum allowable number of individual units shall be 20 percent above the maximum number otherwise allowed by the base density applicable to residential development in the zoning district where the SRO is located.
- B. Maximum Occupancy.** Each living unit shall be designed to accommodate a maximum of 2 persons.
- C. Minimum Width and Minimum Size.** A unit comprised of one room, not including a bathroom, shall not be less than 12 feet in width and include at least 180 square feet of habitable space.
- D. Entrances.** All units shall be independently accessible from a single main entry, excluding emergency and other service support exits.

- E. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual units, each unit shall have a sink with hot and cold water, a counter with dedicated electrical outlets and a microwave oven or a properly engineered cook top unit pursuant to applicable Building Code requirements, at minimum a small refrigerator, and cabinets for storage.
- F. **Bathroom.** A unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink, a full facility shall have a toilet, sink, and bathtub or shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided that meet the standards of the Building Code as adopted by the City for congregate residences with at least one full bathroom per floor.
- G. **Closet.** Each unit shall have a separate interior closet.
- H. **Common Area.** Four square feet per living unit of common area shall be provided, excluding janitorial storage, laundry facilities, and common hallways. At least 200 square feet of common area shall be on the ground floor near the entry to serve as a central focus for tenant social interaction and meetings.
- I. **Tenancy.** Tenancy of residential hotel units is limited to no less than 30 days.
- J. **Facility Management.** A facility with 10 or more units shall provide full-time on-site management. A facility with fewer than 10 units shall provide a management office on site.
- K. **Management Plan.** A management plan shall be submitted with the use permit application for an SRO project for review and approval by the Director. At minimum, the management plan shall include the following:
 - 1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance,
 - 2. **Management Policies.** Management policies, including desk service, visitation rights, occupancy restrictions, and use of cooking appliances,
 - 3. **Rental Procedures.** All rental procedures, including the monthly tenancy requirement,
 - 4. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

Division 55. Social Service Centers

Sections:

- 93155.1 Purpose**
- 93155.2 Requirements**

93155.1 Purpose.

Social service centers are facilities operated by public or non-profit agencies that provide counseling, therapy or other social or human services to persons needing such services due to physical, mental, emotional, or other disabilities. The regulations are established to implement General Plan policies to improve services that contribute to community well-being. These provisions are intended to ensure that facilities providing such services are established and operated in a manner that does not adversely impact adjacent parcels or the surrounding neighborhoods while assisting Carson's most vulnerable residents.

93155.2 Requirements

Social Service Centers shall be located, developed, and operated consistent with the following development standards:

- A. Waiting Areas.** Each center shall provide indoor waiting and intake areas for clients to avoid queuing on sidewalks adjacent to the facility.
- B. Hours of Operation.** Centers may be operated between the hours of 8:00 a.m. and 8:00 p.m.
- C. Security.**
 - 1. **Security Plan.** The center operator shall submit a security plan for approval to the Director. The plan shall include provisions for security staffing, alarms, and other elements the Director deems necessary to ensure the security of the site.
 - 2. **Alarm System.** A centrally monitored alarm system shall be installed and maintained in good working order.
 - 3. **Staffing.** On-site supervision must be provided during times when the center is in operation.
 - 4. **Emergency Contact.** The center operator shall provide the Los Angeles County Sheriff Department with the name, phone number and email address of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the center. The center shall make a good faith effort to encourage members of the public to call this person to try to solve operating problems, if any, before calls or complaints are made to the City.

- D. **Litter.** Outdoor trash receptacles shall be available near the entrances to and exits from the establishment. The premises shall be continuously maintained in a safe, clean, and orderly condition.
- E. **Prohibited Activities.** Patrons must immediately leave the site if not waiting for or receiving services. No consumption of alcoholic beverages, cannabis use, smoking or vaping shall be allowed on the premises.
- F. The Operator shall post signage advising clients of all requirements.

Division 56. Tattoo and Body Piercing

Sections:

- 93156.1 Purpose**
- 93156.2 Requirements**

93156.1 Purpose

This Division establishes provisions to the city has determined are necessary to protect the health, safety, and welfare of the citizens of the City of Carson. These regulations bear a reasonable and rational relationship to the goals sought to be achieved by the City of Carson as described in the General Plan while protecting the rights of businesses and their patrons.

- A.** The restrictions and requirements contained in this Division are intended to reduce the burden on the Sheriff's Department and the City of Carson Code Enforcement Division in the regulation of tattoo services.
- B.** The restrictions and requirements contained in this Section are intended to be in addition to the requirement of a valid business license issued by the Business License Division.
- C.** The regulations and restrictions contained in this Section are intended to bear a reasonable and rational relationship to the goals sought to be achieved by the City of Carson as described in the General Plan.

93156.2 Requirements

Tattoo and body piercing establishments shall comply with the following requirements in addition to the regulations applicable to such use in the Districts where they locate.

- A. Business License.**
 - 1. No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in any location within the City, the business or operation of a tattoo establishment, and no person shall manage a tattoo establishment, without first obtaining a valid business license issued by the Business License Division.
 - 2. Each person providing tattoo service in a tattoo establishment who is not a paid employee of said establishment but is contracted or otherwise paid apart from the establishment, must obtain a separate business license. Paid employees of the establishment need not obtain a separate business license.
- B. Registration.** Every person conducting tattoo services, as defined in this Division, or desiring to conduct such activity, on or after the effective date of the ordinance, shall register with the Los Angeles County Health Department in compliance with applicable County codes.
- C. Public Health Facility and Public Health Operator Permits.**

1. Every person owning a tattoo establishment shall, within one year of the effective date of the ordinance codified in this Section and in compliance with Part 3-B, Division 44, Non-Conforming Uses, or prior to the operation of a tattoo establishment, obtain and maintain a valid public health facility permit in compliance with applicable County codes.
2. Every person conducting tattoo activity shall, within one year of the effective date of the ordinance codified in this Section and in compliance with Part 3-B, Division 44, or prior to conducting any tattoo service, obtain and maintain a valid public health operator permit in compliance with applicable County codes.

D. Posting Requirements.

1. The public health facility permit issued to the owner of any facility operating as a tattoo establishment must be posted and always exhibited in an area that is visible to the public and clients of said establishment.
2. The public health operator permit issued to a person providing a tattoo service must be posted and always exhibited in an area that is visible to the public and clients of any tattoo establishment in which tattoo services are provided.
3. Every person registered with the department shall always prominently post the certificate of registration adjacent to his or her workstation in an area that is readily visible to clients from that location.

E. Communicable Disease Control. If the City of Los Angeles County Health Department has reasonable cause to suspect a communicable disease is, or may be, transmitted by any person conducting activities regulated by this Division, or by any use of contaminated equipment, or by other unsanitary or unsafe conditions which may adversely impact the public health and safety, the City of County Health Department may do any or all of the following:

1. Issue an order excluding from the permitted tattoo establishment any person responsible for transmitting a communicable disease, or reasonably believed to be responsible for transmitting a communicable disease, or reasonably believed to pose a substantial risk of transmitting a communicable disease, until the City or Los Angeles County Health Department determines there is no further risk to the public health and safety.
2. Issue an order to immediately suspend the public health facility permit issued to the owner of the tattoo establishment until the City or Los Angeles County Health Department determines there is no further risk to the public health and safety.
3. Issue an order to an owner, employee, or a client of a tattoo establishment, to provide information reasonably deemed necessary to prevent the spread of communicable disease.

F. Inspections. All tattoo establishments shall permit City officers, including code compliance officers, to inspect any premises providing tattoo services for compliance with applicable codes.

G. Violation and Noncompliance.

1. **Penalty.** Any person who operates a tattoo establishment in violation of this Section shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000, imprisonment in the county jail for a period not to exceed six (6) months, or both.
2. **Injunctive Relief.** Any act or failure to act which is a violation of this Section may be the subject of a civil action to enjoin the person so acting or failing to act to conform his or her conduct to the provisions of this Code. The filing and prosecution of such an action shall, in no way, limit the authority or ability to impose other requirements of this Section or penalties enumerated hereunder.
3. **Owner Responsibility.** The owner of a tattoo establishment is responsible for any violation by any person who does any tattoo service with the owner's consent, or in the owner's tattoo establishment, whether such person is an employee or a tattoo technician independent operator. Any such tattoo activity done with the owner's actual or constructive knowledge is presumed to be done with the owner's consent.

H. Exceptions.

1. The required permits described in this Section shall not apply to, have no effect upon, and shall not be construed as applying to the application of permanent make-up or cosmetic reconstruction applied by a licensed practitioner, licensed cosmetician, or licensed electrologist as defined in the California Business and Professions Code, and has received additional training in the procedures, practices and techniques of permanent make-up application and cosmetic reconstruction.
2. Any person claiming exemption under this Section shall furnish satisfactory evidence that he or she is entitled to such exemption, including proof of bona fide employment, or if applicable, a citation or certification to the particular provision of the Business and Professions Code upon which that person relies.
3. A person who exclusively engages in the piercing of the leading edge or earlobe of the ear shall be exempt from the permitting and registration requirements of this Section, provided he or she does the following:
 - a. Performs the procedure using an approved ear perforating mechanical device to force the single-use stud or single-use needle through the tissue of the ear; and
 - b. Utilizes a sterile, disposable, single-use stud, or single-use solid needle.

I. Severability. If any provision of this Section or the application thereof to any person or circumstance is held invalid, the remainder of the Section or the application of such provision to other persons or circumstances shall not be affected thereby.

Division 57. Temporary Uses

This Division establishes regulations to ensure that certain uses that are intended to be of limited duration of time are allowed when they will not permanently alter the character or physical facilities of the site where they occur. These requirements are intended to augment Carson Municipal Code, Article III Public Safety, Chapter 11, Temporary Events.

Sections:

- 93157.1 Purpose**
- 93157.2 Temporary Uses Requiring a Temporary Use Permit**
- 93157.3 Temporary Uses Requiring a Minor Use Permit**

93157.1 Purpose

This Division establishes regulations to ensure that certain uses that are intended to be of limited duration of time are allowed when they will not permanently alter the character or physical facilities of the site where they occur. These requirements are intended to augment Carson Municipal Code, Article III Public Safety, Chapter 11, Temporary Events.

93157.2 Temporary Uses Requiring a Temporary Use Permit.

Temporary uses conducted by a nonprofit organization or business with a permanent location are permitted subject to the Director's approval of a Temporary Use Permit subject to compliance with the requirements of this Section. The Director may impose additional or more stringent requirements or require a Minor Use Permit when deemed necessary to ensure the use does not become a nuisance to the surrounding neighborhood, the district, or the City.

- A. Seasonal Sales.** The annual sales of holiday related items such as Christmas trees, pumpkins and similar items may be permitted in accordance with the following standards:
 - 1. Outdoor display and sales areas must be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
 - 2. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
- B. Temporary Outdoor Sales.** Temporary outdoor sales including, but not limited to, grand opening events, and other special sales events are subject to the same requirements as Seasonal Sales.
- C. Special Events.** Other short term special events, art sales, and displays that do not exceed three consecutive days, may be permitted in accordance with the following standards:
 - 1. Events are limited to non-residential districts.

2. No more than four events at one site shall be allowed within any 12-month period.
 3. Short-term recreational special events shall be part of an existing Commercial Recreation or Personal Service use located on the same site.
 4. Any person proposing to operate or conduct a carnival or circus in Carson shall obtain a permit pursuant to Carson Municipal Code, Article VI, Chapter 3, Business, Professions and Trades, Section 63119. In addition to meeting the requirements of Section 63119, carnivals, fairs, circuses, and festival events are also subject to the following requirements:
 - a. **Location.** Carnivals, fairs, and festival events are limited to areas within commercial or industrial districts, or on land owned by a school.
 - b. **Time Limit.** When located adjacent to a residential district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
 - c. **Tents.** Any event involving the use of a tent requires review and approval of the Los Angeles County Fire Department and the City Building Official.
- D. Temporary Trailers and Offices.** Temporary trailers or other structures may be permitted for the following:
1. Trailers that provide residences for security personnel associated with any construction site.
 2. Trailers that provide offices for the following temporary uses:
 - a. Financial institutions or public utilities that are required to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.
 - b. Business offices or sales facilities where construction of a permanent facility is being diligently completed.
 - c. Construction offices where construction projects are being diligently completed.
 - d. Real estate offices on site of a proposed subdivision until such time as the notice of completion is filed with the Building Department.
- E. Temporary Uses Requiring a Minor Use Permit.** Other special events, outdoor sales, and displays that exceed three consecutive days but not more than one month, may be allowed with the approval of a Minor Use Permit so long as they are not intended to extend longer than one month, and they are determined to not adversely affect neighboring uses or otherwise create significant negative impacts.

Division 58. Trip Reduction and Transportation Demand Measures

Sections:

93158.1 Purpose and Applicability **93158.2 Requirements**

93158.1 Purpose and Applicability

This Division establishes reasonable standards to implement the General Plan and Climate Action Plan and the requirements of the South Bay Air Quality Management District by ensuring that all necessary transportation demand and trip reduction measures are completed, constructed, and adequately provided for prior to the issuance of building permits for certain new buildings and structures and prior to their use and occupancy.

- A.** The provisions of this Division shall apply to all new buildings or structures to be constructed, and the expansion or addition to an existing building or structure.
- B.** The alteration or interior modification to an existing building or structure shall be considered an expansion for purposes of this Division if the Director determines that there is a change in occupancy or usage of the building or structure that would require a significant increase in the number of off-street automobile parking spaces for the primary or intended use.
- C.** Any expansion, addition or intensification of use that is subject to the provisions of this Division shall be required to provide only the transportation demand and trip reduction measures needed to serve the expansion, addition, or intensification of the use.
- D.** These requirements shall not apply to existing buildings or structures if such buildings or structures comply with all other applicable requirements of this Code.

93158.2 Requirements.

Non-residential development with 25,000 square feet or more of floor area shall provide the following:

- A. Transportation Information.** A bulletin board, display case, or kiosk displaying information located where the greatest number of employees are likely to see it. Information shall include, but is not limited to, the following:
 - 1. Current maps, routes, and schedules for public transit routes serving the site,
 - 2. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators,
 - 3. Ridesharing promotional material supplied by commuter-oriented organizations,
 - 4. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information,

5. A listing of preferential parking areas and other facilities to accommodate carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

B. Preferential Parking. At least 10 percent of employee parking area shall be reserved for use by potential carpool/vanpool vehicles; this area shall be located as close as feasibly possible to the employee entrance(s) without displacing ADA-accessible parking spaces or customer parking needs.

1. The preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit and be approved by the Director.
2. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board.
3. Spaces must be signed or striped designating them for carpool/vanpool parking.
4. Employee parking shall be calculated as follows:

<i>Type of Use</i>	<i>Percent of Total Required Parking Devoted to Employees</i>
Commercial	30%
Office/Professional	85%
Industrial/Manufacturing	90%

C. Vanpool and Carpool Parking Spaces.

1. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles.
2. When located in a parking structure, a minimum vertical interior clearance of seven feet, two inches (7'2") shall be provided for those spaces and accessways to be used by such vehicles.
3. Adequate turning radii and parking space dimensions shall be included in vanpool parking areas.

D. Bicycle Parking Spaces.

1. Bicycle racks or other secure bicycle parking shall be provided to accommodate four bicycles for the first 50,000 square feet of nonresidential development and one bicycle for each additional 50,000 square feet of nonresidential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number.
2. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle which protects the bicycle from inclement weather.

3. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be approved by the Director.

E. Access and Safety.

Nonresidential development 100,000 square feet or more floor area shall comply with the information requirements in sub-section A, and shall provide all the following features:

1. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.
1. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.
2. If determined necessary by the Director to mitigate the project impact, bus stop improvements shall be provided. The Director will consult with the Director of Engineering Services and local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and convenient access to nearby transit stations/stops.
3. Safe and convenient access from the external circulation system to bicycle parking facilities onsite.

- Division 59. Trucking and Truck-Related Facilities (Phase 2)**
- Division 60. Vehicle Dismantling, Salvage, and Vehicle Impounding (Phase 2)**
- Division 61. Warehousing and Distribution (Phase 2)**

Division 62. Wireless Communications

This Division carries forward all the provisions of Section 9138.16, Communications Facilities, of the existing Zoning Code. Minor non-substantive revisions have been made to improve usability.

Sections:

93162.1	Purpose and Applicability
93162.2	Definitions
93162.3	Procedures
93162.4	Standards
93162.5	Exceptions
93162.6	Required Findings
93162.7	Temporary Facilities
93162.8	Nonconforming Facilities
93162.9	Facility Removal and Abandonment

93162.1 Purpose and Applicability.

The purpose and intent of this Section is to provide uniform and comprehensive standards for the development of all communications facilities, including antennas and associated facilities for wireless telecommunication, data, radio, television, and microwave, in accordance with existing Federal law while minimizing the aesthetic impacts using carefully chosen siting and design criteria. The regulations contained herein are designed to protect and promote public health, safety and welfare, and aesthetic qualities within the community. At the same time, the intent is to comply with the Telecommunications Act of 1996, to not unduly restrict the development of necessary communications facilities and encourage managed development of communications infrastructure while providing a public forum to ensure a balance between public concerns and private interest in establishing such facilities.

The procedures and rules set forth in this Section are applicable to all communications facilities and all modifications or additions to existing communications facilities. This Section does not apply to the use or location of private, residential citizen band radio towers, amateur radio service, television antennas, or private residential dish antennas less than one meter in diameter, used for receiving radio frequency or television signals, or public safety communications facilities owned or operated by the City of Carson or any emergency agencies such as the Fire Department or Sheriff's Department.

93162.2 Definitions.

4. "Amateur radio service" means a noncommercial, two way radio communications service operated by licensed amateurs using shared frequencies.
5. "Antenna height" means the vertical distance from the existing or proposed grade, whichever is lower, to the highest part of the antenna.

6. “Building-mounted facilities” means all facilities mounted or attached in any way to an existing building. The building must serve a primary use other than as a site for a communications facility.
7. “Cell on wheels” or “COW” means a facility which is temporarily rolled in or temporarily installed.
8. “Co-location” means the placement of more than one facility on an existing building or freestanding structure.
9. “Enhanced 911 emergency calling systems (911/ECS)” means a service which allows public safety personnel, including police and fire departments, to automatically identify the phone number and location of a person making an emergency call from a mobile source.
10. “Facade-mounted” means the mounting of antennas directly to the fascia or sidewall of a building and stealth into the architectural design of the wall.
11. “Facility” means a communications facility that repeats, transmits and/or receives electromagnetic signals which includes, but is not limited to: the combination of antennas, transmitters, masts, cabinets, and equipment rooms; towers, monopoles, or similar structures supporting said equipment; screening devices including walls and landscaping; and parking areas and other accessory development.
12. “Ground-mounted” means a facility in which the antennas are located on a freestanding pole or structure, other than a building, attached to the ground. These antennas do not use a building or ancillary structure(s) for mounting purposes.
13. “Height” means the distance measured from the average finished grade surrounding the facility to the highest point on the facility. In the case of a building tower, the height includes the portion of the building on which it is mounted. Towers that are adjustable in height shall use the maximum height to which the structure can reach.
14. “Major communications facility” means a facility other than a minor communications facility, which includes ground-mounted or freestanding facilities and facilities that are not stealth. A facility located within a residential zone, regardless of stealth design, is considered a major communications facility.
15. “Minor communications facility” means a facility that includes distributed antenna systems (DAS), microcells and building-mounted facilities that are stealth, including facade-mounted (wall-mounted) and roof-mounted stealth facilities. A co-location onto an existing, approved major communications facility that is in full compliance with this Section, shall be processed as a minor communications facility. Enhanced 911/ECS required by the Federal Communications Commission (FCC) are considered minor communications facilities if they are stealth into the design of an existing building-mounted or freestanding facility.
16. “Multiple user” means a communications facility comprised of multiple towers or buildings supporting one or more antennas owned or used by more than one

public and/or private entity, excluding research and development industries with antennas to serve internal uses only.

17. “Freestanding” means a facility or structure which is not mounted on or attached in any way to an existing building, or that is attached to a structure whose primary purpose is to support, house or serve as a mounting location for communications equipment.
18. “Not stealth” means any facility not camouflaged in a readily apparent manner to blend with surrounding land uses and features. The design does not conceal the intended use of the facility and incorporates no readily apparent elements of stealth technology or design. A standard monopole with equipment cabinets aboveground and unscreened would be considered not stealth.
19. “Personal communications services (PCS)” is a term coined by the Federal Communications Commission; it describes a two way voice and digital, wireless telecommunications system. PCS encompasses cordless phones, cellular mobile phone paging systems, personal communications networks, wireless office phone systems, and any other wireless telecommunications systems that allow people to place and receive voice/data calls while away from home and office.
20. “Site justification study” means a study performed pursuant to certain requirements which explains the demands and rationale that led to the selection of a particular location and design for a communications facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area.
21. “Stealth” means camouflaged or designed to blend with the surrounding environment and land uses, minimize aesthetic impact on adjacent uses, and conceal the intended use and appearance of the structures.
22. “Tower” means any structure, or support thereto, that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

93162.3 Procedures

- A. Minor communications facilities shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in Part 4, Division 6, Development and Site Plan Review.
 1. The Director shall be the approval authority except if the property is located within 100 feet of a residential zone. In considering applications for minor communications facilities, the Planning Division shall be guided by the provisions of Division 6.

2. The Director shall render a decision in writing, with findings, and conditions, after receipt of a complete application. The Director's decision shall be final unless a written appeal is filed pursuant to Part 4 Common Procedures, Section 9412.13, Appeals.
- B. Major Communications Facilities.** Major communications facilities shall be subject to the approval of a development plan in accordance with the site plan and design review procedures as provided in Division 6 and use permit procedures as provided in Division 7, Minor and Major Use Permits.
- C.** A co-location onto an existing, approved major communications facility shall be processed as a minor communications facility, unless as otherwise mentioned in this Division or if the co-location is a substantial addition that would intensify the existing facility as determined by the Director.
- D.** In considering applications for major communications facilities, the Planning Commission shall be guided by the provisions of Sections 93162.4, Design and Development Standards and 93162.5, Required Findings of this Division.
- E.** The decision of the Planning Commission shall be final unless a written appeal is filed pursuant to Part 4, Section 9412.13, Appeals.
- F. Application Requirements.** The following information shall be provided concurrently with any application submitted pursuant to CMC 9173.1:
1. Co-Location Statement (if necessary). This statement must be signed by all co-locating providers agreeing to the co-location.
 2. Utility Easement Encroachment Agreement (if necessary). A letter of consent must be provided by the utility purveyor(s) if their easement will be encroached upon.
 3. Local Facilities Map. Show existing facilities and coverage areas in the City. (At the applicant's request, the City of Carson will make every effort to ensure the confidentiality of information which is considered to be of a proprietary nature. Said information will be used for municipal planning purposes only.)
 4. Site Justification Study. A study which explains the demands and rationale for selecting a particular location and design for a communications facility. The study may include information pertaining to the interrelationship between a specific site and other sites in the local network area. For all major communications facilities, this study shall identify all reasonable, technically feasible, alternative locations, including facilities which could be used for co-location or other networks available such as distributed antenna systems. The study shall also explain the rationale for selecting the proposed site. For all feasible co-location sites, the study shall include evidence of written contact with all wireless service providers or tower owners within a quarter mile of the proposed communications facility, unless a smaller radius is technologically justified by the applicant. The contacted tower owner or service provider shall be requested to respond in writing to the inquiry within thirty (30) days. The applicant's letter(s) as well as response(s), or a statement from

the applicant detailing all responses received, shall be included with the study as a means of demonstrating the need for a new major communications facility.

5. RF Emissions Report. The City of Carson acknowledges that it is preempted from regulating the placement, construction or modification of facilities based on environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations. As such, a report shall be submitted which is signed by a radio frequency engineer and prepared pursuant to FCC, Office of Engineering and Technology, Bulletin 65 or any other applicable guidelines or regulations, stating the maximum (EMF/RF) radiation to be emitted by the proposed facility and whether those emissions conform to safety standards adopted by the Federal Communications Commission. The report shall consider all other facilities within 500 feet, both existing and known future facilities, the cumulative effects of co-located facilities and existing nearby buildings and structures and shall be written to be understandable to the layman. This report shall be available for review by the public.
6. Site Plan. A site plan shall be submitted and consist of elevation drawings indicating the height, diameter, color, setbacks, landscaping, method of screening, and color photo simulations showing the before and after impacts of the proposed facility on the subject site. Existing communications facilities, poles, towers, and/or antennas shall also be shown. No plans shall include depictions of future antennas or devices, nor shall future antennas or devices be approved, unless specifically identified by applicant in a separate written statement to the Planning Division or Planning Commission as applicable.
7. Costs and Refundable Deposits. Applicant shall bear the reasonable costs associated with the review of the application including the costs incurred because of the need to hire an expert or consultant to review the data or information provided by the applicant or any related application, and for the expert or consultant to attend City meetings as determined by the City. At the time the applicant submits its application, it shall also submit an initial refundable deposit of \$2,500. The deposit shall be used by the City to pay the reasonable costs associated with the expert or consultant review of the application. If the deposit is or will be fully expended by the City, at the direction of the City, the applicant shall within five business days deposit additional funds with the City in an amount reasonably estimated by the Director of Community Development. Upon final City action on or withdrawal or termination of the application, any unexpended funds on deposit shall promptly be returned to the applicant by the City. No City construction permit or utility connection authorizations shall be issued by the City for any approved project if the applicant has not fully reimbursed the City for its consultant or expert costs as required herein.

93162.4 Design and Development Standards.

- A. Setbacks.** No communications facility shall be located within or extend into the required setbacks established in the applicable zone.
- B. Height.**
1. Communications facilities utilizing a freestanding support structure shall be limited to the maximum building height for the applicable zoning district.
 2. In zoning districts with no maximum height limit, a communications facility which utilizes a freestanding support structure shall not exceed 50 feet in height above the ground. The zoning of all locations shall be interpreted in accordance with CMC 9114.2.
 3. New communications facilities constructed on existing conforming structures shall not exceed the height of the existing structure, except for fully stealth roof-mounted facilities on existing buildings which may project up to the maximum height limit described in this Section or eight feet above the roof from where it is attached, whichever is higher.
 4. The Planning Commission or Planning Division may consider approval of facilities to exceed the maximum height limit described in this Section subject to approval of a minor or major exception as described in Section 93162.5 of this Section. Existing facilities lawfully erected prior to July 17, 2003, may have a height limit greater than subsection G (Exceptions) of this Section provided there is no expansion or intensification to the facility.
- C. Undergrounding.** Electrical wiring associated with a facility shall be buried underground or hidden in a manner acceptable to the Planning Division and Engineering Division or Planning Commission if applicable. To the extent technologically feasible, all vaults, equipment, shelters, structures, or any other device related to or required for use of a facility, shall be underground in the open space zone, in the right-of-way, and where all other utilities are required to be underground. In all other areas in the City, all vaults, equipment, shelters, structures, and other devices shall be permitted aboveground only when said devices are not visible from adjacent property or the right-of-way.
- D. Microwave Dishes.** Where economically feasible the use of microwave dishes shall be prohibited and underground lines utilized. Upon a showing of economic infeasibility, microwave dishes up to twenty-six (26) inches shall be permitted.
- E. Painting.** The communications facility and supporting structure(s) shall be painted a neutral, non-glossy color that matches the color of the structure to be mounted on or to the color of the surrounding environment subject to the satisfaction of the Planning Manager.
- F. Lighting.** All communications facilities, except exempt facilities, shall be unlit, except for a manually operated or motion-detector controlled light above the equipment door which shall be used only for personnel maintenance purposes. This requirement is not intended to address interior structure lighting.

G. Noise.

1. All communications facilities, except exempt facilities, shall be constructed and operated in such a manner as to meet the requirements of the noise ordinance.
2. Backup generators shall only be operated during power outages and for testing and maintenance purposes. No backup generator shall be utilized for longer than 72 hours without prior approval of the Engineering Division or Planning Division.
3. If the facility is located within 100 feet of a residential dwelling unit, noise attenuation measures, including redesign or screening, shall be included to reduce exterior noise levels to meet the requirements of the noise ordinance.

H. Signs. The display of any sign or any other graphic on a communications facility or on its screening is prohibited, except for signs for health, safety, and welfare purposes which are required to be posted in case of an emergency. Emergency signs shall be visibly posted at the facility and shall include contact information, including the phone number of the utility provider.

I. Performance Bond. A faithful performance bond shall be required to ensure compliance with City codes and standards, and the removal of abandoned antennas or facilities before the issuance of any building or public works permits.

93162.5 Exceptions.

A. Exceptions for minor communications facilities may be approved by the Director. For all other facilities including those within 100 feet of a residential zone, the Planning Commission shall render the decision after notice and hearing.

1. In approving an exception, the Planning Authority shall render a decision in writing, with findings and conditions, subject to the requirements of CMC 9172.23.
2. The design standards for setbacks and height listed in subsection F of this Section may be modified by not more than 15 percent.
3. The Planning Authority must make all the following findings based on evidence submitted by the applicant:
 - a. If seeking a minor exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary for operation and/or for stealth purposes including design elements or architectural details.
 - b. The minor exception would not create a significant visual impact.
 - c. Granting the minor exception shall conform to the spirit and intent of this zoning code.
 - d. Granting the minor exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

B. Major Exceptions. The design standards for setbacks and height listed in Section 93162.4 of this Division may be modified by not more than 30 percent if the Planning Authority makes all the following findings based on evidence submitted by the applicant:

1. If the applicant seeks the major exception to service the applicant's gap in service, the applicant shall submit an explanation and supporting engineering data establishing that a tower or antenna as proposed is technologically necessary.
2. If the applicant seeks the major exception to accommodate the establishment of a co-located facility, the applicant shall demonstrate that conformance with the code would require the installation of new freestanding communications facility or other less desirable facility.
3. If seeking a major exception from height standards set forth herein, the applicant shall demonstrate that the proposed height is designed at the minimum height necessary. The applicant shall specifically include an analysis comparing the operation of the facility at its proposed height with its operation at the maximum height permitted herein. The purpose of this analysis is to ensure that additional height is permitted only when technologically necessary for the provision of services. Further, the applicant shall certify that the facility shall not cause a hazard to aircraft.
4. Locating the antenna in conformance with the specifications of this Section would obstruct the antenna's reception window or otherwise excessively interfere with reception, and the obstruction or interference involves factors beyond the applicant's control and relocation is not an option.
5. The visual impacts are negligible because the facility is designed to architecturally integrate with the surrounding environment.
6. Granting the major exception shall conform to the spirit and intent of this zoning code.
7. Granting the major exception will not be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity.

93162.6 Required Findings.

In addition to the provisions of Part 4, Division 7, Minor and Major Use Permits, the Director or Planning Commission shall approve a development plan and conditional use permit for a communications facility if affirmative findings can be made based upon the following criteria:

- A.** The proposed site is the least intrusive after considering co-location with another facility, other networks available such as distributed antenna systems, and location at another site. If located in the public right-of-way or on City-owned or leased property, the facility must meet the requirements of the Engineering Division.
- B.** The proposed communications facility will be aesthetically compatible, located and designed to minimize the visual impact on surrounding properties and from public streets, including adequate screening through the use of landscaping that harmonize with the elements and characteristics of the property and/or stealth which incorporates the facility with

the structure in which it will be mounted through use of material, color, and architectural design.

- C. The proposed communications facility is not located on any residential dwelling or on any property which contains a residential dwelling, or any property wherein a person resides, except as may be associated with a church, temple, or place of religious worship.
- D. Maintenance. The site shall be maintained in a condition free of trash, debris, and refuse and all antennas and related structures shall not be permitted to fall into disrepair. All graffiti must be removed immediately or within 72 hours of notice from the City.

93162.7 Temporary Facilities.

- A. The Director may approve, for a period of up to 90 days, a temporary communications facility, including but not limited to a COW, to provide service while an approved communications facility is being fabricated or when an existing antenna has been damaged or destroyed. The Director may extend the 90-day period at the request of the applicant for 30 day intervals if the applicant can prove that there is a hardship that is delaying the issuance of permits for the permanent facility.
- B. The temporary facility may only be approved after the approval authority has approved or conditionally approved an application for a communications facility and the project proponent has signed and returned a copy of the affidavit of acceptance of conditions of approval to the Planning Division.
- C. The Planning Division shall approve the actual location and design of the temporary facility consistent with the requirements of subsection F (Design and Development Standards) of this Section.
- D. The Planning Division or Public Safety Division shall have the authority to approve a temporary use permit for communications facilities needed during a declared emergency. Temporary facilities shall be removed not later than ten (10) days after the conclusion of the declared emergency.

93162.8 Nonconforming Facilities.

Any facility constructed in violation of this Section, or in violation of any part of this code, is subject to immediate abatement. Any major communications facility that is lawfully constructed prior to the effective date of the ordinance codified in this Section shall be deemed a nonconforming use and will be subject to the provision of CMC 9182.21 and 9182.22. Additionally, CMC 9172.25 and 9182.05 shall govern any request for an extension to the nonconforming privilege.

93162.9 Facility Removal and Abandonment

- A. **Discontinued Use/Abandonment.** The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing if the use of the facility is discontinued for any reason. In the event the facility is

discontinued or abandoned for a period of more than one hundred eighty (180) days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate so as to be in conformance with applicable zoning codes at the owner's and/or operator's expense. All such removal, repair and restoration shall be completed within ninety (90) days after the use is discontinued or abandoned and shall be performed in accordance with all applicable health and safety requirements. In the event that an owner or operator fails to remove any abandoned facilities or antennas within the time periods stated, the City may remove the facility after providing 30 days' notice and shall bill the owner and/or operator for all costs including any administrative or legal costs incurred in connection with said removal. Once all costs have been paid by the antenna owner, any bond posted for removal shall be released. The City does not waive any legal rights to seek repayment for removal costs pursuant to a bond posted or bring an action for repayment of costs.

- B. Utility-Mounted Facility Removal or Relocation.** All utility-mounted facilities shall be removed or relocated at the facility owner's expense when a City-approved project requires relocation or undergrounding of the utility structure on which the facility is mounted.

Part 4 Administration and Permits

This Part expands upon and refines many of the provisions in Part 7. Procedures of the current Code. The Divisions have been organized to first list the specific responsibilities of decision makers who review, approve and handle appeals of the planning and zoning actions identified in Section 9171.1, Types of Procedures, of the existing Code. This Division will include a table listing types of approvals and responsibilities. Division 2, Common Procedures, will establish procedures applicable to all types of approvals. Part 5 will then proceed to establish requirements for specific processes and permits in an order meant to reflect their relative frequency of use. In addition to clarifying the complementary roles of the Director, Planning Commission, and City Council, the Code will list the different findings that are required when deciding on planning and zoning applications. The existing findings will be revised as necessary to comply with changes to State law that require objective standards as a basis for decisions.

Division 1. Planning Authorities

Sections:

9411.1	Purpose
9411.2	City Council
9411.3	Planning Commission
9411.4	Community Development Director
9411.5	Summary of Review Authorities for Decisions and Appeals

9411.1 Purpose

The purpose of this Division is to identify the bodies, officials, and administrators with designated responsibilities under various Parts of the Zoning Code. Other Divisions in this Part provide detailed information on procedures, applications, and permits, including zoning and General Plan text and map amendments, establishment of fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Code as minimum requirements adopted to implement the policies and achieve the objectives of the Carson General Plan.

9411.2 City Council

The powers and duties of the City Council under the Zoning Code include, but are not limited to the following:

- A.** Consider and adopt, reject, or modify amendments to the General Plan map and text pursuant to the provisions of Division 18, General Plan Amendments, and the Government Code, following a public hearing and recommended action by the Planning Commission.
- B.** Consider and adopt the Zoning Map, the Zoning Code, and amendments to the Zoning Map and text of the Zoning Code pursuant to the provisions of Division 15, Zoning Text, and Map Amendments, of this Part, and the Government Code, following a public hearing and recommended action by the Planning Commission.

- C. Consider and adopt, reject, or modify Specific Plans or amendments to Specific Plans pursuant to the provisions of Division 12, Specific Plans and Amendments, and the Government Code, and Planned Development pursuant to the provision of Division 14, Planned Development, and other applicable land use entitlements following a public hearing and recommended action by the Planning Commission.
- D. Adopt guidelines for design review applicable to designated areas.
- E. Hear and decide appeals from decisions of the Planning Commission on any other permits that can be appealed, pursuant to Division 2, Common Procedures, Section 9412.13, Appeals.
- F. Hear and decide appeals on environmental determinations by the Director or the Planning Commission, pursuant to Division 5, Environmental Review.
- G. Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to the Zoning Code.

9411.3 Planning Commission

The Planning Commission is established and organized pursuant to Article VI, Appointive Boards, Committees and Commissions, City Charter, Part A (Sections 2700-2709) of Chapter 7 of Article II of the Municipal Code, and the requirements of the Government Code, to the extent applicable. The powers and duties of the Planning Commission under the Zoning Code include, but are not limited to the following:

- A. Conduct public hearings and make recommendations to the City Council on proposed amendments to the General Plan map and text, pursuant to Division 18, General Plan Amendments.
- B. Annually review progress towards implementation of the General Plan and recommend to the City Council changes needed due to new legislation, development trends and changing economic, social, and environmental conditions.
- C. Conduct public hearings and make recommendations to the City Council on proposed amendments to the Zoning Map and to the text of the Zoning Code, pursuant to Division 15, Zoning Text and Map Amendments.
- D. Conduct hearings and make recommendations to the City Council on proposed Specific Plans and Amendments, pursuant to Division 12, Specific Plans and Amendments.
- E. Approve, conditionally approve, modify, or deny Major Use Permits and Variances, pursuant to Division 7, Minor and Major Use Permits, and Division , Variances.
- F. Hear and decide appeals from decisions of the Community Development Director (the "Director") on determinations, or interpretations made in the enforcement of the Zoning Code and any other decisions that are subject to appeal, pursuant to Division 2, Common Procedures, Section 9412.13, Appeals.
- G. Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act and the procedures in Division 5, Environmental Review.
- H. Recommend to the City Council for adoption guidelines for conducting Development and Site Plan Review, pursuant to Division 6, Development and Site Plan Review.

- I. Such other duties and powers as assigned or directed by the City Council.

9411.4 Community Development Director

The Community Development Director (the Director) is a city staff member appointed by the City Manager. All references to the Director in this Code shall mean the Director or the Director's designees. The powers and duties of the Director include but are not limited to the following:

- A. Monitor and enforce provisions of the Zoning Code, including processing of abatements and other enforcement actions.
- B. Review and issue land use permits that are minor in nature and which customarily result in an activity of generally minor public controversy and adverse impact based on specific findings of fact to support the resulting decision. Subject to applicable law, the Director has authority to impose specific conditions when warranted to ensure that the requested activity or project is conducted or constructed in a manner consistent with the goals, objectives, and policies of the General Plan.
- C. Maintain and administer the Zoning Code, including processing of applications and amendments.
- D. Approve, conditionally approve, modify, or deny requests for waivers to dimensional requirements, pursuant to Division 10, Exceptions,
- E. Interpret the Zoning Code to members of the public, other City Departments, and City legislative bodies.
- F. Prepare and implement rules and procedures for the conduct of the Department's business. These rules may include the administrative details of hearings (e.g., scheduling, rules of procedure and recordkeeping).
- G. Issue administrative regulations for procedures for submission and review of applications subject to the requirements of this Code and Government Code Section [65950](#), Deadlines for Project Approval Conformance; Extensions.
- H. Review applications for permits and licenses for conformance with the Zoning Code and issue a Zoning Compliance Determination pursuant to [Division 4, Zoning Compliance Review](#) when the proposed use, activity or building is allowed by right and conforms to all applicable development and use standards.
- I. Review applications for discretionary permits and approvals under the Zoning Code for conformance with applicable submission requirements and time limits.
- J. Review applications for discretionary permits and approvals to determine, preliminarily (subject to a final determination made by the applicable approval body), whether the application is exempt from review under the California Environmental Quality Act (CEQA) and the City's environmental review requirements and notify the applicant if any additional information is necessary to conduct the review.
- K. Approve, conditionally approve, modify, or deny applications for Minor Use Permits, modifications to conditions of approved Use Permits, and time extensions of Use Permits,

pursuant to [Division 7, Minor and Major Use Permits](#), and temporary Use Permits, pursuant to [Division 11, Temporary Use Permits](#).

- L. Decide requests for minor modifications to approved permits, pursuant to Division 2, Common Procedures, [Section 9412.11, Changes to an Approved Permit](#).
- M. Initiate proceedings to revoke permits, pursuant to Division 2, Common Procedures, [Section 9412.12, Revocation of Permits](#), following a public hearing. Code a
- N. Oversee enforcement of the City's Building Code.
- O. Refer items to the Planning Commission where, in the Director's opinion, the public interest would be better served by a Planning Commission public hearing and action.
- P. Process and make recommendations to the Planning Commission and City Council on all applications, amendments, appeals and other matters upon which the Council has the authority and the duty to act under this Code.
- Q. Serve as Secretary of the Planning Commission,
- R. Delegate administrative functions to members of the Department, including the Planning Division.
- S. Other duties and powers as may be assigned by the City Manager, the Director or established by legislation.

9411.5 Summary of Authorities for Decisions and Appeals

Table 9411.5: Summary of Authorities for Planning and Zoning Decisions and Appeals				
Abbreviations:				
PC – Planning Commission				
CC – City Council				
<i>Application or Action Type</i>	<i>Source</i>	<i>Advisory Body</i>	<i>Approval Authority*</i>	<i>Appeal Body*</i>
Ministerial Actions				
Zoning Compliance Review	Part 4, Div. 4	N/A	Director	PC
Interpretations	Part 1, Sec. 9111.4	N/A	Director	PC
Adjudicative Actions				
Minor Changes to an Approved Permit (Ministerial or Discretionary)	Part 4, Div. 2	N/A	Director	PC
Major Changes to an Approved Permit	Part 4, Div. 2	Director	Approval Authority for Original Permit	PC/CC
Exceptions	Part 4, Div. 10	Director	PC	CC

Table 9411.5: Summary of Authorities for Planning and Zoning Decisions and Appeals				
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<i>Application or Action Type</i>	<i>Source</i>	<i>Advisory Body</i>	<i>Approval Authority*</i>	<i>Appeal Body*</i>
Extensions	Part 4, Div. 2	Director	Director/PC	PC/CC
Permit Revocation	Part 4, Div. 2	Director	Director/PC	PC/CC
Temporary Use Permit	Part 4, Div. 11	N/A	Director	PC
Development and Site Plan Review Permit	Part 4, Div. 6	Director Director	Director/ PC	PC/CC
Minor Use Permit	Part 4, Div. 7	N/A	Director	PC
Major Use Permit	Part 4, Div. 7	Director	PC	CC
Variance	Part 4, Div. 8	Director	PC	CC
General Plan Consistency Review	Part 4, Div. 13	Director	PC	CC
Legislative Actions				
General Plan Amendments	Part 4, Div. 18	PC	CC	Court
Zoning Text and Map Amendments	Part 4, Div. 15	PC	CC	Court
Specific Plans	Part 4, Div. 12	PC	CC	Court
Planned Development	Part 4, Div. 13	PC	CC	Court
Development Agreement	Part 4, Div. 14	PC	CC	Court
* As applicable per relevant Code section when two Approval Authorities are listed.				

Division 2. Common Procedures

Sections:

9412.1	Purpose.
9412.2	Application Forms and Fees.
9412.3	Application Review.
9412.4	Pre-Application Review.
9412.5	Noticing.
9412.6	Public Hearings; Decisions
9412.7	Notice of Action and Findings Required.
9412.8	Scope of Approval.
9412.9	Effective Dates.
9412.10	Expiration and Extension.
9412.11	Changes to Approved Permit.
9412.12	Revocation of Permits.
9412.13	Appeals.

9412.1 Purpose.

This Division establishes procedures that are common to the application and processing of all permits and approvals provided for in the Zoning Code unless superseded by specific requirement of the Zoning Code or State law.

9412.2 Application Forms and Fees.

A. Applicants. The following persons may file applications:

1. The owner of the property or the owner's authorized agent with the owner's written consent verified by signature,
2. A lessee, with a written lease signed by the property owner the term of which exceeds one year and expressly authorizes the lessee to apply; or
3. An entity authorized to exercise the power of eminent domain.

B. Application Forms and Materials. The Director shall prepare, and issue application forms and lists that specify the information required from applicants for projects subject to the provisions of the Zoning Code. The Director may update the application forms and checklist on an as needed basis if the required form and checklist are available to applicants. At a minimum, each application form shall contain:

- a. A list or description of the information, reports, dimensioned plans, and other material needed to deem an application complete,
- b. The criteria by which the Director will determine the completeness of the application,
- c. Instructions necessary to complete or supply the required information; and
- d. Such other information as may be required by this Zoning Code or State law.

9412.3 Application Review

- A. Review Process.** The Director shall determine whether an application is complete within 30 calendar days of the date the application is filed consistent with the Permit Streamlining Act, including whether the required fee has been paid. As part of the review to determine whether an application for a development project is complete, the Director shall conduct a preliminary assessment of potential environmental issues. The purpose of this review is to help the City decide if the project is subject to environmental review and, if so, which issues may require analysis.
- B. Complete Application Required.** No application shall be processed pursuant to this Part prior to the determination by the Director that the application is complete in accordance with this Section and the Permit Streamlining Act, Government Code Section 65920 et seq. or any successor legislation thereto, to the extent applicable.
1. The determination shall be made not later than 30 calendar days after the Planning Department has received an application for a development project and shall state whether the application is complete or incomplete and shall specify additional information to be resubmitted.
 2. A completed application shall consist of:
 - a. The application form with all applicable information included on the form,
 - b. The additional information, reports, dimensioned drawings, and other material required with application form,
 - c. A description of how the proposed project or requested action is consistent with the goals, objectives, policies, programs, and other provisions of the General Plan; and
 - d. Payment in full of the required fee for processing the application.
 3. **Zoning Ordinance Violations.** An application shall not be found complete if conditions exist on the site in violation of the Zoning Code or any permit or other approval granted in compliance with the Zoning Code unless the proposed project includes correction of the violations, or this Code expressly allows an application without correcting such conditions.
- C. Incomplete Application.** If the Director determines that an application is incomplete, the Director shall transmit to the applicant in writing the reason for the determination and shall list the information that must accompany a resubmitted application. An incomplete application shall be determined to be withdrawn if the information requested is not received by the Director within 30 days of the date the written determination of incompleteness is mailed.
1. **Appeal of Determination.** Determinations of incompleteness are subject to the appeal provisions of Section 9412.13, Appeals, except there shall be a final written determination on the appeal not later than 60 calendar days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and City Council does not extend the 60-day period.
 2. **Submittal of Additional Information.** The applicant shall provide the additional information specified in writing by the Director. The written notification shall specify the deadline for submittal of the additional information, which shall be no sooner than 30 calendar days. The Director may grant one extension of up to 90 calendar days.

3. **Expiration of Application.** If an applicant fails to correct the specified deficiencies within 30 calendar days from the date of the Director's notification and has not requested an extension as provided for in sub-section 7 of this section, the application shall expire and be deemed withdrawn. After the expiration or withdrawal of an application, the Director shall require the submittal of a new, complete application, along with all required fees.
 4. **Abandoned Application.** If an applicant fails to act on an application without formal notification to the Director for more than six months, the application shall be deemed abandoned and withdrawn and no fee shall be refunded for the abandoned application.
 5. The Director shall determine in writing the completeness of the resubmitted application and transmit the determination to the applicant. This determination shall be made no later than 30 calendar days after the Planning Department has received the resubmitted application.
 - a. If determined complete, the resubmitted application shall be processed pursuant to this Part. If the application is determined to be incomplete, the Director shall notify the applicant pursuant to this subsection and the application may be deemed withdrawn.
 - b. If deemed withdrawn, the applicant may file a new application or appeal the determination of incompleteness to the Planning Commission pursuant to Section [9412.13, Appeals](#).
 6. A resubmitted application that includes an increase in floor area or number of units greater than 10 percent shall be considered a new application.
 7. If the Director fails to make a timely determination as to completeness of an application, or resubmitted application, the application shall be automatically deemed complete, if and to the extent so provided by applicable State law. The applicant and Director may mutually agree in writing to extend the time needed for submittal of additional information the Director has notified the applicant is necessary to complete the application.
 8. The time periods for processing any applications under this Part shall commence upon the date the application has been determined to be complete.
- D. Additional Information.** After an application is deemed complete, the Director shall not request of an applicant any new information that is not listed on the application form, if and to the extent so provided by applicable State law. The Director may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application during processing the application. This request shall not invalidate the original determination that an application is complete and shall not result in an extension of applicable time frames for processing a complete application. The Director may request additional information needed to prepare adequate environmental documentation.
- E. Extensions.** The Director may, upon written request and for good cause, grant extensions up to two years for review of applications pursuant to this Zoning Code in compliance with applicable provisions of State law.
- F. Application Fees.**
1. **Schedule of Fees.** The City Council shall approve by resolution a Master Fee Schedule that establishes fees for permits, informational materials, penalties, copying, and other such items. Applications for permits shall be accompanied by the required fees. Payment of the fee is

required for an application to be complete under the Permit Streamlining Act. No application shall be processed without payment of a fee unless a fee waiver has been duly approved subject to any applicable provision of the Municipal Code.

2. **Multiple Applications.** The City's processing fees are cumulative unless the Master Fee Schedule lists an alternate fee. For example, if an application for Design Review also includes a Conditional Use Permit, both fees shall be charged.
3. **Fee Waiver.** No fee shall be required when the applicant is the City, or if it is duly waived subject to any applicable provision of the Municipal Code.
4. **Refund of Fees.** If an application is withdrawn prior to a decision, the applicant may be eligible to receive a refund of the unspent portion of a fee deposit. The Director shall determine the amount of the refund based on the level of staff review conducted to date. And any applicable deposit or reimbursement agreement. No refund shall be made for any application that has been denied.
5. **Resubmittal of Withdrawn Application.** An applicant may resubmit an application that has been (a) withdrawn or (b) deemed denied without prejudice because it was incomplete within two years of the original submission.
 - a. The Director shall determine whether the resubmitted application is the same or substantially like the previous application and whether it meets all existing standards and requirements.
 - b. Resubmittal will require a new fee to cover the review of a resubmitted application including the actual cost of additional permits that may be required by the Code as of the resubmittal date.
 - c. The resubmittal shall adhere to the code requirements at the time the resubmitted application is submitted.

G. Revision of Application

If, after the filing of an application, an applicant determines that there are alternative procedures to achieve the project's objectives, an application or other initiation of action under any one of the procedures this Part authorizes may be considered as an application or initiation of action under all the other procedures authorized in this Part subject to the requirements of this Section. For example, the permission to establish a given use on a parcel of land might, under appropriate circumstances, be accomplished by a change in the text of the use regulations, by a change in the zoning classification of the property, by a Conditional Use Permit or by a different interpretation of the regulations.

1. To avoid multiple filings and/or repetitive processing under different procedures, an application or other initiation of action under any one of the procedures authorized in this Part, the application may be revised to include additional, alternative approvals or authorizations; provided, that, for each action taken: (a) the procedural steps required for that action have been accomplished and (b) all applicable fees are paid before the revised application is accepted for review.
2. Nothing in this Section shall preclude an applicant from initiating, by means of separate applications, all alternative procedures available under this Zoning Code.

9412.4 Pre-Application Review.

Pre-Application Review is an optional informal review process that is intended to provide information on relevant General or Specific Plan policies, zoning regulations, and procedures related to projects that will be subject to discretionary approvals, including both legislative and quasi-judicial decisions, pursuant to the Zoning Ordinance. This review is intended for large or complex projects and projects that are potentially controversial. This Section does not apply to any preliminary review of housing development project preliminary applications conducted pursuant to [Government Code 65941.1](#), Applications for Development Projects.

- A. Application Forms.** The Director shall prepare, and issue application forms and lists that specify the information that will be required from applicants for pre-application review. No application will be accepted for pre-application review without submission of materials that the Director has determined necessary to conduct such review.
- B. Payment of Fee.** No application will be accepted for pre-application review without payment of a fee specified in the Master Fee Schedule established by City Council resolution.
- C. Permit Streamlining Act.** Pre-application review is not subject to the requirements of the [California Permit Streamlining Act](#) (the Act), Section 65920 *et seq.*. An application that is accepted for pre-application review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project pursuant to the Zoning Code and has reviewed the application and determined it to be complete in compliance with the requirements of Section [9412.4](#), Review of Applications.
- D. Review Procedure.** The Planning Division shall conduct pre-application review. The Director may consult with or request review by any City agency or official with interest in the application.
- E. Recommendations Are Advisory.** Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by City representatives. Any recommendations that result from pre-application review shall be considered advisory only and shall not be binding on either the applicant or the City.

9412.5 Noticing.

Unless otherwise specified, whenever the provisions of this Title require notice of a public hearing, notification shall be provided in compliance with the requirements of State law (including Government Code [Section 65854](#) where applicable) and as follows:

- A. Mailed Notice.** The Director or, in the case of public hearings before the City Council, the City Clerk shall provide notification by First Class mail delivery based on the following:
 - 1. For projects exempt from the California Environmental Quality Act (CEQA), notification shall issue at least 14 calendar days before the date of the public hearing;
 - 2. For projects subject to CEQA, notification shall issue at least 21 days before the date of action when no public hearing is required.

Notification list. Notification shall be provided to the following:

- a. The applicant, the owner, and/or the occupant of the subject property,
 - b. All property owners of record within a minimum 750-foot radius of the subject property as shown on the latest available assessment role or a larger radius if deemed necessary by the Director to provide adequate public notification,
 - c. Any special district or local agency expected to provide water, wastewater treatment, streets, roads, schools, or other essential facilities or services to the project under consideration, if applicable,
 - d. The Planning Commission or City Council, when a public hearing before the respective body is required, and,
 - e. Any person or group who has filed a written request for notice regarding the specific application with the Director or City Clerk and has paid any required fee that the City Council has adopted to provide such service.
 - f. In lieu of the assessment roll, the records of the County Assessor or Tax Collector, if they contain more recent information than the assessment role, may be used.
 - g. In the case of a large-scale, complex, or controversial project, the Director may require a 1,000-foot radius notice from the subject property.
- B. Posted Notice.** Notification shall be posted at a location visible to the public at the subject property. The notice shall include all the information listed in sub-section E. below. The applicant is responsible for ensuring the notice remains posted until the Planning Commission or the City Council makes a final decision on the application. If the notice is removed before the date of final action, the body may require that the notice be reposted and the hearing be reopened.
- C. Newspaper Notice.** At least 14 calendar days before the date of the public hearing or the date of action when no public hearing is required, the Director or the City Clerk for hearings before the City Council, shall provide notice by at least one publication in a newspaper of general circulation within the City.
- D. Alternative Method for Large Mailings.** If the number of property owners within 300 feet of the subject property to whom notice would be mailed or delivered is greater than 1,000, mailed notice is not required and the Director or City Clerk may instead provide notice by (a) placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation at least 10 days prior to the hearing and (b) posting notification in at least three public places within the boundaries of the City, including one in the area directly affected by the proceeding (which shall be the subject property, if applicable), at least 10 days prior to the hearing.
- E. Contents of Notice.** The notice shall include the following information:
1. The location of the real property, if any, that is the subject of the application, Assessor Parcel Number, and project number,
 2. A general description of the proposed project and requested action,
 3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required,
 4. The name of the hearing body, if applicable,

5. The names of the applicant and the owner(s) of the property that is the subject of the application, if any,
 6. The location and times at which the complete application and project file may be viewed by the public,
 7. A statement that any interested person or authorized agent may appear and be heard,
 8. A statement describing how to submit written comments,
 9. A vicinity and/or parcel map showing the project location,
 10. The proposed environmental determination, and
 11. The appeal period and review authority/decision-making authority for the appeal.
- F. Failure to Receive Mailed Notice.** The validity of the proceedings shall not be affected by the failure of any property owner, resident or neighborhood or community organization to receive such mailed notice.
- G. Community Meetings.** In addition to providing public notice as State law and this Section require, the Director may require a neighborhood or community meeting to receive comments on any project that is anticipated to be of community concern due to potential environmental impacts or other significant planning concerns. The applicant shall be required to pay for the reasonable cost of conducting such a meeting including, but not limited to, mailing notices and facility costs.

9412.6 Public Hearings; Decisions.

Whenever the provisions of this Zoning Code require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows:

- A. Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body, unless otherwise required by this Code or other applicable law. They do not have to be conducted according to technical or formal rules relating to evidence and witnesses.
- B. Scheduling.** Hearings shall be scheduled by the Director.
- C. Presentation.** City staff may make a presentation of a proposed project. An applicant or an applicant's representative may also make a presentation of a proposed project, subject to any applicable time limits imposed by the hearing body.
- D. Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented. Such testimony, whether oral or written, along with any supporting materials submitted to the Director, the Commission Secretary, or the City Clerk, shall become part of the official record.
- E. Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- F. Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a specified date, time and place in which case no notice of the

continued public hearing need be given or may continue the hearing to an undetermined date and provide notice of the continued hearing as required by this Zoning Code, or may proceed as provided below.

1. **Prior to Public Notice.** A scheduled hearing on an application may be withdrawn or cancelled at the written request of the applicant provided that the public notice of the meeting and the public hearing on the application has not been mailed or published. The hearing shall be rescheduled for a later date and time agreed to by the applicant and the Director provided such extension is consistent with the requirements of State law and this Part.
2. **After Public Notice.** If public notification has been given, a public hearing may be continued an application may be continued by the hearing body or the Director or by written request of the applicant if there is a valid reason to justify the applicant's written request, which could not reasonably have been planned for or anticipated. Unless the hearing body opens and continues the public hearing to a specified date, time, and place, the rescheduled public hearing shall be re-noticed in the original manner, and the applicant shall be subject to payment of a re-notification fee prior to the re-scheduled hearing.

G. Decision, Finality, Notice of Action, and Findings Required.

1. The public hearing must be closed before a vote is taken.
2. A decision shall be final from and after: (a) the date the Approval Authority renders its decision (including making any required findings of fact and approving a Statement of Official Action), if no appeal is authorized pursuant to Section 9412.13, Appeals; or (b) expiration of the time to appeal such decision, if an appeal is authorized pursuant to Section 9412.13, Appeals, and no appeal is timely filed. A decision shall take effect as provided in Section 9412.8, Effective Dates.
3. Notice of Action Required. When deciding to approve, approve with conditions, modify, revoke, or deny any discretionary permit under the Zoning Code, the responsible authority shall issue a Notice of Action as required by this Section.
4. Findings Required. Findings, when required by State law or the Zoning Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and shall be stated in writing in the Statement of Official Action and in the Notice of Action.

H. Date of Action. The responsible authority shall decide to approve, modify, revoke, or deny any discretionary permit following the close of the public hearing and within the applicable periods set forth in Government Code Section 65950, exclusive of any appeal period authorized pursuant to Division 9412.13, Appeals.

I. Notice of Action. When the decision is made, or within 30 calendar days thereafter, the Director or hearing body, as applicable, shall approve a Statement of Official Action which shall include:

1. A statement of the applicable criteria and standards against which the proposal was tested and the determination of what is required to achieve compliance with the criteria and standards.
2. A statement of the facts found that establish compliance or non-compliance with each applicable criteria and standards.
3. The reasons for a determination to approve or deny the application.

4. The decision to deny or to approve with or without conditions and subject to compliance with applicable standards.

J. Transmission of Notice of Official Action.

1. **Meaning.** The transmission of the Statement of Official Action pursuant to this subsection is sometimes referred to as issuance of the “Notice of Action” for purposes of this Part.
2. **Director Decisions.** If the Director is the Approval Authority for the decision, then the Director shall transmit the Statement of Official Action to the applicant at the address shown on the application on the same day the Statement of Official Action has been approved.
3. **Planning Commission and City Council Decisions.** If the Planning Commission or City Council is the Approval Authority for the Decision, then the Director shall transmit the Statement of Official Action to the applicant at the address shown on the application within 30 calendar days after Statement of Official Action has been approved.
4. Notwithstanding the foregoing, failure to issue the Notice of Action within the timeframes specified above shall not invalidate the decision, but decisions for which the Director is the Approval Authority shall not take effect until the Notice of Action has issued.

9411.2 Scope of Approval.

- A. **Scope.** Approval shall only apply to those uses and activities the application specifically proposes and excludes other uses and activities. Unless otherwise specified in the approval, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location, which are not specifically included in the application.
- B. **Conditions of Approval.** The site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed part of the approval, and adherence thereto shall be deemed a condition of approval, unless otherwise provided in the approval.
 1. Any approval may be subject to express requirements that the applicant guarantees, represents, warrants, or affirms that the applicant and all successors will comply with the approved plans and conditions in all respects, and shall indemnify, defend and hold harmless the City from and against any third party claims or liabilities arising from or related to the approval or any deviation from the approved plans, elevations, or other project features or specifications (without limitation as to other indemnification obligations that may be required of the applicant).
 2. Other conditions of approval may be imposed as authorized by this Code and/or applicable law.
- C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the approved application so as to either violate the approval or any condition thereof or any provision of the Zoning Code (including requiring additional Zoning Code permits), the approval shall be deemed automatically null and void, unless a revocation hearing is required by law, in which case [Section 9412.12](#), Revocation of Permits, shall apply.

- D. Periodic Review.** All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner, and their successors to comply and ensure compliance with such conditions.

9412.7 Effective Dates

A decision on an application for any discretionary approval subject to appeal shall become effective when both of the following have occurred: (a) it becomes final, as provided in Section 9412.6(G); and (b) the Notice of Action has issued if the Director is the Approval Authority for the decision. Notwithstanding the foregoing, if the approval involves adoption of an ordinance, the approval shall not take effect until the ordinance becomes effective in accordance with Charter Section 316, unless otherwise provided in the approval. No building permit or business license shall be issued until the discretionary approval decision has become effective.

9412.8 Exercise of Rights.

- A.** A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site unless the permit is granted in conjunction with approval of new construction.
- B.** If a permit is granted in conjunction with approval of new construction, issuance of a building permit within the time required by the project approval (including any conditions of approval) shall constitute exercise of rights.

9412.9 Expiration and Extensions

- A. Expiration.** The Approval Authority, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no period is specified, any permit granted under the Zoning Code shall, unless extended pursuant to subsection B of this section, automatically expire if it is not exercised pursuant to Section 9412.9, Exercise of Rights, within the time limits listed below:
1. Unless otherwise specified as a condition of project approval, a permit granted in conjunction with the approval of new construction shall expire if:
 - a. The building permit expires,
 - b. Final inspection is not completed, or Certificate of Occupancy (if required) is not issued, within the time specified as a condition of project approval, or
 - c. The authorized use does not commence within one year following the earliest to occur of the following: issuance of a Certificate of Occupancy or, if no Certificate of Occupancy is required, the last required final inspection for the new construction.
 2. **Permits for Affordable Housing and Mixed-Use Projects.** Three years of the effective date, for affordable housing or mixed-use projects where housing units comprise at least 75 percent of the floor area of the project, and the housing project has received City, State or Federal

funding or is comprised of units at least 50 percent of which are deed-restricted to be affordable to low-income households and the remainder of which are deed-restricted to be affordable to low- or moderate-income households.

3. **All Other Permits.** Two years of the effective date.

B. Extensions.

1. **First Time Extension.** The Director may approve a one-year extension of any permit or approval granted for a residential or non-residential project under the Zoning Code upon receipt of a written application and fees received 45 calendar days before the expiration date with the required fee prior to expiration of the permit.
2. **Second Extension.** The Approval Authority may approve a further extension of an additional one year on any permit or approval granted under the Zoning Code, pursuant to a written application with the required fee received at least 45 calendar days prior to expiration of the permit as extended by the first time extension.
3. Such extension request shall be processed in the same manner as a Major Change to an Approved Permit pursuant to Section 9412.11.
4. The Planning Commission or Director may grant an extension request for good cause, which may include consideration of the reason for the extension, the extent to which the project is consistent with applicable development standards and policies, whether the project is consistent in principle with the goals, objectives, policies, land uses, and programs specified in the adopted General Plan at the time of extension request, the conditions surrounding the project site and whether the project will adversely affect the environment, public health, safety and general welfare.

9412.10 Changes to An Approved Permit

No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in this Ordinance. Under this section, the modification of a permit may include minor modification of a Development and Site Plan Review approval granted under [Division 6](#).

- A. **Minor Modifications.** The Director may approve minor changes to approved plans that the Director determines are consistent with the intent of the original approval, would not affect the findings adopted as a basis for project approval, and would not create or intensify any potentially detrimental effects of the project.
- B. **Major Modifications.** A request for changes in conditions of approval of a discretionary permit or a change in an approved site plan or building plan that the Director determines would affect the findings adopted as a basis for project approval or extend beyond the intent of the original approval shall be considered Major Modifications and shall be treated as a new application.
- C. **Review by Original Approval Authority.** A request for major changes to an approved site plan or building plan that meet the criteria for consideration as a Minor Modification, but that the Director still considers substantial based on other documented objective criteria, shall be forwarded to the original Approval Authority for the discretionary permit for review and approval.

The changes shall be subject to standards applicable at the time the revised plan or plans are reviewed.

9412.11 Revocation of Permits.

A permit (including a variance) granted under the Zoning Code may be revoked or modified in accordance with this Section. if any of the conditions or terms of the permit are violated or if any law or ordinance is violated. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

- A. Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council or the Director.
- B. Public Notice, Hearing, and Action.** After conducting a duly noticed public hearing, the Planning Commission, or the City Council if it was the Approval Authority may revoke or modify the permit if it makes any of the following findings:
 - 1. The approval was obtained by means of fraud or misrepresentation of a material fact,
 - 2. The use, building, or structure has been substantially expanded beyond what is set forth in the permit or substantially changed in character,
 - 3. The use in question has ceased to exist or has been suspended for six months or more. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy; or
 - 4. There is or has been a violation of or failure to observe the terms or conditions of the permit or Variance, or the use has been conducted in violation of the provisions of the Zoning Code, or any applicable law or regulation.
- C. Notice of Action, Effectiveness.** A Notice of Action shall be issued for the decision pursuant to Section 9412.6(I)-(J) to the property owner and the permit holder, and the action shall be effective as stated in Section 9412.8, Effective Dates
- D. Appeals.** Revocation decisions are subject to the appeal provisions of [Section 9412.13, Appeals](#).

9412.12

9412.13 Appeals

- A. Applicability.** Any action by the Director or Planning Commission in the administration or enforcement of the provisions of the Zoning Code may be appealed in accordance with this Division.
- B. Appeals of Director Decisions.** Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
- C. Appeals of Planning Commission Decisions.** Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the Director.

- D. Rights of Appeal.** Appeals may be filed by the applicant, by the owner of property, or by any other person adversely affected by a decision that is subject to appeal under the provisions of this Zoning Code.
1. The appeal shall clearly and concisely set forth the grounds upon which the appeal is based. Fees for the appeal established by Master Fee Schedule shall be paid by the appellant.
 2. For ministerial determinations including, but not limited to, a zoning compliance determination under [Division 4](#), the grounds for the appeal shall be based on factual information demonstrating whether application meets specific standards applicable to the project.
- E. Time Limits.** Unless otherwise specified in State or Federal law, all appeals shall be filed in writing within 10 calendar days of the date of the action, decision, motion, or resolution is taken or seven calendar days in the case of Temporary Use Permits under [Division 11](#). In the event an appeal period ends on a Friday, Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.
- F. Procedures.**
1. Appeals shall be filed with the City Clerk and shall include:
 - a. The street address, if there is one, otherwise the legal description and location of the premises included in the action,
 - b. The administrative file number or case number identifying the action that is being appealed,
 - c. The specific action being appealed; and
 - d. A statement specifying the grounds for appeal or the asserted error in the decision of the matter being appealed.
 2. If the appeal is found to be deficient, the City Clerk shall deliver or mail to the appellant, by certified mail, a notice specifying how the appeal is deficient. If the appellant fails to correct the deficiency within seven days after the date of the mailed notice of deficiency by filing with the City Clerk an amendment to the appeal, the appeal shall be deemed to be withdrawn and the appeal fee shall be returned to the appellant.
 3. If the appeal is complete and timely filed, the City Clerk shall accept the appeal. If the appeal is made by the applicant, the City Clerk shall forward a copy of the written appeal to the Director. If the appeal is made by someone other than the applicant, the City Clerk shall forward a copy to the Director and mail a copy of the written appeal with copies of any supporting documents to the applicant.
 4. Proceedings Stayed by Appeal. The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.
 5. Proceedings Stayed by Appeal. The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.

6. **Transmission of Record.** The Director shall schedule the appeal for consideration by the authorized hearing body within 45 calendar days of the date the appeal is filed. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the hearing body. The Director shall also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.
- G. **Calls for Review.** A majority of the quorum of the City Council may call for review of a decision of the Director or Planning Commission within the appeal period. The call for review shall be processed in the same manner as an appeal by any other person. Such action shall stay all proceedings in the same manner as the filing of an appeal. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application or appeal.
- H. **Public Notice and Hearing.** Public notice shall be provided, and a hearing shall be conducted by the applicable appeal body pursuant to Division 2, Common Procedures as shown in [Table 9411.5](#), Summary of authorities for Planning and Zoning Decisions and Appeals.
 1. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the Director a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission.
 2. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the Director a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission.

After opening the public hearing on an appeal, the applicable appeal body may take one of the following actions:

- a. Continue the public hearing,
 - b. Based on the record of the decision of the body from which the appeal originated, reverse, affirm, or modify the decision or any portion, finding, determination, condition, or requirement thereof; or
 - c. Remand the matter to the body from which the appeal originated to reconsider the decision, in which case the appeal body shall provide instructions including, but not limited to, whether the body from which the appeal originated shall hold a new public hearing, and which issues the body from which the appeal originated is directed to reconsider.
- I. **Standards of Review.** When reviewing any decision on appeal, the appeal body shall use the same standards for decision-making required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval. Any decision of the appeal body to affirm, reverse or modify a decision shall be supported by written findings.
- J. **Action.** An action on an appeal shall require an affirmative vote of a majority of the quorum of the applicable appeal body.

Division 3. Zoning Compliance Review

Sections:

- 9413.1 Purpose.**
- 9413.2 Applicability.**
- 9413.3 Review and Determination.**

9413.1 Purpose.

This article establishes procedures for conducting a Zoning Compliance review to verify that each new or expanded use or structure complies with all the applicable requirements of this Zoning Code.

9413.2 Applicability.

Zoning Compliance review is required for buildings or structures erected, constructed, altered, repaired, or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building that are allowed as a matter of right by this Code. Before the City may issue any business license, building permit, subdivision approval, lot line adjustment, or any other license, approval, or permit, the Director must review the application to determine whether the use, building, or change in lot configuration complies with all provisions of this Code, any applicable specific plan and any prior design review, Use Permit or Variance approval, and that all conditions of such permits and approvals have been satisfied.

9413.3 Review and Determination.

- A. Application.** An application for Zoning Compliance review must be filed and processed in accordance with the provisions of [Division 2, Section 9412.4, Application Review](#).
- B. Determination.** The Director must review the application to determine whether the proposed use or construction is allowed by right, requires further review of compliance with standards as prescribed in the Zoning Code or any type of discretionary planning permit, is allowed pursuant to any previously approved permit, or is prohibited.
 - 1. If the Director determines that the proposal conforms to the requirements of the Zoning Code and any applicable Specific Plan or Planned Development or other applicable plans, a Zoning Compliance Certificate will be issued.
 - 2. If the Director determines that the proposal does not conform to the requirements of the Zoning Code or any applicable specific plan or planned development a Zoning Compliance Certificate will not be issued, and the applicant will be advised as to how the proposal can be brought into compliance.
- C. Appeals.** The Director's determination may be appealed to the Planning Commission in accordance with Division 2, Common Procedures, [Section 9412.13, Appeals](#).

Division 4. Environmental Review

Sections:

9414.1 Purpose and Applicability.

9414.2 Review and Determination

9414.1 Purpose and Applicability

Before approving any application subject to discretionary review under the Zoning Code, the requirements of the California Environmental Quality Act (“CEQA”) ([California Public Resources Code Section 21000 et seq.](#)) and the State CEQA Guidelines (California Code of Regulations, [Title 14, Section 15000 et seq.](#)) must be met, to the extent applicable. The City adopts and incorporates by reference the State CEQA Guidelines as its environmental review procedures, together with any other environmental guidelines the City has adopted or may hereafter adopt in compliance with CEQA, including thresholds of significance.

An application subject to environmental review pursuant to the California Environmental Quality Act (CEQA) shall not be deemed or considered complete until the applicant has submitted all studies and other documentation the Director has deemed necessary to make an environmental determination together with all required fees.

9414.2 Review and Determination

Environmental review shall be conducted pursuant to the State CEQA Guidelines unless otherwise stated in this Section. Notwithstanding any other provision of this Code, nothing in this Division shall be construed to impose any legal obligation upon the City with respect to environmental review that exceeds the requirements of applicable law (including CEQA), nor to limit, preclude, or foreclose applicability or availability of any of the provisions of CEQA with respect to the City’s review of any project or application.

A. Review for Exemption. If the Director determines that the application is subject to review under CEQA, then prior to any approval of the application, within 30 days after determining that the application is complete, the Director shall determine if the project is exempt from environmental review pursuant to State law, CEQA Guidelines and any environmental guidelines that the City has adopted in compliance with CEQA. Notwithstanding the foregoing, where the Approval Authority for the project is the Planning Commission or the City Council, the Director’s determinations shall be purely preliminary, as the final determinations as to whether the project is subject to CEQA and whether it is exempt shall lie with the Approval Authority for the project (subject to applicable appeals under this Zoning Code).

1. If the Director has determined that a project is exempt from environmental review under CEQA, such determination shall be announced in any required public notice. Notification shall issue at least 14 days before the date of the action. The notice shall include a citation to the State Guidelines section or statute under which it is found to be exempt. The applicant must deposit with the City sufficient funds to pay the cost of making the determination as to whether the project is exempt.

2. A determination of exemption by any Approval Authority other than the City Council may be appealed to the Planning Commission or City Council (as applicable) in the same manner provided for other appeals in Division 2, Common Procedures, Section 9412.13, Appeals.
- B. Projects.** If the Director preliminarily determines, or if the Approval Authority determines, that the project is not exempt from environmental review under CEQA, the applicant, upon written notification from the Director, shall deposit with the City sufficient funds to pay the anticipated cost of preparation and processing of the required environmental document, including the City's administration fee.
1. Prior to approving the project, the Approval Authority must first approve and/or certify (as applicable) an exemption finding, a Negative Declaration, a Mitigated Negative Declaration, an Environmental Impact Report.
 2. For a Mitigated Negative Declaration or Environmental Impact Report, any identified mitigation measures necessary to mitigate potentially significant environmental impacts of the project must be incorporated into the conditions of approval of the project, unless a Statement of Overriding Considerations is adopted in connection with an Environmental Impact Report.
- C. Environmental Review Application.** If the proposed project is not exempt from environmental review, the applicant shall submit an environmental review application on a Director-approved form, accompanied by the required fee established by City resolution. After receiving an environmental review application, the Director shall determine whether to require preparation of an Environmental Impact Report (EIR) or a Negative Declaration or Mitigated Negative Declaration. To make this determination, the Director shall prepare, with City staff or by contract with a consultant chosen by the City, an Initial Study at the applicant's expense. If the Director and project applicant agree that an EIR is necessary, an Initial Study is not required.
1. **Preparation of Initial Study.** The Initial Study shall consider all phases of project planning, implementation, and operation and may rely upon expert opinion supported by facts, including documentation submitted by the applicant, technical studies, or other substantial evidence to document its findings regarding the project's potential impacts. Following completion of the Initial Study, the Director shall notify the applicant in writing of changes to the project that Staff has deemed necessary to reduce or avoid the significant effects identified in the Initial Study. Within 30 days following the date of the letter, the applicant shall provide written notification to the Director indicating that the proposed modifications are acceptable or shall propose alternative measures that will achieve the same result. If the applicant does not agree to revise the project, an EIR shall be prepared.
 2. **Determination of Environmental Significance.** Based on the Initial Study, the Director will make one of the following findings:
 - a. The project will have "No Significant Impacts" on the environment, in which case a Negative Declaration will be prepared,
 - b. The project has been modified pursuant to subparagraph (D) above so as to mitigate all potentially significant environmental impacts to a level of insignificance, in which case a Mitigated Negative Declaration will be prepared; or
 - c. The proposed project will have, or may have, significant impact(s) on the environment, in which case an EIR will be required.

- d. **Preparation of Environmental Impact Report.** If the Approval Authority has determined that an EIR is required, an EIR shall be prepared pursuant to State law, the State CEQA Guidelines and any environmental guidelines that the City has adopted in compliance with CEQA.
 - e. **Responsibility for Action on Environmental Document.** The City official or body responsible for acting on a project that is subject to environmental review shall also be responsible for making the environmental assessment on the development proposal, subject to applicable appeals available under this Zoning Code.
3. No project subject to review under CEQA shall be approved unless the Approval Authority has either (i) found that the proposed project will not have any significant environmental impacts; (ii) imposed conditions to mitigate any and all potentially significant environmental impacts of the proposed project below a level of significance; OR (iii) adopted a Statement of Overriding Considerations applicable to any and all significant impacts of the proposed project, as identified in the EIR, that will not be avoided, eliminated, or substantially lessened by adopted mitigation measures imposed as conditions of approval of the project, in addition to making the findings required pursuant to CEQA Guidelines Section 15091.
 4. The Approval Authority responsible for action on an application for a development permit shall approve the Negative Declaration or Mitigated Negative Declaration or certify the Final EIR prior to the time the project is considered for approval.
 5. The decision-maker may decline to approve or certify the environmental document and request further review or analysis if, in its judgment, approval of the Negative Declaration or Mitigated Negative Declaration or certification of the Final EIR would not comply with the requirements of CEQA and applicable State and local environmental review requirements.
 6. Approval of a Negative Declaration or Mitigated Negative Declaration or certification of a Final EIR shall be deemed to be a finding that the document has been prepared in compliance with CEQA and State and local CEQA guidelines and not an approval of a project.

D. Filing of Notice of Determination.

1. When the City approves or determines to carry out a project that is subject to this division, the Director shall file a Notice of Determination within five working days after the approval or determination becomes final, with the Los Angeles County Clerk and with the State Clearinghouse in the Office of Planning and Research. The notice shall identify the applicant, person or persons undertaking the project as reflected in the record of proceedings, The Notice shall indicate the Approval Authority's determination whether the project will, or will not, have a significant effect on the environment and shall indicate whether an environmental impact report has been prepared pursuant to this division. The notice shall also include certification that the final environmental impact report, if one was prepared, together with comments and responses, is available to the public.
2. If the City approves a project that is exempt from CEQA review pursuant to [Section 21080 of the State Public Resources Code](#) and as provided for in [Section 9415.1.A, Review for Exemption](#), the Director shall file a Notice of Exemption with the Los Angeles County Clerk and with the State Clearinghouse in the Office of Planning and Research within five working days after the or shall do so if required by CEQA for the relevant exemption. The applicant for a private project shall be responsible for any fees required to file such notice.

3. The City shall file all Notices required by this Section electronically.
- E. Mitigation Monitoring and Reporting Program.** The City shall adopt a mitigation monitoring and reporting program (MMRP) pursuant to [Title 14, Section 15097](#), Mitigation Monitoring or Reporting, of the CEQA Guidelines for all projects that it approves with a Mitigated Negative Declaration or a Final EIR. The purpose of the MMRP is to ensure that the project applicant complies with all the provisions or changes identified as mitigation measures during implementation of the project.
1. Submittal and Approval. The MMRP shall be prepared and considered as part of a Mitigated Negative Declaration or EIR.
 2. Enforcement. Failure to comply with the conditions and requirements of an approved MMRP shall be considered a violation of the conditions of approval of a project, subject to enforcement under the Zoning Code.
 3. Amendment of Mitigation Program Not Permitted Following Adoption. Unless specifically authorized or required by the conditions of project approval, neither CEQA nor the Zoning Code authorize the City to modify or add mitigation measures if the MMRP shows that the mitigation measures have not achieved the desired result.
- F. Appeals.** Any person may appeal to the City Council from the decision of a nonelected decision-making body of the City to certify an environmental impact report, approve a negative declaration or mitigated negative declaration or determine that a project is not subject to Public Resources Code [Section 21080 et seq.](#) California Environmental Quality Act) if that decision is not otherwise subject to further administrative review. Any such appeal must be filed with the Secretary of the nonelected decision-making body within 10 calendar days of the date that the decision is made. The appellant shall state the specific reasons for the appeal on an appeal form prepared by the City. The appeal must be accompanied by the required filing fee.

Division 5. Development and Site Plan Review

Sections:

- 9415.1 Purpose.**
- 9415.2 Applicability.**
- 9415.3 Scope of Development and Site Plan Review.**
- 9415.4 Procedures.**

9415.1 Purpose.

These regulations establish objectives, standards, and procedures for conducting development and site plan review to ensure that development projects meet all applicable regulations, and that new development, construction, and exterior improvements implement urban design goals and policies and the Citywide design principles in the 2040 General Plan. This review is also intended to ensure that the development and design standards of this Code are implemented in a manner that achieves the objectives of this Division and conforms with any applicable design guidelines the City has adopted. These regulations shall be applied through an objective process in a manner that encourages creative and appropriate solutions while streamlining the approval process whenever possible. More specifically, these provisions are intended to:

- A.** Establish regulations for an objective review process that applies urban design principles to ensure that new construction supports the best of the City's architectural traditions,
- B.** Encourage new structures that show creativity and imagination, add distinction, interest, and variety to the community, and are environmentally sustainable,
- C.** Promote architectural and design excellence in new construction,
- D.** Ensure that decisions on housing development projects are based on objective design standards as required by the State Housing Accountability Act (Government Code Section 65589.5),
- E.** Ensure that development projects are designed to enhance the attractiveness of the City's districts and neighborhoods by being compatible with the best elements of the existing character of the area providing a pleasing environment for residents, pedestrians, and building occupants.
- F.** Supplement other City regulations and standards to ensure that exterior design features that are not otherwise addressed but have a bearing on land use compatibility and neighborhood fit are considered during the Development and Site Plan Review and approval process including,
 - 1. Site development practices that are appropriate with respect to the site's solar orientation, drainage patterns, existing trees and landscaped areas and the location, size, and massing of existing structures adjacent to the subject property,
 - 2. Avoiding nostalgic misrepresentations that may confuse the relationships among structures over time,
 - 3. Create open views and access to light and air between buildings.
 - 4. Landscaping to create a visually pleasing setting for structures on the site and screens unattractive views on surrounding sites and traffic on adjacent roadways.

5. The protection and retention of landmark, native, and specimen trees and, if feasible, mature canopy trees and other significant landscaping of aesthetic and environmental value.
6. Ensure that the design, quality, and location of signs are consistent with the character and scale of the structures to which they are attached and are visually harmonious with surrounding development.
7. Ensure that predominant architectural and landscaping treatments are appropriately incorporated into the building's secondary elevations.

9415.2 Applicability.

Development and site plan review is required for all development requiring building permits for new construction, reconstruction, rehabilitation alteration, or other improvements to the exterior of a structure, development site or parking area except for:

- A. Parking lots with less than ten parking spaces,
- B. The relocation or movement of any non-residential building or accessory structure under 500 square feet in area to another lot or a new location less than 100 feet or more from the existing location,
- C. New single-unit residential structures on existing lots and residential additions less than 500 square feet in area and less than 15 feet in height including, but not limited to, minor window, door, and roof modifications except for additional stories to an existing building and as long as no more than one addition is exempted from design review in any 24-month period,
- D. Additions of any size or repairs that do not alter the exterior appearance of the structure,
- E. Accessory structures less than 500 square feet in area and less than 15 in height,
- F. Additions or improvements to industrial, commercial and mixed-use structures that are less than 1,000 square feet in area and are not adjacent to a residential zone,
- G. Accessory Dwelling Units in compliance with State standards and the provisions of [Part 3-B, Division 10](#), of this Code,
- H. Residential solar panels located on roofs or in a rear yard,
- I. Temporary structures,
- J. Exterior alterations required by State or federal law or other public agencies,
- K. Any other buildings, structures, and improvements requiring a Building Permit that the Director finds in compliance with all applicable standards of the Zoning Code that do not affect any street-facing facade or add stories to existing buildings,
- L. Demolition or removal of structures declared to be unsafe by the Building Official and which require issuance of a demolition permit to protect the public health and safety.
- M. The City Council may, by resolution, direct that Development and Site Plan Review of specific types of additions or repairs be conducted in specific areas of the City where significant alteration of the exterior is important to implementation of adopted General or Specific Plan policies.

9415.3 Scope of Development and Site Plan Review.

Development and Site Plan Review shall concentrate on those exterior portions of the structure and related features that are in full or partial view from the public right-of-way or from surrounding properties. The review may also consider interior courtyards and building elevations that are out of public view to the extent necessary to ensure that such building features are designed to meet the functional need of building occupants and create an attractive setting for those who live or work in the development.

- A.** When conducting design review the Approval Authority shall consider the applicable design and development standards of this Zoning Code, adopted design guidelines, and applicable Specific Plans and Master Plans with respect to:
 - 1. Building articulation, facade treatment and architectural details,
 - 2. Exterior colors and materials,
 - 3. Character defining features and the relation to existing settings,
 - 4. Design of fences, walls, and screen plantings, including (without limitation) with respect to the height of those structures, materials, colors, and type of those structures and plantings,
 - 5. Location and type of landscaping including selection and size of plant materials and design of hardscape including landscape lighting,
 - 6. The size, location, design, color, number, lighting, and materials of signs,
 - 7. Design of the streetscape, including but not limited to landscaping, furniture, and materials, and
 - 8. Pedestrian connectivity and circulation.
- B.** Changes in a project required as a condition of Development and Site Plan Review approval may include density, height, open space, parking or loading, and sign requirements, if the conditions are not more restrictive than those prescribed by applicable zoning district regulations or a valid Zoning Compliance determination, Major or Minor Use Permit, Exception, Development Agreement, Planned Development, Variance, or other legislative or zoning entitlements.

9415.4 Procedures

Development and Site Plan Review, when required, shall be conducted as part of application review pursuant to Division 4, Zoning Compliance Review, or as part of a discretionary planning application, as applicable.

- A. Application for Development and Site Plan Review.**
 - 1. Applications for Development and Site Plan Review must be filed and processed in compliance with the requirements in [Section 9412.2, Application Forms and Fees](#), and shall be subject to a fee established by the Master Fee Schedule.
 - 2. Applications for Development and Site Plan Review approval shall include such information as may be required in submission requirements issued by the Director and available from the Planning Division, which may include, but is not limited to, site plans, floor plans, building sections perpendicular to the street, exterior elevations, photographs of the subject or abutting

properties, perspective or axonometric drawings and/or a model, description of building materials, material and/color samples, exterior lighting and fence plans, signage details and locations, and landscape and irrigation plans and any other items as stated in a current Checklist maintained by the City.

3. When a development project requires a Use Permit, Variance, or any other discretionary approval, the Development and Site Plan Review application shall be submitted to the Planning Division as part of the application for the Use Permit, Variance, or other discretionary approval. Development and Site Plan Review decisions shall be made by the review authority for the Use Permit, Variance, or any other discretionary permit.
4. Applications for Development and Site Plan Review within a Specific Plan area or a Planned Development shall also describe the specific design and uses for all, or part of the project as proposed conceptually in the adopted Planned Development, and provide the following:
5. Site Plan showing:
 - a. Location of all existing and proposed structures,
 - b. Location of existing trees or other natural features,
 - c. Location of off-street parking and loading facilities,
 - d. Location and dimensions of street and highway dedications,
 - e. Location of points of entry and exits for vehicles and internal circulation patterns,
 - f. Location of all utilities and related easements.
 - g. Location of walls and fences indicating their height and material of construction,
 - h. Exterior lighting standards and devices,
 - i. Slopes affecting the relationship of the buildings with cross-sections, amount of cut and fill cross-referencing any proposed grading plan.
6. Roof plan of building(s) indicating material of construction.
7. Architectural Plans and Drawings showing:
 - a. Building plan to scale
 - b. Elevations and cross-sections showing all sides of proposed building (s),
 - c. Architectural drawings indicating location, size, color and shape of all building and site features visible from the exterior, including, but not limited to, signs, stairs, ramps, storage areas, solid waste storage area, utility lines, meter boxes, transformers, mechanical equipment, awnings, balconies, towers, and antennas.
8. Type and location of all proposed uses.
9. When requested by the Director, the application shall also include:
 - a. Perspectives or other suitable graphic materials,
 - b. Colors and materials of exterior surfaces, including samples if requested,

- c. Landscaping plans showing number, size, spacing and names of plant materials including planting and irrigation specifications pursuant to [Part 3-A, Division 3, Landscaping](#).
- d. Signage plan showing location and type of signage pursuant to [Part 3-B, Division 52, Signs](#).

B. Findings Required. Prior to granting a development plan approval, the Director or the Planning Commission shall make findings based on information in the record that the proposed development:

1. Complies with all applicable specific standards and criteria of this Code,
2. Is consistent with the General Plan and any applicable approved specific plan,
3. Complies with any design conditions, standards, or requirements imposed by a discretionary approval including but not limited to a Major or Minor Use Permit, Variance, Specific Plan, Planned Development, or tentative map applicable to the project or the location where it is proposed,
4. Is in substantial compliance with any applicable adopted design guidelines,
5. Promotes the following design objectives:
 - a. The design of buildings, structures, and the site, including exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.
 - b. The project contributes to the creation of a visually interesting built environment that includes well-articulated structures with varied building facades, rooflines, and building heights that are designed to encourage increased pedestrian activity and support transit use.
 - c. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for views of the street by people inside buildings.
 - d. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.
 - e. The design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.
 - f. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape, and softening walls incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with Carson's climate.
 - g. The project has been designed to be energy efficient including, but not limited to, landscape design, solar access, and green or eco-friendly design and materials.
 - h. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features.

C. Conditions.

In granting final development and site plan review approval for a project that meets all the applicable standards and requirements of the Zoning Code, standards, and any applicable Design Guidelines, the Planning Authority may impose final architectural or other design conditions reasonably related to the application and deemed necessary to achieve the purposes of this Division. Such conditions may not overlap with or impose more restrictive requirements than those provided for under Planning Commission land use authority pursuant to State law, the Municipal Code, Zoning Code, and any other adopted plans, policies, permits or regulations.

D. Final Site Plan and Building Permit Review.

No building or grading permit shall be issued for any project for which Development and Site Plan Review is required until the applicant submits, and the City approves final building permit plans showing any changes required as a condition of Development and Site Plan Review and approval.

Division 6. Minor and Major Use Permits

Sections:

- 9416.1 Purpose and Applicability.**
- 9416.2 Procedures.**
- 9416.3 Application Requirements**
- 9416.4 Public notice and hearing.**
- 9416.5 Required Findings**
- 9416.6 Conditions of Approval**
- 9416.7 Appeals, Expirations and Extensions, Modifications and Revocations.**

9416.1 Purpose and Applicability.

These regulations establish procedures intended to allow for review of uses that are generally consistent with the purposes of the Zoning District where they are proposed but may require special consideration to ensure they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. Although these uses have been found not inherently detrimental, in certain circumstances they may require an additional level of review and need a higher threshold of approval as provided for in this Zoning Code to prevent adverse impacts to the areas where they are located. Approval of a Minor Use Permit or Major Use Permit is required for such uses or projects pursuant to Part 2, Base and Overlay Districts, Part 3 General Regulations, and other provisions of the Zoning Code.

9416.2 Procedures.

A. Minor Use Permits.

The Director shall review, approve, conditionally approve, or deny applications for Minor Use Permits based on consideration of the requirements of this Part. The Director may, at his/her discretion, refer any application for a Minor Use Permit for a project the Director determines may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for a decision. In that case, the application must be processed as a Major Use Permit.

B. Major Use Permits.

The Planning Commission shall review, approve, conditionally approve, or deny applications for Major Use Permits based on consideration of the requirements of this Part.

9416.3 Application requirements.

- A.** Applications and fees for Minor and Major Use Permits shall be submitted in accordance with the provisions set forth in Division 2, 9412.2, Application Forms and Fees.
- B.** In addition to any other application requirements, the application shall include data or other evidence in support of the applicable findings required by Section 9417.3, Required Findings, below.

9416.4 Public notice and hearing.

- A.** All applications for Minor Use Permits shall require public notice of the Director's proposed action and the deadline for filing an appeal pursuant to the requirements of Division 2, Common Procedures, Section 9412.13, Appeals. If an appeal is filed with the Director, a hearing shall be scheduled before the Planning Commission in the same manner as an application for a Major Use Permit.
- B.** All applications for Major Use Permits shall require a public notice and hearing before the Planning Commission pursuant to Division 2, Common Procedures.

9416.5 Required Findings.

A Minor or Major Use permit shall only be granted if the Decision-making Authority determines that the project, as submitted or modified, and subject to any conditions imposed, meets all the following criteria. The inability to make one or more of the findings is grounds for denial of an application.

- A.** The proposed use is conditionally allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and all other titles of the Municipal Code.
- B.** The proposed use is consistent with the General Plan and any applicable Specific Plan or Planned Development Plan and any other applicable plans.
- C.** The subject parcel is physically suitable for the type of land use being proposed.
- D.** The proposed use is compatible with any of the land uses presently on the subject parcel if the land uses are to remain and other surrounding lands uses in the area.
- E.** The proposed use is compatible with existing and permissible land uses within the zoning district and the general area in which the proposed use is to be located which may include but not be limited to size, intensity, hours of operation, number of employees, or the nature of the operation.
- F.** The physical location or placement of the use on the site is compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- G.** The proposed use and related project features will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding ambient conditions and would not otherwise be detrimental to the public interest, health, safety, or general welfare.
- H.** That the project has been reviewed in compliance with CEQA, if applicable, and the requirements of this Part.
- I.** Based on any applicable environmental review, no potentially significant environmental impacts would result, or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project, or a Statement of Overriding Considerations has been adopted.

9416.6 Conditions of Approval.

In granting a Minor or Major Use Permit, the Decision-Making Authority or the Appeal Body as described in Table 9411.5, Summary of Review Authorities for Decisions and Appeals shall require that the use and development of the property conform with a site plan, architectural drawings, or statements submitted in support of the application, or in such modifications the Authority may deem necessary to protect the public health, safety, and general welfare and be consistent with to the policies of the General Plan and the requirements of this Zoning Code. The Review Authority may also impose other conditions deemed necessary to achieve these purposes and to support the findings of approval. Such conditions shall be related to and proportionate to what is being requested by the applicant. The Review authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

9416.7 Appeals, Expirations, Extensions, Modifications and Revocations.

- A. Appeals.** A decision of the Director may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the City Council, in accordance with [Division 2, Common Procedures, Section 9412.13, Appeals](#).
- B. Expiration, Extensions and Modifications.** Use Permits are effective and may only be extended or modified as provided for in [Division 2, Common Procedures, Section 9412.10, Expiration and Extension](#).
- C. Revocations.** A Use Permit may be revoked pursuant to [Division 2, Common Procedures, Section 9412.12, Revocation of Permits](#).

Division 7. Variances

Sections:

9418.1 Purpose and Applicability.

9418.2 Procedures.

9418.3 Required Findings.

9418.4 Resubmittal of Application.

9418.5 Appeals, Expiration, Extensions and Modifications; Revocations.

9417.1 Purpose and Applicability.

This Part establishes procedures for approval or disapproval of variance applications. Variances from the terms of this Title may be granted only when, because of special circumstances applicable to the property, including but not limited to size, shape, topography, and location surroundings, the strict application of the requirements would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

- A.** Variances may be granted to vary or modify dimensional and performance standards but shall not be granted to allow uses or activities that this Zoning Code does not authorize for a specific lot or site.
- B.** A Variance may be granted from parking and/or open space requirements as set forth in Government Code Sections 65906.5 and 65911, respectively.

9417.2 Procedures.

- A.** Review Authority. The Planning Commission or City Council on appeal must approve, conditionally approve, or deny an application for a Variance based on consideration of the requirements of this Part.
- B.** Application Requirements. Application for any variance permissible under the provisions of this Part shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Division 2, Common Procedures. In addition to any other application requirements, the application must include the following:
- C.** Data or other evidence showing that the requested variance is consistent with the findings required by Section 9418.3.
- D.** A list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in any property involved,
- E.** Public Notice and Hearing. All applications for a Variance shall require a public notice and hearing before the Planning Commission pursuant to Division 2, Common Procedures.

9417.3 Required Findings.

The Planning Commission shall grant the requested Variance in whole or in part, conditionally or unconditionally, only if from the facts presented with the application or at the public hearing, or determined by investigation, the following conditions are found:

- A. A hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, household, or financial difficulties, loss of prospective profits and neighboring violations are not hardships justifying a Variance. Further, a previous Variance can never set a precedent because each case must be considered only on its individual merits.
- B. The Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a Variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors.
- C. The granting of the Variance will not be materially detrimental to the public health, safety or welfare or will not impair an adequate supply of light and air to adjacent property.
- D. The conditions upon which the requested Variance is based would not be applicable, generally, to other property within the same zoning classification.
- E. Either the Variance is so insignificant that granting it will not be incompatible with the General Plan; or the potentially adverse effects of the Variance on the Plan, which would be avoided by denying the Variance, are exceeded by the individual hardship which would be relieved by granting the Variance.
- F. The project has been reviewed in compliance with CEQA, if applicable, and the requirements of this Code.
- G. Based on any applicable environmental review, no potentially significant environmental impacts would result, or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project, or a Statement of Overriding Considerations has been adopted.

9417.4 Resubmittal of Application.

No application for any variance shall be accepted nor any hearings held thereon when any application for the variance has been previously denied, until a period of six months has elapsed from the date of the final denial of the application by properly constituted body having final jurisdiction in the matter.

9417.5 Appeals; Expiration, Extensions and Modifications; Revocations.

- A. **Appeals.** A decision of the Director may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the City Council, in accordance with Division 2, Section 9412.13, Appeals.
- B. **Expiration, Extensions and Modifications.** Variances are effective and may only be extended or modified as provided for in Division 2, Section 9412.10, Expiration and Extension.
- C. **Revocations.** A Variance may be revoked pursuant to Division 2, Common Procedures, Section 9412.12, Revocation of Permits.

Division 8. Community Benefits (Phase 2)

Division 9. Exceptions

Sections:

9419.1	Purpose.
9419.2	Applicability.
9419.3	Exclusions.
9419.4	Procedures.
9419.5	Required Findings
9419.6	Conditions of Approval
9419.7	Appeals; Expiration, Extensions and Modifications.

9419.1 Purpose.

This article is intended to provide an alternate means of granting relief from the Zoning Code's requirements to allow for minor deviations from dimensional and design standards when so doing would be consistent with the ordinance's objectives and it is not possible to grant a variance. Further to this end, it is the policy of the City to comply with the federal Fair Housing Act, the Americans with Disabilities Act, the Religious Land Use and Institutionalized Persons Act, and the California Fair Employment and Housing Act to provide reasonable accommodation for protected uses and for persons with disabilities seeking fair access to housing through a waiver of the application of the City's zoning regulations. This article authorizes the Director to grant administrative relief from dimensional requirements to achieve these objectives.

9419.2 Applicability.

The Director may grant relief from the dimensional requirements specified in this Code, not to exceed 25 percent of the requirement. The Director also may grant an exception that would exceed 25 percent where such an exception is necessary to comply with the reasonable accommodation provisions of State and/or federal law, based on a determination that the specific circumstances of the application warrant such an accommodation. Exceptions may be granted for:

- A. **Setbacks.** Up to 15 percent of front, side, and rear yard setback standards.
- B. **Build-to Lines.** Up to 25 percent of the standards for building facade location.
- C. **Parking.** Up to 15 percent of the dimensional standards for parking spaces, aisles, driveways, landscaping, garages on sloping lots, and parking facility design.
- D. **Fences.** Up to 15 percent of the standards for the maximum height and location of fences.
- E. **Lot Coverage.** Up to 15 percent of the maximum amount of lot coverage.
- F. **Height.** Up to 25 percent or two feet above the maximum building height or other height limitations, whichever is less.
- G. **Landscaping.** Up to 20 percent of the required landscaping.
- H. **Other Standards.** Up to 15 percent of other development standards not listed in [Section 9419.3](#), Exclusions, below.

9419.3 Exclusions.

Exceptions shall not be granted from any of the following standards:

- A. Lot area, width, or depth,
- B. Maximum number of stories,
- C. Minimum number of required parking spaces other than reductions approved pursuant to Part 3-A, Off-Street Parking and Loading,
- D. Minimum or maximum residential density, or
- E. Maximum floor area ratio (FAR).

9419.4 Procedures.

- A. **Authority and Duties.** The Director, Planning Commission or City Council must approve, conditionally approve, or deny applications for an Exception Permit based on consideration of the requirements of this Section.
- B. **Application Requirements.** An application for an Exception must be filed and processed in accordance with the procedures in Division 2, Common Procedures. In addition to any other application requirements, the application for an exception must include data or other evidence explaining why the findings necessary to grant the exception set forth in Section 9419.5, Required Findings, are satisfied.
- C. **Review of Exception Requests for Reasonable Accommodation to Ensure Access to Housing.** An application for an exception based on a request for a reasonable accommodation to ensure access to housing will be referred to the Director for review and consideration. Such a request may exceed the 25 percent limits in Section 9419.2, Applicability. The Director must issue a written decision within 45 calendar days of the date the application is deemed complete, and may grant the reasonable accommodation request, grant with modifications, or deny the request. All written decisions must give notice of the right to appeal and to request reasonable accommodation in the appeals process.
- D. **Concurrent Processing.** If a request for an exception is being submitted in conjunction with an application for another approval, permit, or entitlement under the Zoning Code, it must be heard and acted upon at the same time and in the same manner as that application.

9419.5 Required Findings.

A decision to grant an exception must be based on the following findings:

- A. The Exception is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.

- B. There are no alternatives to the requested Exception that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public.
- C. The granting of the requested Exception will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of the Zoning Code.
- D. If the Exception requested is to provide reasonable accommodation pursuant to State or federal law, the Decision-Making Authority must also make the following findings in addition to any other findings that this Zoning Code requires:
 - 1. That the housing or other property that is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection,
 - 2. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or federal law,
 - 3. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
 - 4. That denial of the requested exception would impose a substantial burden on religious exercise or would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.
- E. The project has been reviewed in compliance with CEQA, if applicable, and the requirements of this Code.
- F. Based on any applicable environmental review, no potentially significant environmental impacts would result, or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project, or a [Statement of Overriding Considerations](#) has been adopted pursuant to [CEQA Guidelines, Section 15093](#).

9419.6 Conditions of Approval.

The Decision Maker has the authority to impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan, any applicable Specific Plan, Planned Development, the Zoning Code, and other applicable plans are met. The Review Authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with. Waivers approved based on State or federal requirements for reasonable accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance as requested and demonstrated by the applicant.

9419.7 Appeals, Expiration, Extension and Modifications.

- A. **Appeals.** The Director's decision on an exception may be appealed in accordance with [Division 2, Common Procedures, Section 9412.3, Appeals](#).

- B. Expiration and Extensions.** Exceptions are effective and may only be extended as provided for in [Division 2, Section 9412.10, Expiration and Extension](#).
- C. Modifications.** Modifications are subject to the requirements of [Division 2, Section 9412.11, Changes to Approved Permits](#).

Division 10. Temporary Use Permits

Sections:

- 94110.1 Purpose and Applicability.**
- 94110.2 Requirements**
- 94110.3 Procedures.**
- 94110.4 Conditions of Approval**
- 94110.5 Effective Date, Appeals, Expiration, and Extension.**

94110.1 Purpose and Applicability.

The purpose of this Division is to establish a process for review and approval of certain uses that are intended to be of limited duration of time to ensure that they will not permanently alter the character or physical facilities of the site where they occur. These provisions apply to any temporary use, identified in [Part 3-B, General Regulations, Temporary Uses](#), or any other use that is not permanent including the following temporary uses permitted subject to the requirements of this Part:

- A. Real Estate Office.** A temporary real estate office and other permitted uses for the first sale of dwellings and lots within a recorded subdivision or in any residential, mixed-use, or commercial building for sale, lease, or rental of units within the same building or on the same lot and subject to the following requirements:
 - 1. The application shall include a site plan showing the location of the subject property and a parking area adequate to serve users and visitors to the site.
 - 2. A temporary real estate office may be approved for up to one year. Extensions of time may be approved by the Director for a maximum of two years.
 - 3. The application for an extension must be submitted to the Planning Division at least 30 days prior to expiration of the initial approval.
- B. Construction Office.** A temporary construction office used during the construction of a building or road, including grading related thereto subject to the following requirements:
- C.** A sewage disposal system may be installed in a temporary construction office subject to the approval of the Building Division.
- D.** The application shall include a site plan showing the location of the subject property and a parking area adequate to serve users and visitors to the site.
- E.** A temporary construction office shall be removed or shall be converted to a permitted use prior to the issuance of a Certificate of occupancy for the main building or buildings. If construction is being phased over a length of time, the Temporary use permit may allow the construction office to remain until Certificates of occupancy are issued for the last buildings to be completed.
- F. Existing Building.** The continuing but temporary use of an existing, lawfully established building during construction of a new building on the same building site. Subject to the following requirements:

- G. Prior to occupancy of a new building, the existing building shall be removed, reconstructed, relocated, converted, or otherwise brought into conformance with any regulation applicable to the placement of any new building on the site.
- H. The property owner shall provide a guarantee subject to the approval of the Director, which may include a bond or certified check, to insure full compliance with all applicable zoning regulations upon completion of the new building or sooner if, the Director determines that work necessary for completion of all facilities the law requires is not being diligently pursued.
- I. Christmas Tree Sales. A temporary facility used for the sale of Christmas trees and other related permitted items in any Resource Conservation, Rural Residential, Low Density Residential, Neighborhood Commercial, Neighborhood Mixed Use, Waterfront Commercial, Regional Commercial, industrial district, or other location permitted by an approved Specific Plan or Planned Development approval.
- J. Christmas Tree Recycling. The temporary recycling of Christmas trees conducted for nonprofit purposes.
- K. Mobile Unit or Structure as Accessory Use. The temporary use of a mobile unit or structure as a caretaker's or manager's residence or as a residence during the construction of a new residential unit on the same parcel after an application for a building permit has been accepted by the Building Department.
- L. Mobile Unit or Structure Used for Non-Residential Purposes. A mobile unit or structure may be used for storage or any non-residential purpose during construction after an application for a building permit has been accepted by the Building Department.
- M. Agricultural Product Sales. A temporary facility used for the sale of agricultural products and other related permitted items.
- N. Religious Assembly. The temporary gathering of people for religious purposes.
- O. Entertainment Assembly. The temporary gathering of people for commercial entertainment such as a circus, carnival, festival, car show, rodeo, or livestock show that is open to the general public. This does not include neighborhood gatherings, community-oriented functions, or private parties or gatherings.

94110.2 Requirements.

A. Christmas tree sales.

1. Date of opening. A Christmas tree sales facility shall neither be open for business nor show any evidence of this temporary use, during any calendar year, more than forty days prior to Christmas Day.
2. Time limitation. A Temporary Use Permit for Christmas tree sales is valid for a maximum of three months. The Temporary Use Permit may be renewed on an annual basis for a fee that is twenty-five percent of the established Temporary Use Permit fee.
3. Merchandise to be sold. A permitted Christmas tree sales facility may sell ornaments and other Christmas decorations in addition to Christmas trees but shall not engage in the sale of any merchandise not directly associated with Christmas trees and Christmas decorations.

4. Electrical permit. The applicant shall secure an electrical permit from the building division if the facility is to be energized.
5. Removal of facility. The facility shall be removed and the premises upon which it is located shall be cleared of all debris and restored to the condition they were in prior to the establishment of the facility, within fourteen days after Christmas Day. The Director shall require the applicant to provide a guarantee, which may include a cash bond or certified check, to insure full compliance with these removal procedures.
6. Fire Prevention Standards. Each Christmas free sales facility shall comply with fire prevention standards as approved and enforced by the city fire department.
7. Signage. Signage shall comply with the requirements of Part 3-B, Signs.

B. Christmas tree recycling.

1. Activity Designation. The City Council has designated Christmas tree collection for recycling purposes as an exclusive nonprofit activity.
2. Application for Permit. Application for a Temporary Use Permit to collect Christmas trees for recycling must be submitted to the planning division no later than November 1st. For Carson nonprofit groups, there shall be no Temporary Use Permit fee required.
3. Recycling Deposit. The operator of the Christmas tree sales facility shall deposit two hundred fifty dollars, or fifty cents per tree, whichever is greater, to cover the cost of recycling trees. A prorated share of the deposit will be returned based on the actual number of trees sold in addition to the number that are not sold but recycled by the operator.
4. Notification of Recycling Activities. Each facility shall display information on where and how Christmas trees can be recycled, and shall distribute with the sale of each tree information provided by the planning division on recycling activities.

C. Mobile unit or structure as accessory use.

A mobile unit or structure shall be permitted as a caretaker's or manager's residence and shall be accessory to the principal use on the same building site. A mobile unit or structure shall also be permitted as a temporary residence while a residential unit is constructed on the same parcel.

1. **Water Distribution System.** A water distribution system shall be installed to serve each mobile unit or structure in compliance with applicable laws and regulations administered by the building official.
2. **Sewage Disposal System.** The sewage disposal system shall be installed to serve each mobile unit or structure in compliance with applicable laws and regulations administered by the building official.
3. **Time Limitation.** Any mobile unit or structure permitted by the provisions of this section shall be permitted for a maximum time of one year after issuance of a Temporary Use Permit unless the permit specifies a shorter period.
4. **Removal of Mobile Unit or Structure.** The mobile unit or structure shall be removed and the premises upon which it is located shall be cleared of all debris within fourteen calendar days after the Temporary Use Permit has expired or after the use has ceased, whichever occurs first.

The Director shall require the applicant to provide a guarantee, which may include a cash bond or certified check, to insure full removal.

D. Mobile unit or structure used for industrial purposes.

1. **Use of Mobile Unit or Structure.** A mobile unit or structure shall be permitted for temporary storage only by the primary user of the property. It shall not be visible from any public street.
2. **Time Limitation.** Any mobile unit or structure permitted by the provisions of this section shall be permitted for a maximum time of six months after issuance of a Temporary Use Permit unless the permit specifies a shorter period. For a period longer than six months, the use of a mobile unit or structure shall be subject to the requirements of Divisions 4 and 7.

E. Agricultural products sales.

The following criteria and standards apply to the sale of agricultural products, except for those related to specific holidays:

1. **Design.** The stand shall not exceed one hundred square feet in floor area, shall be exclusively of wood frame type construction, and this shall not be located within 20 feet of any public highway right-of-way.
2. **Removal.** The stand shall be removed from the premises on which it is located within five days after the expiration of the permit.
3. **Time limitation.** The stand shall not be authorized for a period exceeding 90 days.
4. **Requirements for Seasonal Sales.** The following criteria and standards apply to the sale of agricultural products, such as pumpkins, related to the Halloween and Thanksgiving holidays:
 - a. **Date of opening.** An agricultural products sales facility shall neither be open for business nor show any evidence of this temporary use, during any calendar year, more than 40 days prior to October 31st.
 - b. **Time limitation.** A Temporary Use Permit for agricultural product sales related to Halloween and Thanksgiving holidays shall be valid for a maximum period of three months. The Temporary Use Permit may be renewed for a fee of ten percent of the established Temporary Use Permit fee.
 - c. **Merchandise to be sold.** A permitted agricultural sales facility may sell holiday-related decorations in addition to agricultural products but shall not engage in the sale of any merchandise not directly associated with the agricultural products and the Halloween and Thanksgiving holidays.
5. **Electrical permit.** The applicant shall secure an electrical permit from the Building Division if the facility is to be energized.
6. **Removal of facility.** The facility shall be removed and the premises upon which it is located shall be cleared of all debris and restored to the condition they were in prior to the establishment of the facility, within fourteen days after Thanksgiving Day. The Director shall require the applicant to provide a guarantee, which may include a cash bond or certified check, to insure full compliance with these removal procedures.

7. **Fire prevention standards.** Each agricultural products sales facility shall comply with fire prevention standards as approved and enforced by the city fire department.
8. **Signage.** Signage shall comply with the requirements of Part 3-B, Division 52, Signs.

F. Community assembly.

1. **Time Limitation.** The temporary use may be permitted for a period not to exceed 30 days.
2. **Removal.** The Director may require a cash bond, certified check, or other guarantee of the removal of the permitted temporary use upon the expiration of the permit.

G. Entertainment assembly.

1. **Time Limitation.** The temporary use may be permitted for a period not to exceed thirty days.
2. **Location.** The temporary use shall not be located on a parcel within two hundred feet of a residentially zoned parcel, as measured from the closest property lines.
3. **Security.** The operator of the entertainment use shall provide proof to the Director that security personnel have been employed for the duration of the temporary use.
4. **Removal.** The Director may require a cash bond, certified check, or other guarantee of the removal of the permitted temporary use upon the expiration of the permit.

H. Tents for Temporary Uses.

All Temporary Use Permits proposing the use of tents are subject to the following requirements.

1. **Application for a Permit.** Applications for this issuance of a Temporary Use Permit involving the use of a tent shall be submitted as provided below:
 - a. In addition to any other information that the Director may require, such application shall state the approximate dimensions of the proposed tent, the location at which it is proposed to be erected, its distance from the nearest structure and the purpose for which it is to be used. Such application shall be signed both by the applicant and the owner of the property upon which it is proposed to erect such tent, or their duly authorized representatives. All applicable city ordinances shall be complied with.
 - b. The Director and the Fire Department shall make such investigation as may be required to determine whether the proposed tent will create any unreasonable hazard to life or property and whether the erection or maintenance thereof will injuriously affect adjacent or nearby property or residents of the neighborhoods. Based on their determination, the Director or the Fire Chief shall, approve or disapprove such application.
 - c. The Director may revoke any permit involving the erection and maintenance of a tent within the city at any time prior to its expiration for the violation of any condition upon which the permit is issued or when, in his or her opinion, the health, welfare, safety and morals of the residents of the city or any portion thereof are adversely affected by the continued presence of such tent. Upon the revocation of any such permit, the person to whom the permit was granted shall, within the times specified by the manager, remove such tent.

2. Additional Requirements for Use of Tents.

- a. No goods, wares or merchandise shall be stored or held for sale in any tent. Nor shall the provisions of this section apply to cases where the sale or storage of such goods, wares or merchandise is merely incidental to the chief purpose for which such tent is erected or used.
- b. The owner or agent shall furnish an affidavit that all tents to be used which are covered by the permit have been treated by flame-proofing solution of type approved and listed by the California state fire marshal to render them resistant to the action of fire.
- c. The fire chief of the city or his or her duly authorized deputy may take samples of the proposed tent fabric for the purpose of making flame tests.
- d. Exit requirements as required by the fire chief or his or her duly authorized deputy shall be provided and maintained in accordance with laws enforced by the city.
- e. Fire hose lines and the auxiliary fire equipment shall be maintained in such numbers and sizes as may be required by the fire chief or his or her duly authorized deputy.
- f. All electric wiring must conform to the ordinances of the city and must be approved by the building division.
- g. Lighting shall comply with the requirements of Part 3-A, Division 4, Light and Glare.
- h. All heating and cooking appliances must be approved by the fire chief or the chief's duly authorized deputy.

94110.3 Procedures.

- A. Application.** An application for a Temporary Use Permit shall be submitted at least 21 days before the use is intended to begin. The application shall be on the required form and shall include the written consent of the owner of the property or the agent of the owner.
- B. Decision.** The Director shall prepare a written decision on the Temporary Use Permit application within 14 days after a complete application has been filed which shall contain the findings of fact upon which the decision is made.
- C. Notice Required.** Notice of any approved Temporary Use Permit shall be posted on the subject property for a period of seven days from the date the decision is issued.
- D. Required Findings.** The Director may approve an application for a Temporary Use only upon making the following findings:
 1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare,
 2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site,
 3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably generate; and

4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.
5. The project has been reviewed in compliance with CEQA, if applicable, and the requirements of this Part.
6. Based on any applicable environmental review, no potentially significant environmental impacts would result, or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project, or a Statement of Overriding Considerations has been adopted.

E. Conditions of Approval.

The Director may impose any conditions deemed necessary to ensure compliance with the findings in Sub-section D. and other applicable requirements of this Part including, but not limited to:

1. Provision of temporary parking facilities, including vehicular ingress and egress;
2. Regulation of nuisance factors such as prevention of glare or direct illumination of adjacent properties, noise vibration, smoke, dust, dirt, odors, gases, and heat;
3. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other setbacks;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Provision of security and safety measures;
7. Regulation of signs;
8. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested;
9. Submission of a performance bond or other security to assure that any temporary facilities or structures used for the proposed temporary use will be removed from the site following the event and that the property will be restored to its former condition;
10. Submission of a site plan indicating any information required by this Part;
11. A requirement that approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of other laws; and
12. Other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Part.
13. The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

94110.4 Effective Date, Appeals, Expiration and Extension.

- A. Effective Date.** A Temporary Use Permit shall become effective on the date the permit is approved by the Director at the Applicant's discretion.

- B. Appeals.** The Director's decision may be appealed to the Planning Commission in accordance with [Division 2, Section 9412.3, Appeals](#).
- C. Expiration and Extensions.** Temporary Use Permits may only be extended as provided for in [Division 9412.10, Expiration and Extension](#).

Division 11. Specific Plans and Amendments

Sections:

- 94111.1 Purpose and Applicability.**
- 94111.2 Review and Approval; Required Findings.**
- 94111.3 Post-Approval Administration.**
- 94111.4 Development and Site-Plan Review**

94111.1 Purpose and Applicability.

This Part establishes uniform procedures for the adoption and implementation of Specific Plans, which are regulatory documents established by the City to carry out specific purposes, as authorized by the Government Code, for specific geographic areas shown on the Zoning Map Preparation, Adoption, and Amendments.

A Specific Plan shall be prepared, adopted, amended, and repealed in the same manner specified in Division 17, General Plan Amendments of this Part, except that a Specific Plan may be amended as often as deemed necessary by the City Council.

94111.2 Review and Approval; Required Findings.

The Planning Commission in recommending, and the City Council in adopting a Specific Plan, must make all the following findings:

- A.** The proposed Specific Plan will contribute to the public health, safety, and general welfare or will be of benefit to the public.
- B.** The proposed Specific Plan is consistent with the General Plan goals unless the goals themselves are proposed to be amended.
- C.** The proposed Specific Plan retains the internal consistency of the General Plan and is consistent with other adopted plans unless concurrent amendments to those plans are also proposed and will result in consistency.
- D.** The proposed Specific Plan has been reviewed in compliance with CEQA, if applicable, and the requirements of this Part.
- E.** Based on any applicable environmental review, no potentially significant environmental impacts would result, or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project, or a Statement of Overriding Considerations has been adopted.

94111.3 Post-Approval Administration.

- A.** Specific plan areas shall be designated on the Zoning Map by number (SP-#) with a reference to the adopting resolution.
- B.** A Specific Plan adopted by ordinance of the City Council shall be administered as prescribed by the Council, consistent with the Government Code Sections 65450-65457.

94111.4 Development and Site Plan Review.

- A. All development within a Specific Plan district shall require Development and Site Plan Review, in accordance with Section 5, Development and Site Plan Review.
- B. An application for Development and Site Plan Review in a Specific Plan district shall only be accepted for Planning and Building Permits or subdivisions review and approval if the application is consistent with an approved Specific Plan and any conditions of approval.
- C. No project may be approved, and no Building Permit issued unless the project, alteration or use is consistent with an approved Specific Plan.

Division 12. Planned Development Districts

Sections:

94112.1	Purpose and Applicability.
94112.2	Procedures.
94112.3	Required Findings.
94112.4	Conditions.
94112.5	Post-Approval Administration.
94112.6	Development Plan Review.
94112.7	Failure to Comply with Conditions.
94112.8	Amendment of Approved PD Plans.
94112.9	Expiration, Extension, and Appeals.

94112.1 Purpose and Applicability.

This Part establishes procedures for establishing Planned Development (PD) zoning districts, which allow for one or more properties to be developed under a PD Plan.

94112.2 Procedures.

- A. **Initiation.** An amendment to reclassify property to PD zoning district shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners must sign the application, and a map showing the extent of ownership shall be submitted with the application.
- B. **Application Requirements.** An application for a Planned Development approval shall be made on the prescribed form and shall be filed with the Planning Division with applicable fees. Application shall include a PD Plan that complies with the requirements of this Division.
- C. **Rezoning.** An application for rezoning to a PD zoning district shall include a PD Plan and shall be processed as an application for amendment to the Zoning Map, according to the procedures of Division 14, Amendments to Zoning Ordinance and Map.
- D. **Planned Development Plan.** The Planned Development Plan shall be accepted and processed concurrently, in the same manner as a Use Permit application, or other applications if applicable, pursuant to Division 2, Common Procedures, and Division 7, Minor and Major Use Permits. Additional information necessary to determine that the intent of the Zoning Code and the General Plan will be fulfilled shall be submitted as stipulated in application requirements issued by the Director.
- E. **Tentative Subdivision Map.** When a Planned Development requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the Planned Development.
- F. **Pre-Application Review.**
 1. Before applying for approval of a PD Plan and rezoning, the applicant may schedule a pre-application review conference with the Director pursuant to Division 2, Common Procedures,

9412.4, Pre-Application Review to discuss the general acceptability of the proposal, possible issues that may be encountered, and the need for any interagency coordination. Such preliminary consultations shall be relative to a conceptual development plan submitted by the applicant. At the Director's option, the conceptual plan may be referred to the Planning Commission for preliminary comments. Such comments shall be considered advisory in nature and shall not constitute a recommendation of approval.

G. Decision-Making Body.

A PD zoning district must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review; and the Planning Commission shall make a recommendation to the City Council.

H. Review Procedures.

1. **Rezoning.** An application for rezoning to a PD district shall be processed as an amendment to the Zoning Map, according to the procedures of Division 14, Zoning Text and Map Amendments, and shall include a Specific Plan or PD Plan.
2. **PD Plan.** The PD Plan shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Division 2, Common Procedures, and Division 7, Major and Minor Use Permits. Additional information necessary to determine that the intent of the Zoning Code and the General Plan will be fulfilled shall be submitted as stipulated in application requirements issued by the Director.
3. **Tentative Subdivision Map.** When a planned unit development requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application for PD approval.

94112.3 Required Findings.

A Planned Development Plan and rezoning shall only be approved if the City Council, based on a recommendation from the Planning Commission, makes the following findings:

- A. The proposed development is consistent with the General Plan, including the density and intensity limitations that apply;
- B. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- E. The development generally complies with applicable adopted design guidelines and the proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors shall be considered:

1. Appropriateness of the use(s) at the proposed location.
 2. The mix of uses, housing types, and housing price levels.
 3. Provision of units affordable to persons and families of low and moderate income or to lower income households.
 4. Provision of infrastructure improvements.
 5. Provision of open space.
 6. Compatibility of uses within the development area.
 7. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
 8. Overall contribution to the enhancement of neighborhood character and the environment of Carson in the long term.
 9. Creativity in design and use of land.
- F. The proposed Planned Development Plan and rezoning has been reviewed in compliance with CEQA, if applicable, and the requirements of this Division.
- G. Based on any applicable environmental review, no potentially significant environmental impacts would result, or potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project, or a Statement of Overriding Considerations has been adopted.

94112.4 Conditions.

In approving a PD Plan and rezoning, the City Council may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted,
- B. Achieve the general purposes of this Zoning Code or the specific purpose of the zoning district in which the project is located,
- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified because of review conducted in compliance with the requirements of the California Environmental Quality Act.

94112.5 Post-Approval Administration.

- A. **Zoning Map Designation.** All PD districts created after the adoption of the Zoning Code shall be noted on the Zoning Map by the designation “PD,” followed by the number of the Planned Development or Specific Plan based on order of adoption.
- B. **Land Use Regulations.** No use other than an existing use is permitted in a PD district except in accord with a valid PD Plan or Specific Plan. Any permitted or conditional use authorized by the Zoning Code may be included in an approved PD Plan or an adopted Specific Plan consistent with

the General Plan land use designation(s) for the property. Where a proposed land use is encompassed by the definition of this district's permitted use types but conflicts with the statement of purposes for this district, the proposed land use will not be permitted.

94112.6 Development and Site Plan Review.

All development within a PD zoning district shall require a Development and Site Plan Review permit, in accordance with [Division 6, Development and Site Plan Review](#). Plans for Development and Site Plan Review approval in a PD zoning district shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved Planned Development Plan and any conditions of approval. No project may be approved, and no building permit issued unless the project, alteration or use is consistent with an approved Planned Development Plan.

94112.7 Failure to Comply with Conditions.

Failure to comply with any planned development permit condition is a violation of this Code subject to Division, Enforcement and Abatement. A PD permit may be revoked or modified as provided by [Division 19, Enforcement and Abatement](#).

94112.8 Amendment of Approved PD Plans.

Approved Planned Development (PD) Plans may be amended when necessary to ensure consistency with the General Plan and to further the stated purposes of PD districts.

- A. Initiation.** An amendment to a PD Plan may be initiated by:
1. Planning Commission Resolution. Resolution of intention adopted by the Planning Commission,
 2. City Council Resolution. Resolution of intention adopted by the City Council; or
 3. Applicant.
- B. Changed Plans.** Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
- C. Major Amendments.** Major Amendments to an approved PD district or PD Plan or Specific Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
1. A change in the boundary of the PD district,
 2. An increase or decrease in the number of dwelling units for the PD district that is greater than the maximum or less than the minimum stated in the PD Plan or Specific Plan,
 3. An increase or decrease in the floor area for any nonresidential land use that results in the floor area exceeding the minimum or maximum stated in the PD Plan or Specific Plan,
 4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer,

5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD district or to the overall major street system, as determined by the City Engineer; or
6. Any other proposed change to the PD Plan or Specific Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.

D. Minor Amendments. Amendments not meeting one or more of the criteria listed in subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director.

94112.9 Expiration, Extension, and Appeals.

A. Expiration.

1. **PD Plan.** A PD Plan shall be effective on the same date as the ordinance creating the PD district for which it was approved and shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging program exceeding two years.
2. **Tentative Map.** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.
3. **Phased Development.** If the applicant intends to develop the project in phases, and the City Council approves phased development, the PD Plan shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase.

B. Extension. An approved PD Plan that has not been exercised may be renewed for a two-year period approved by the City Council after a duly noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this Part.

C. Appeals. Decisions under this Division may be appealed in accordance with [Division 2, Section 9412.3, Appeals](#).

Division 13. Development Agreements

This Division is intended to establish procedures for enacting development agreements between property owners and the City to promote certain development projects by applying standards and requirements that are favorable to the developer and the City. The Division consolidates and augments provisions in the Oil and Gas Ordinance (Article IX, Section 9500 et seq.); Chapter 4, Density Bonus Provisions for Residential Units; Section 9146.7, Signs, and other parts of the existing Code. The purpose of moving the development agreement provisions to Part 4 and revising the provisions is to convey the purpose of this mechanism for a wide range of appropriate development projects.

Sections:

- 94113.1 Purpose and Findings**
- 94113.2 Authority and Applicability**
- 94113.3 Definitions**
- 94113.4 Requirements**
- 94113.5 Procedures**
- 94113.6 Development Agreement Contents**

94113.1 Purpose and Findings

This Division is established to establish procedures and requirements for Development Agreements to implement the requirements of Government Code Sections [65864](#) through [65869.5](#) of the Government Code based on the following findings.

- A.** Under appropriate circumstances, development agreements will strengthen the public planning process and encourage private participation in comprehensive planning by providing a greater degree of certainty in the process, and through corresponding assurances by the developers, reduce the economic costs to government of development, allow for the orderly planning of public improvements and services and the allocation of costs to achieve the maximum utilization of public and private resources in the development process, and assure, to the extent feasible, that appropriate measures to enhance and protect the environment of the City are achieved.
- B.** The public safety, health, convenience, comfort, prosperity, and general welfare of the community will be advanced by enacting these regulations to provide a mechanism for the review and approval of development agreements by supplementing development standards for particular projects to promote implementation of General Plan policies, including assurances of adequate public facilities at the time of development, proper timing and sequencing of development, effective capital improvement programming by providing appropriate development incentives to accomplish the foregoing purposes and aims and the realization of the benefits to be derived therefrom.
- C.** Development agreements enacted pursuant to this Division are to ensure to the qualified applicant for a development project that upon approval of the project, the qualified applicant may proceed with the project in accordance with certain existing policies, rules, and regulations, and subject to specified conditions of approval, to implement the intent of the City Council in enacting this chapter. Development agreements will also ensure that all conditions of approval, including the

construction of off-site improvements made necessary by such land developments, will proceed in an orderly and economical fashion to the benefit of the City.

94113.2 Authority and Applicability

This Division is adopted pursuant to Article 11, Section 7 of the California Constitution and the powers granted to charter cities pursuant to Government Code Section [65864](#) *et seq.* The application for any Development Agreement proposed after the effective date of this Code shall be processed in accordance with the provisions of this Division.

94113.3 Definitions.

When used in this Division, the following terms shall have the following respective meanings:

- A. “City” means the City of Carson, a municipal corporation. “Developer” means a person who has a legal or equitable interest in the real property which is the subject of a development agreement.
- B. “City Clerk” means the Carson City Clerk.
- C. “Development agreement” means a development agreement enacted by legislation between the City and a qualified applicant pursuant to Government Code Sections [65864-65869.5](#) and this Division of the Zoning Code.
- D. “Director” means the Community Development Director or the Director’s duly authorized designee.
- E. “Person” means an individual, group, partnership, firm, association, corporation, trust, governmental agency, governmental official, administrative body tribunal, or any other legal entity or form of business.
- F. “Qualified applicant” is a person who has a legal or equitable interest in the real property for which a Development Agreement is sought or the authorized representative of such a person.

94113.4 Requirements

A. Forms and information.

1. The Director shall prescribe the form of each application, notice, and documents provided for or required under this chapter for the preparation and implementation of development agreements consistent with the provisions of this chapter.
2. The Director may require an applicant for a development agreement to submit such information and supporting data as the Director, City Council, and other agencies to which the applicant is referred under this chapter consider necessary to properly process the application.

B. Fees.

The City Council shall, from time to time by separate resolution or resolutions, fix schedules of fees and charges to be imposed for the filing, processing, and recording of each application and

document provided for or required under this chapter, which fees and charges as then currently prescribed shall accompany each application made under this chapter.

These fees and charges shall be in addition to, and not in substitution of, any other required fees and charges relative to development of the subject property and shall be for the purpose of defraying the costs associated with City review and action on an application and for administration of approved development agreements, including annual reviews, in amounts as may be established by resolution of the City Council.

C. Applicant Qualifications.

1. Any qualified applicant as defined in Division 94113.3.D above may file an application to enter into a development agreement. A qualified applicant includes an authorized agent of a qualified applicant.
2. The Director may require an applicant to submit proof of his/her interest in the real property and of the authority of the agent to act for the qualified applicant. Such proof may include a title report, policy or guarantees issued by a title company licensed to do business in the State of California evidencing the requisite interest of the applicant in the real property.
 - a. If the application is made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed development agreement executed by the holder of the legal interest.
 - b. Before processing the application, the Director shall obtain the opinion of the City Attorney as to the sufficiency of the qualified applicant's interest in the real property to enter into the development agreement as a qualified applicant hereunder.
3. Other Parties. In addition to the City and qualified applicant, any Federal, State, or local governmental agency or body may be included as a party to any development agreement. Any such additional party shall be made a party to the development agreement pursuant to the provisions of the Joint Exercise of Powers Act (Government Code Section [6500](#) *et seq.*) providing for joint powers agreements, or provisions of other applicable Federal, State or local law, in order to create a legally binding agreement between such parties.

94113.5 Procedures.

- A.** An application for a development agreement may be made to the Director in accordance with the requirements of this Division by any qualified applicant, the Planning Commission, or the City Council.
 1. If an application for a development agreement is made by the Planning Commission or City Council, the City shall obtain and attach a notarized statement of consent to proceed with the proposed agreement executed by the owner of the subject property.
- B. Application Contents and Form.**
 1. The application shall be on a form prescribed by the Director and shall be accompanied by a proposed ordinance and development agreement.

2. The form of development agreement shall be proposed by the qualified applicant or as authorized in Division. This requirement may be met by designating the City's then standard form of development agreement and including specified proposals for changes in or additions to the language of the standard form or by submitting a form of development agreement prepared by the qualified applicant and proposed to be used under this chapter. Any such development agreement prepared by a qualified applicant shall contain the provisions required in this Division and shall also include the following:
 - a. The parties to the development agreement,
 - b. The nature of the qualified applicant's legal or equitable interest in the real property constituting such person as a qualified applicant,
 - c. A description of the development project sufficient to permit the development agreement to be reviewed under the applicable criteria of this chapter. Such description may include, but is not limited to, references to site and building plans, elevations sufficient to determine heights and areas, relationships to adjacent properties and operational data. Where appropriate, such description may distinguish between elements of the development project which are proposed to be fixed under the development agreement, those which may vary and the standards and criteria pursuant to which the same may be reviewed,
 - d. An identification of the approvals and permits for the development project enacted to the date of or contemplated by the development agreement,
 - e. The proposed duration of the development agreement,
 - f. The proposed phasing of the construction, and any public improvements to be required,
 - g. A program and criteria for regular periodic review under this chapter,
 - h. Proposed provisions providing security for the performance of the qualified applicant under the development agreement; and
 - i. Any other relevant provisions which may be deemed necessary by the Director pursuant to this chapter.
 - j. A development agreement shall include all conditions imposed by the City, and may also include conditions imposed by other agencies, and all obligations agreed to by the City and other parties to the development agreement with respect to the development project thereunder including those conditions authorized by law and/or required pursuant to the California Environmental Quality Act, or the National Environmental Protection Act, and the City's regulations with respect thereto in order to eliminate or mitigate environmental and traffic impacts caused by or aggravated as a result of the development project proposed under the development agreement.
 - k. A development agreement shall contain an indemnity and insurance clause in form and substance acceptable to the City Attorney, requiring the qualified applicant to protect, defend, indemnify, and hold harmless the City against claims arising out of the development process; provided, that such a provision does not violate applicable law or constitute a joint venture, partnership, or other participation in the business affairs of qualified applicant by the City.

1. All development agreements shall be subject to the regulations and requirements of the laws of the State of California, the Constitution of the United States and any codes, statutes or executive mandates and any court decisions, State or Federal, thereunder. If any such law, code, statute, or decision made or enacted after a development agreement has been entered into prevents or precludes compliance with one or more provisions of the development agreement then such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such law, code, statute, mandate, or decision, and every such development agreement shall so provide.
 - a. A development agreement shall include appropriate provisions acceptable to the City Attorney providing security for the performance under the development agreement.

C. Application Review.

1. Upon submission of an application for a development agreement, the Director shall stamp on the application the date it is received.
 - a. Within 30 days after receipt of application, the Director shall review the application and accompanying documentation for legal sufficiency, compliance with technical requirements and may reject it if it is incomplete or inaccurate for processing.
 - m. The application shall be accepted for filing if the Director finds that the application is complete for processing. The Director shall cause a written notice of acceptance or rejection to be mailed or delivered to qualified applicant. If rejected, the notice must also give the reason for the rejection.
 - n. If such notice is neither mailed nor delivered within 30 days following receipt of application for the development agreement, the application shall be deemed filed on the thirtieth day following its receipt by the Director.
2. After the application is accepted for filing or deemed filed, the Director shall then review the application and determine any additional requirements necessary to complete the form of development agreement.
 - a. After receiving the required information, the Director shall prepare a staff report and recommendation and shall state whether the development agreement as proposed, or in an amended form (specifying the nature of the amendments), would implement, be consistent with and in compliance with, the adopted general plan, applicable specific plans, relevant City policies and guidelines for development, and the provisions of this chapter.
 - b. The Director shall, as part of the review of the application, circulate copies of the proposed development agreement to those City departments and other agencies having jurisdiction over the development project to be undertaken pursuant to the development agreement for review and comment by such City departments and agencies.
 - c. The City Attorney shall also review the proposed development agreement for legal form and sufficiency and shall approve and/or prepare a proposed ordinance authorizing the City to enter into the development agreement for action by the City Council upon hearing thereof as specified by this Division.

- d. The staff report and recommendation of the Director shall include any appropriate recommendations received, and the proposed form of ordinance prepared and/or approved by the City Attorney.
3. Upon the completion of such review, the Director shall set the matter for a public hearing before the Planning Commission.

D. Notice.

1. The Director shall give notices of all required public hearings held before the Planning Commission as required by Division 2, Section 9412.5. The City Clerk shall give notice of all required public hearings held before the City Council under this Division.
2. The Planning Authority may direct that notice of the public hearing to be held before it shall be given in a manner that exceeds the notice requirements prescribed by State law, but failure to comply with any excess notice procedure shall not invalidate a development agreement entered by the City under this Division. Notice of each public hearing called under this Division shall be mailed to the chair of the citizens advisory committee at least ten days prior to the hearing.
3. The notice requirements referred Section are declaratory of existing law (Government Code Sections [65867](#), [65090](#), and [65091](#)). If State law prescribes a different notice requirement, notice shall be given in that manner.

E. Coordination of development agreement application with other discretionary approvals.

1. It is the intent of these regulations that the application for a development agreement will be made and considered simultaneously with the review of other necessary applications, including, but not limited to rezoning, planned commercial, residential, or industrial development and conditional use permits.
2. If combined with an application for rezoning, planned development or conditional use permit, the application for a development agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information.
3. A development agreement is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified applicant or developer must comply with all other required procedures for development approval.

F. Planning Commission hearing and Review.

On the date set for hearing or on the date or dates to which the hearing is continued, a development agreement shall be considered at a public hearing before the Planning Commission pursuant to the procedures described in [Section 9412.5, Notices, of this Division](#).

1. Review – Standard.

The Planning Commission may recommend adoption of a development agreement as a method of implementing or providing standards and criteria for any approval of

the Planning Commission or permits or approvals issued or made by any other City agency, including but not limited to:

- a. Rezoning and/or conditions imposed upon approval of rezoning,
 - o. Issuance of a conditional use permit,
 - p. Conditions imposed upon approval of a permit after discretionary review,
 - q. Conditions imposed in connection with the adoption of any general plan amendment or specific plan,
 - r. Conditions imposed in any planned unit development district,
 - s. Site-specific conditions imposed in any other district,
 - t. Approval of and/or conditions imposed upon approval of a subdivision or parcel map or maps,
 - u. The formation of any assessment district, benefit district, maintenance district or special benefit district or any other procedure, for the installation of required or necessary on-site or off-site improvements or infrastructure; and/or
 - v. Mitigation measures imposed upon a development project pursuant to the California Environmental Quality Act or the National Environmental Protection Act.
2. **Planning Commission recommendation and finding.** The Planning Commission shall make a report and recommendation in writing to the City Council as follows:
- a. That the development agreement be adopted as proposed,
 - w. That the development agreement be adopted with modifications, as proposed by the Planning Commission; or
 - x. That the development agreement be denied.
3. Any action taken by the Planning Commission shall include written findings specifying the facts and information relied upon by the Commission in rendering its decision and recommendation.
4. The Planning Commission shall make such report of its findings and recommendations to the City Council within 35 days after the completion of said hearing. Failure of the Planning Commission to so report within said period shall be deemed to be a recommendation of denial by the Planning Commission of the development agreement.

G. City Council hearing and action.

Upon the filing of such report and recommendations on a development agreement by the Planning Commission or within 35 days as provided for in Division 94113.6, the City Council shall, at its next regular meeting held at least three days thereafter on which the subject is agendaized thereupon set the matter for public hearing before the City Council, and the City Clerk shall give required notice of the time, place and purpose of such hearing in the same manner and in the same terms as provided in Division 2.

1. Public hearing.

- a. A development agreement is a legislative act, and it shall be enacted or amended by ordinance only after a public hearing before the City Council. The ordinance shall be subject to referendum and refer to and incorporate by reference the text of the development agreement. The development agreement shall not be binding or enforceable prior to the effective date of the ordinance approving the development agreement and execution of the development agreement by all parties thereto.
- y. Because a development agreement is also a contract which requires the consent of each party to become binding, the Council reserves the right to disapprove entering into any development agreement, regardless of the provisions hereof, and the ordinance shall be advisory only and shall not require the acceptance of any development agreement.

2. Hearing Procedure

The City Council shall consider the proposed development agreement and the Planning Commission's recommendation together with any additional public testimony at the public hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time by the City Council.

- a. The City Council may refer the issue back to the Planning Commission for further hearings and recommendations whereupon said Planning Commission shall file its report on reconsideration of the referral from the City Council within 30 days thereafter. The City Council may also act on all or any such issue without reference back to the Planning Commission. The decision of the City Council shall be rendered within 45 days after the hearing before the City Council or within 45 days after the receipt of the final report from the Planning Commission, whichever is later, unless extended by mutual agreement of the qualified applicant and City Council. Failure of the City Council to act within the 45 days or extension shall be deemed a rejection of the development agreement.
- b. The City Council may:
 - i. Approve the development agreement as recommended by the Planning Commission;
 - ii. Approve the development agreement with or without modifications; or
 - iii. Reject the development agreement, in whole or in part.
- c. Before the City Council may approve a development agreement with or without modifications, it must find that its provisions are consistent with the general plan and any applicable specific plans and relevant City policies and guidelines for development.

94113.6 Development Agreement Contents.

- A.** A development agreement shall specify its duration, the permitted uses of the property thereunder, the density and/or intensity of use, the maximum height and size of proposed buildings and improvements, and provisions for reservation or dedication of land for public purposes. A development agreement may also include:
1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided, that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the property for the uses and to the density or intensity, height, and size of development set forth in the development agreement and phasing if and to the extent the development agreement so provides.
 2. Without limitation as to types of conditions, terms, and restrictions, the development agreement may provide for the phasing of construction of development projects and any improvements with respect thereto, and the development agreement may also provide that the construction shall be commenced and completed within specified times and that the development project, public improvements, or any phase thereof be commenced and completed within specified times.
- B.** A development agreement shall include all conditions imposed by the City, and may also include conditions imposed by other agencies, and all obligations agreed to by the City and other parties to the development agreement with respect to the development project thereunder including those conditions authorized by law and/or required pursuant to the California Environmental Quality Act, or the National Environmental Protection Act, and the City's regulations with respect thereto in order to eliminate or mitigate environmental and traffic impacts caused by or aggravated as a result of the development project proposed under the development agreement.
- C.** A development agreement shall contain an indemnity and insurance clause in form and substance acceptable to the City Attorney, requiring the qualified applicant to protect, defend, indemnify, and hold harmless the City against claims arising out of the development process; provided, that such a provision does not violate applicable law or constitute a joint venture, partnership or other participation in the business affairs of qualified applicant by the City.
- D.** A development agreement shall include appropriate provisions acceptable to the City Attorney providing security for the performance under the development agreement.

9411.4 Other Requirements: Review, Certificate of Compliance, Termination or Modification

A. Time for and initiation of review.

1. **Regular Periodic Review.** The City shall review the performance of the developer under a development agreement periodically on a regular basis as determined in the development agreement or by this subsection at least once every 12 months for the term of the development agreement.
 - a. Ninety days prior to the "established date or dates for regular periodic review" which shall be the anniversary of the effective date of the development agreement, or such other substitute date or dates, mutually agreed to by the qualified applicant or developer and City in writing for such regular periodic reviews, the developer shall

submit to the Director evidence of the good faith compliance with the development agreement.

- b. If the Director determines that such evidence is insufficient for the Director's regular periodic review, or if the developer fails to submit any evidence, then prior to 75 days of the established date or dates for regular periodic review the Director shall deliver or mail written notice to the developer of the developer's failure to submit any evidence or specifying the additional information reasonably required by the Director in order to review the developer's good faith compliance with the development agreement.
- c. The developer shall have 30 days after mailing or delivery of such written notice by the Director in which to respond to the Director. If the developer fails to provide such information to the Director within the 30- day period, the Director shall not find that the developer has complied in good faith with the terms of the development agreement.

2. Special Review.

- a. Initiation of Review. Reviews which are other than the regular periodic reviews provided for in subsection (a) of this section are defined as special reviews and may be had either by agreement between the developer and City or by initiation of the City by the affirmative vote of the City Council, but in any event shall not be held more frequently than three times a year.
- d. Notice of Special Review. The Director shall begin the special review proceeding by mailing or delivering written notice to the developer that the City intends to undertake a special review for the good faith compliance of developer with the development agreement.
 - i. The Director shall mail or deliver to the developer a 30 day notice of intent to undertake such a special review within which 30 days developer shall provide to the Director evidence of good faith compliance with the terms of the development agreement.
 - ii. If the Director determines that such evidence is insufficient for the Director's review, or if the developer fails to submit any evidence within the 30- day period, then within 45 days of giving the notice of intent to undertake a special review, the Director shall deliver or mail written notice to the developer of the developer's failure to submit any evidence or additional information reasonably required by the Director in order to review the developer's good faith compliance with the development agreement.
 - iii. As with the regular periodic review, the developer shall have 30 days after mailing or delivering of such written notice by the Director in which to respond to the Director. If the developer fails to provide such information to the Director within the 30-day period, developer shall not be found by the Director to have complied in good faith with the terms of the development agreement.

B. Compliance Determination

1. Following either a regular periodic review or a special review, if the Director finds good faith compliance by the developer with the terms of the development agreement for the period reviewed, the Director, upon request of developer, shall issue a certificate of compliance for such period reviewed, which shall be in recordable form and may be recorded by the developer in the official records of the County of Los Angeles. The issuance of a certificate of compliance by the Director shall conclude the review for the applicable period for which the finding was made and such determination shall be final in the absence of fraud.
2. **Failure to find good faith compliance.**
 - a. If the Director does not find, based on substantial evidence, that the developer has complied in good faith with the terms of the development agreement, the Director shall so notify the City Council and the developer.
 - b. The Director shall specify the reasons for the Director's determination, the information relied upon in making such decision and any findings made with respect thereto.

C. City Council Hearing. The City Council shall schedule a hearing to review the Director's report after which it shall take one of the following actions:

1. **Compliance.** Determine based on the evidence presented that there has been good faith compliance by the developer with the terms of the development agreement. At the request of the developer, the Director shall issue a certificate of compliance, which shall be in a recordable form that the developer may file with the recorder of the County of Los Angeles.
2. **Failure to Find Good Faith Compliance.** If the City Council is unable to determine based on the evidence presented that there has been good faith compliance by the developer with the terms of the development agreement, the City Council shall take one of the following actions:
 - a. **Additional Time.** Upon receipt of sufficient justification to City Council, grant the developer additional time in which to establish good faith compliance with the terms of the development agreement at a subsequent duly called Council meeting; or
 - c. **Hearing.** Set a date for a public hearing within 90 days on the issue of the developer's compliance with the terms of the development agreement and the possible conditioning and/or termination or modification of the development agreement in accordance with California Government Code [Section 65865.1](#).
3. The public hearing shall be conducted in accordance with Division 2, Section 9412.6 of this Code at which the developer shall have the opportunity to demonstrate good faith compliance with the terms of the development agreement based on substantial evidence presented to the City Council. The burden of proof of this issue is upon the developer.

D. Council Action

After closing the public hearing, the City Council shall determine based on substantial evidence whether the developer has complied in good faith with the terms and conditions of the development agreement.

1. **Compliance.** If the City Council finds and determines based on substantial evidence that the developer has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded and such determination is final in absence of fraud.
2. **Noncompliance.** If the City Council finds and determines on the basis of substantial evidence that the developer has not complied in good faith with the terms and conditions of the development agreement during the period under review, the City Council may allow the development agreement to be continued by imposition of new terms and conditions intended to remedy such noncompliance or to be otherwise modified, by the mutual consent of the developer and the City or the City Council may unilaterally terminate the development agreement or take other action authorized by Government Code Section 65865.1. The City Council may impose such terms and conditions to the action it takes as it considers necessary to protect the interests of the City. The decision of the City Council shall be final. The rights of the parties after termination shall be as set forth in Section 94113.14 of this Division.
3. Any termination, modification or imposition of new terms and conditions pursuant to this section shall be by ordinance.
 - a. The ordinance shall recite the facts, findings, information relied on and/or the lack thereof, and the reasons which, in the opinion of the City Council, make the termination or modifications or imposition of new terms and conditions of the development agreement necessary.
 - b. The enactment of such an ordinance by the City Council shall be final and conclusive as to its effect on the subject development agreement. Not later than ten days following the adoption of the ordinance, one copy thereof shall be forwarded to the developer.
4. The development agreement shall be terminated, or the amendments to the development agreement shall become effective, on the effective date of the ordinance or as otherwise provided in such ordinance.

94113.7 Other Requirements

A. Initiation of amendment or cancellation.

A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Any such person may propose an amendment to or cancellation in whole or in part of the development agreement.

1. The procedure for amendment or cancellation in whole or in part of a development agreement by mutual consent shall be as follows:
 - a. Upon receipt by Director of a proposal for an amendment to or cancellation in whole or in part of the development agreement, a public hearing thereon shall be set and conducted before the City Council within 90 days of receipt of the proposal.
 - b. Before providing notice of the public hearing at which the City introduces the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the property owner of its intention to initiate

such proceedings at least ten days in advance of the giving of notice of intention to consider the amendment or cancellation.

- c. Any amendment, cancellation or imposition of new terms and conditions pursuant to this section shall be by ordinance. The ordinance shall recite the facts, findings, information relied on, and reasons which, in the opinion of the City Council, make the amendments or cancellation of the development agreement necessary. Not later than ten days following the adoption of the ordinance, one copy thereof shall be forwarded to the developer. The development agreement shall become effective on the effective date of such ordinance unless otherwise indicated therein.
 - d. Although approved by the City Council, an amendment to or cancellation of a development agreement shall not be binding or enforceable prior to the effective date of the ordinance approving the amendment or cancellation of the development agreement and the execution of such amendment or a written consent to such cancellation by all parties to the development agreement or by their successors in interest.
2. The failure of any person entitled to notice required by law or this Division to receive such notice shall not affect the authority of the City to enter into or invalidate a development agreement entered into by the City or other action taken under this Division.
 3. All the public hearings under this chapter shall be conducted in accordance with the procedures and the time limits specified for the conduct of such hearings in this Division. A copy of any relevant proposed or existing development agreement shall be made available for public review at the City Clerk's office prior to the date of each hearing thereon.

B. Irregularity in proceeding.

Formal rules of evidence or procedure which must be followed in a court of law shall not be applied in the consideration of a proposed development agreement, its modification, cancellation, or termination under this chapter and the provisions of this chapter shall provide the procedure for such consideration. The qualified applicant or developer has the burden of presenting substantial evidence at each of the public hearings on the proposal and shall be given an opportunity to present evidence in support of the qualified applicant's or developer's position. No action, inaction, or recommendation regarding the proposed development agreement, its modification, cancellation, or termination shall be held void or invalid or be set aside by a court on the ground of the improper admission or rejection of evidence or by reason of any error, irregularity, informality, neglect, or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court finds that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted if error is shown.

C. Subsequently adopted State and Federal laws.

All development agreements shall be subject to the regulations and requirements of the laws of the State of California, the Constitution of the United States and any codes, statutes or executive mandates and

any court decisions, State or Federal, thereunder. If any such law, code, statute, or decision made or enacted after a development agreement has been entered into prevents or precludes compliance with one or more provisions of the development agreement then such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such law, code, statute, mandate or decision, and every such development agreement shall so provide.

D. Development and Site Plan Review Required.

Unless otherwise provided in a development agreement, the implementation and execution of all phases of a development agreement shall be subject to development and site plan review pursuant to Division 5.

E. Governing rules, regulations, development policies and effect of development agreement.

When approved, the development agreement and any development control maps and all notations, references, and regulations, which are a part of the development agreement, shall be incorporated by reference into and be a part of this Code. Development control maps include, but are not limited to, the following:

1. Regulations intended to carry out any plan respecting location or type of activities; height, bulk, siting or design of buildings or improvements; location or design of open areas; and landscaping and other comparable regulations.
2. In the case of any conflict with any other provisions of this Code, such development agreement provisions shall take precedence.
3. Unless otherwise provided by the development agreement, or imposed for reasons of health or safety during the term of the development agreement, rules, regulations and official policies of the City governing permitted uses of the land, governing density and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement.
4. A development agreement shall not prevent the City, in subsequent actions applicable to the property or to the City in general, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property at the time of execution of the development agreement, nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.
5. Each development agreement shall provide, and it is provided in this section, that this section and the provisions thereof do not apply to taxes, imposts, assessments, fees, charges or other exactions imposed by or payable to City unless specifically and to the extent otherwise expressly agreed to by City in the development agreement, and that all of such shall be in amounts fixed at the time they are payable.

F. Rights of the parties after cancellation or termination.

If a development agreement is canceled, or otherwise terminated, unless otherwise agreed in writing by City, all rights of the developer, property owner or successors in interest under the development agreement shall terminate and all benefits, including money or land, received by the City shall be retained by the City.

1. Notwithstanding the above provision, any termination of the development agreement shall not prevent the developer from completing a building or other improvements authorized to be constructed pursuant to a valid operative building permit previously approved by the City and under construction at the time of termination, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring during and after construction, and neither the developer nor any tenant shall occupy any portion of the project or any building not authorized by an occupancy permit.
2. As used herein, “construction” shall mean work on site under a valid building permit and “completing” shall mean completion of construction for beneficial occupancy for developer’s use, or if a portion of the project is intended for use by a lessee or tenant, then for such portion “completion” shall mean completion of construction except for interior improvements such as partitions, duct and electrical run outs, floor coverings, wall coverings, lighting, furniture, trade fixtures, finished ceilings, and other improvements typically constructed by or for tenants of similar buildings. All such uses shall, to the extent applicable, be deemed nonconforming uses and shall be subject to the nonconforming use provisions of [Part 3-B, Division 44, Nonconforming Uses](#).

G. Construction.

This Division and any subsequent development agreement shall be read together. With respect to any development agreement enacted under this chapter, any provision of such a development agreement in conflict with this Division shall be void.

H. Recordation of development agreement, ordinances, and notices.

1. Within ten days following complete execution of a development agreement and following effective date of enacting ordinance, the City Clerk shall record with the Los Angeles County Recorder, a fully executed copy of the development agreement and ordinance approving development agreement, which shall describe the land subject thereto. The development agreement shall be binding upon, and the benefits of the development agreement shall inure to the parties and all successors in interest to the parties to the development agreement.
2. If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Government Code Section 65868 or this Division or if the City Council terminates or modifies the development agreement as provided in Government Code Section 65865.1 or this Division for failure of the developer to comply in good faith with the terms or conditions of the development agreement, the City Clerk shall, after such action takes effect, have notice of such action recorded with the County Recorder of Los Angeles County.

I. Enforcement of development agreements

Except as provided below, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the City which alters or amends the rules, regulations, or policies specified in this Division or in the development agreement itself.

An exception to the certainty intended by execution of a development agreement as expressed in State law and this Division shall be when a change to the development agreement is imposed or required not by City-initiated action, but rather by City response to (i) federal or state court or administrative agency determination or (ii) federal or state legislative or administrative agency regulation requirement.

J. Severability

Should any provision of this Division or of a subsequent development agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Division and development agreement shall remain in full force and effect unimpaired by the holding, except as may otherwise be provided in a development agreement. The City Council hereby declares that it would have adopted and enacted this Division and each provision thereof irrespective of the fact that any one or more of the provisions, or the applications thereof to any person or place, be declared invalid or unconstitutional. For the purpose of this section, a “provision” is a section, subsection, paragraph, sentence, clause, phrase or portion of any thereof.

K. Judicial review – Time limitation.

1. Any judicial review of the initial approval by the City of a development agreement shall be by writ of mandate pursuant to [Section 1085 of the Code of Civil Procedure](#); and judicial review of any City action taken pursuant to this Division, other than the initial approval of a development agreement, shall be writ of mandate pursuant to Section 1094.5 of the Code of Civil Procedure.
2. Any action or proceeding to attack, review, set aside, void, or annul any decision of the City taken pursuant to this Division shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) days after the date of the decision.

L. Condemnation.

All and every part of the development agreements are subject to condemnation proceedings and entering into such agreements are not intended to restrict the exercise of eminent domain.

Division 14. Zoning Text and Map Amendments

Sections:

- 94114.1 Purpose and Applicability.**
- 94114.2 Procedures.**
- 94114.3 Required Findings.**
- 94114.4 Prezoning.**

94114.1 Purpose and Applicability.

The purpose of this Part is to provide procedures by which changes may be made to the text of the Zoning Code and to the Zoning Map (sometimes collectively referred to in this Division as a zoning amendment) whenever the public necessity and convenience and the general welfare require such amendment to maintain consistency with the General Plan. A Zoning Map Amendment pursuant to this Division changes the Zoning District applicable to the subject property and revises the Zoning District boundaries.

The procedures in this Division shall apply to all proposals to change the text of the Zoning Code or to revise a Zoning District classification or Zoning District boundary line shown on the Zoning Map.

94114.2 Procedures.

A. Initiation. Consideration of an amendment to the text of the Zoning Ordinance or to the Zoning Map may be initiated by:

1. **City Council.** A resolution of intention adopted by the City Council directing the Planning Commission to initiate consideration of an amendment,
2. **Planning Commission.** A resolution of intention adopted by the Planning Commission,
3. **Text Amendment.** An amendment to the text of the Zoning Ordinance may be initiated by any qualified applicant identified in Section 9412.2, Application Forms and Fees; or
4. **Map Amendment.** An amendment to the Zoning Map may be initiated by the owner or owners of the subject property or by a petition signed by no fewer than 50 persons who are property owners or tenants within the City.

B. Application Requirements.

1. **Application.** A qualified applicant shall apply for a zoning amendment on a form prescribed by the Director accompanied by the required fee. The Director may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
2. **Coordination with Other Applications.** The Planning Division may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of the Zoning Code to be processed simultaneously with the proposed zoning amendment.

C. Review Procedures and Public Notice.

1. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on any application for a zoning amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment and the City's review thereof meets

the criteria in this Division for approving a zoning amendment and complies with or is not subject to the California Environmental Quality Act, as applicable.

3. **Public Hearing Required.** All zoning amendments shall be referred to the Planning Commission, which shall hold at least one public hearing on any proposed amendment.
4. **Public Notice.** The Planning Division shall provide notice of the public hearing consistent with Division 2, Common Procedures.

D. Planning Commission Hearing and Recommendation.

1. **Recommendation to Council.** Following its public hearing, the Planning Commission shall make a recommendation on the proposed zoning amendment to the City Council. Such recommendation shall include the reasons for the recommendation, and the findings made related to the required criteria for approval of zoning amendments in this Division and shall be transmitted to the City Council. If the matter under consideration is a proposal to reclassify a property from one zone to another and the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an interested party files a written request for a hearing with the City Clerk within 14 days after the Planning Commission action.
2. **City Council Hearing and Action.** After receiving the report from the Planning Commission or a written request from any qualified applicant identified in Section 9412.2 of this Division or by any person who signed a petition to initiate the Code amendment, the City Council shall hold a duly noticed public hearing.
 - a. The Planning Division shall provide notice of the public hearing consistent with Division 2, Common Procedures, Section 9412.6, Public Hearings. The notice shall include a summary of the Planning Commission recommendation.
 - b. After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed zoning amendment.

94114.3 Required Findings.

The Planning Commission shall not recommend, and the City Council shall not approve a Zoning Amendment unless it makes all the following findings:

A. Zoning Ordinance Text Amendments.

1. The Ordinance amendment is consistent with the applicable requirements of State and federal law,
2. The amendment is consistent with the policies of General Plan and any applicable Specific Plan and will not substantially impair achieving the plan's objectives; and
3. The amendment is consistent with the purpose of the Zoning Code to promote the growth of the City of Carson in an orderly manner and to promote and protect the public health, safety, and general welfare.

B. Revisions to Zoning District Boundaries.

1. The Ordinance amendment is consistent with the applicable requirements of State and federal law,
2. The amendment is consistent with the policies of General Plan and any applicable Specific Plan and will not substantially impair achieving the plan's objectives,
3. The change in district boundaries is consistent with the purpose of the Zoning Code to promote the growth of the City of Carson in an orderly manner and to promote and protect the public health, safety, and general welfare; and
4. The change in district boundaries is necessary to achieve the balance of land uses desired by the city, consistent with the General Plan, and to increase the inventory of land within a given Zoning District.

94114.4 Prezoning

The City may prezone unincorporated territory adjoining the City for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the City.

- A. The method of accomplishing such prezoning shall be as provided in this Division, except that notice of public hearing need only be given by publication at least once in a newspaper of general circulation, published and circulated in the area to be prezoned, or if there is none, by posting in three public places in the area to be prezoned. Such zoning shall become effective when the annexation becomes effective pursuant to California Government Code Section [65854](#) and [65859](#).
- B. If the City has not prezoned territory which is annexed, it may adopt an interim ordinance in accordance with the provisions of this Code and California Government Code Section [65859](#).

Division 15. General Plan Consistency Review

Sections:

- 94115.1 Consistency with the General Plan Required.**
- 94115.2 Process for Consistency Determinations; Director’s Decision and Appeals.**
- 94115.3 Criteria for Determining General Plan Conformity**

94115.1 Consistency with the General Plan Required.

Any permit, license or approval issued pursuant to this Code must be consistent with the Carson General Plan. In any case where there is a conflict between this Code and the General Plan, the General Plan shall prevail. This Division establishes procedures for determining conformity with the General Plan.

94115.2 Process for Consistency Determinations; Director’s Decision and Appeals.

- A.** The Director shall make a preliminary determination whether a proposed zone change, subdivision, or other land use or development application is consistent with the General Plan according to the criteria for General Plan conformity determinations established in this Division and issue a written decision.
 - 1. If the Director determines that a proposal is not consistent with the General Plan based on the criteria in Section 94115.3 or that there is reasonable doubt regarding General Plan consistency, the Director shall notify the applicant in writing pursuant to [Division 2, Section 9412.3, Application Review](#). Alternatively, the Director may refer the application to the Planning Commission for a consistency determination.
 - 2. If the Planning Commission or the City Council is the Planning Authority for the relevant entitlement, the Director shall refer the application to the Planning Commission for a consistency finding prior to review of the proposal itself or may deny or recommend denial of the proposal based on inconsistency with the General Plan.
- B.** If the Director is the Planning Authority, the Director’s decision may be appealed to the Planning Commission consistent with the provisions contained in Part 4, Division 2, Common Procedures, [Section 9412.13, Appeals](#). The Commission shall act on the appeal after a duly noticed public hearing. The Commission’s decision may be appealed to the City Council. In considering an appeal at a duly noticed public hearing, the appeal body shall determine whether the application is consistent with the General Plan and may affirm, overturn, or modify the proposed determination. The decision of the appeal body shall be made by resolution.

94115.3 Criteria for Determining General Plan Consistency.

The rule of general plan consistency is that the project must at least be compatible with the objectives and policies of the general plan. State law does not require precise conformity of a proposed project with the land use designation for a site, or an exact match between the project and the applicable general plan. Instead, a finding of consistency requires only that the proposed project be compatible with the objectives, policies, general land uses, and programs specified in the applicable general plan. The courts have

interpreted this provision as requiring that a project be in agreement or harmony with the terms of the applicable general plan, not in rigid conformity with every detail thereof.

The City's determinations of consistency of an application or project with the General Plan shall be made according to applicable state law as referenced in the preceding paragraph.

Division 16. Interim Zoning.

Sections:

94116.1	Purpose
94116.2	Procedures
94116.3	Required Finding
94116.4	Compliance with State Requirements

94116.1 Purpose

In accordance with this Division and Government Code Section [65858 \(a\)](#), the City Council, to protect the public safety, health, and welfare, may adopt an interim ordinance prohibiting any uses that may conflict with a contemplated General Plan, Specific Plan or zoning proposal that the City Council, Planning Commission or the Director is considering or studying or intends to study within a reasonable time. Nothing in this Division shall limit the power of the City Council, by virtue of the City Charter, to take necessary action to protect the public health, safety, and welfare.

94116.2 Procedures.

- A.** In adopting an interim ordinance, the City Council need not follow the procedures otherwise required prior to the adoption of a zoning ordinance or a text amendment to this Zoning Code as provided for in this Part.
- B.** An interim ordinance may be adopted as an urgency ordinance pursuant to the provisions of Section 313(F) and 316(4) of the City Charter.
- C.** The interim ordinance shall be of no further force and effect 45 days from its date of adoption, unless extended in compliance with the following:
 1. After notice and a public hearing pursuant to Division 2, [Sections 9412.5 and 9412.6](#), the City Council, by a four-fifths vote, may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. No more than two extensions may be adopted.
 2. Alternatively, an interim ordinance may be adopted by a four-fifths vote after notice and a public hearing pursuant to [Division 2, Section 9412.6](#), in which case it shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to [Section 9412.5](#) and public hearing, the City Council may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.
- D.** Ten days before the expiration of an interim ordinance or any extension, the City Council shall issue a written report describing the measures taken to alleviate the condition(s) which led to the adoption of the ordinance.
- E.** Subject to this Division, the City Council, as part of any interim ordinance, may adopt procedures to modify the standards contained in the interim ordinance, and may establish procedures which differ from those contained in [Division 2, Common Procedures](#).

94116.3 Required Finding.

The City Council shall not adopt or extend any interim ordinance pursuant to this Division unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety, and welfare, and that the approval of additional subdivisions, use permits, variances, building permits or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in a threat to public health, safety, and welfare.

94116.4 Compliance with State Requirements for Interim Ordinances Denying Approvals for Multifamily Housing.

If the interim ordinance would have the effect of denying approvals needed for the development of projects with a significant component of multifamily housing (i.e., projects in which multifamily housing consists of one-third of the total square footage of the project), in addition to the required findings of Section 94114.3, the City Council shall not adopt or extend the ordinance without finding, supported by substantial evidence on the record, that all of the following conditions exist as required by subparagraphs [\(c\)\(1\) through \(c\)\(3\) of Government Code Section 65858](#), or any successor legislation:

- A. The continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body.
- B. The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).
- C. There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.
- D. For purposes of this section, “development of multifamily housing projects” does not include the demolition, conversion, redevelopment, or rehabilitation of multifamily housing that is affordable to lower income households, as defined in [Section 50079.5 of the Health and Safety Code](#), or that will result in an increase in the price or reduction of the number of affordable units in a multifamily housing project.

Division 17. General Plan Amendments

Sections:

- 94117.1 Purpose and Applicability.
- 94117.2 Procedures.
- 94117.3 Required Findings.

94117.1 Purpose and Applicability.

This Part is intended to establish procedures for making changes to the General Plan when it is in the public interest to do so as provided for in State law. These procedures apply to all proposals to change the text of the General Plan and the diagrams that illustrate the application of its provisions.

94117.2 Procedures.

- A. **Initiation.** An amendment to the General Plan may be initiated by:
 - 1. Any qualified applicant identified in Section 9412.2, Application Forms and Fees; or
 - 2. An order of the City Council or Planning Commission, on its own motion or on the recommendation of the Director.
- B. **Application Requirements.** An application for an amendment to the General Plan must be filed and processed in accordance with the provisions of this Division and considered by the City Council with a recommendation from the Planning Commission. It must be processed in accord with [Government Code Section 65350 et seq.](#) Its approval must be by resolution, and it is subject to referendum.
- C. **Required Information.** In addition to any other application requirements, an application for a General Plan amendment must include a statement, supported by documentation, that describes how the proposed amendment be consistent with to the General Plan's goals and the benefit to the public that will result from approving the proposed change or changes to the General Plan.
- D. **Director's Report.** The Director must prepare a report and recommendation to the Planning Commission, which must include, but is not limited to, a discussion of how the proposed amendment complies with the purposes of this article and the General Plan's goals, and a determination as to whether the proposed amendment will require amendment to other plans that the City Council has adopted.
- E. **Planning Commission Recommendation.** The Commission's recommendation must be forwarded to the City Council for action on the proposed amendment except in the situation specified in subsection G.
- F. **Planning Commission Action.** The Planning Commission must hold a public hearing noticed and conducted as required by Division 2, Common Procedures, and must then vote on its recommendation on the proposed amendment.
- G. **Recommendation Against Private Application.** If the amendment under consideration was initiated by an applicant pursuant to subsection A.1 and the Planning Commission recommends against the adoption of such amendment, the application is denied, and the City Council is not

required to take any further action on the amendment unless the Planning Commission's decision is appealed pursuant to Division 2, Common Procedures, Section 9412.13, Appeals.

- H. All Other Situations.** Following the public hearing, the Planning Commission must submit a recommendation on the proposed amendment and environmental determination to the City Council. The recommendation must include the reasons for the recommendation; the extent to which the proposed amendment meets the purposes of this article; the consistency of the proposed amendment with the General Plan and any other adopted plan; and any changes to the amendment that the Commission deems necessary to ensure internal consistency of the General Plan and consistency with other adopted plans, or to reduce environmental impacts.
- I. City Council Action.**
1. After receiving the report from the Planning Commission, the City Council must hold a public hearing noticed and conducted as required by Division 2 Common Procedures. The notice must include a summary of the Planning Commission's recommendation.
 2. After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed General Plan amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification will first be referred to the Planning Commission for its recommendation, but the Planning Commission will not be required to hold a public hearing on the matter. If the Planning Commission fails to report back to the City Council within 45 days after the referral, the modification will be deemed to have been recommended for approval.
 3. The City Council's approval of an amendment to the General Plan must be by resolution, adopted by the affirmative vote of not less than a majority of the total membership of the Council.
- J.** Following the Council action, the City Clerk will make the documents amending the General Plan, including the diagrams and text, available for public inspection.

94117.3 Required Findings

The Planning Commission in recommending, and the City Council in approving, an amendment to the General Plan, must make all the following findings:

- A.** The proposed amendment will contribute to the public health, safety, and general welfare or will be of benefit to the public.
- B.** The proposed amendment is consistent with the General Plan goals unless the goals themselves are proposed to be amended.
- C.** The proposed amendment retains the internal consistency of the General Plan and is consistent with other adopted plans unless a concurrent amendment to those plans is also proposed and will result in consistency.
- D.** The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

Division 18. Enforcement and Abatement

Sections:

- 94118.1 Purpose and Applicability.**
- 94118.2 Responsibility.**
- 94118.3 Violation**
- 94118.4 Buildings in Violation of Provisions Deemed Nuisance.**
- 94118.5 Permit Revocation.**
- 94118.6 Grounds for Revocation**
- 94118.7 Notices to Property Owners.**

94118.1 Purpose and Applicability.

The provisions of this Part establish procedures and requirements to ensure compliance with this Title. These provisions shall apply to the enforcement of this title but shall not be deemed to exclude other measures. The provisions of this Part are applicable not only to private persons, firms, corporations, agencies, and organizations, but also to all public agencies to the extent permissible by law.

94118.2 Responsibility.

It shall be the duty of the Director to enforce all the provisions of this title. All officials, departments, and employees of the city vested with the authority to issue permits, certificates, or licenses shall adhere to, and require consistency with this title, and any such permit certificate or license issued in conflict with the provisions of this title shall be null and void.

94118.3 Violation.

Whenever any building, structure or premises is being used in violation of any provision of title, the development services director may by written notice order the owner or user or both to discontinue such use and to vacate such building, structure, or premises. The person so notified shall discontinue the use or modify the use to comply with the provisions of this title within 15 days after receipt of such written notice.

A. Inspection to Ensure Compliance.

Whenever they shall have cause to suspect a violation of any provision of this Title; or whenever necessary to investigate either an application for granting, extension or modification, or an action to revoke or modify a variance or use permit; or whenever necessary to investigate a proposed amendment of this title, the officials responsible for enforcement or administration of this title or their duly authorized representatives, may enter any site for the purpose of investigation, provided they shall do so in a reasonable manner.

B. Owner or Occupant Permission Required

No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. During such inspection, no building or structure shall be entered without the express permission of the owner or occupant.

94118.4 Building in Violation of Provisions Deemed Nuisance.

The setting up, erection, construction, alteration, enlargement, conversion, moving or maintenance of any building or structure contrary to the provisions of this title, and any use of land, building or premises established, conducted, operated, or maintained contrary to the provisions of this title is a public nuisance.

94118.5 Permit Revocation.

- A. For purposes of this Part, a "permit" includes any Temporary Use Permit, minor use permit, major use permit, site development plan, unit plan, planned development permit or any other land use entitlement granted by the Director, or the Planning Commission as may be applicable, pursuant to the requirements of this Code.
- B. No permit issued pursuant to the provisions of this title may be revoked except in compliance with the procedures of this Part.
- C. Whenever the Director has sufficient cause to believe that the holder of a permit is in violation of the provisions of this title, or has failed to maintain a use in accordance with the specific conditions of approval attached to the permit, the Director shall give notice to the property owner(s) and the occupant(s) that the manner of use of the property is violation with the provisions of this title or the conditions of approval attached to the permit. The notice shall specify the violation(s) and identify the date by which the corrective action(s) must occur.
- D. If the corrective action specified by the Director does not occur within 15 days of the date of the notice, the Director shall issue a written notice of hearing before the Planning Commission on the proposed permit revocation, together with written notification of the specific grounds of complaint against the property owner(s) and the occupant(s). The written hearing notices shall be personally delivered or sent by certified mail to the property owner and the occupant at least 14 calendar days prior to the hearing.
- E. The public hearing on the permit revocation shall be scheduled for consideration by the Planning Commission within 60 calendar days of the date set in the notice and shall be in accordance with the provisions of this Code as may be applicable.
- F. The Planning Commission may revoke, modify, or take no action on the permit. Any additional conditions imposed on the permit shall be in keeping with the applicable standards for the use and the zoning district in which the property is located.
- G. The Planning Commission decision shall be in writing and shall be hand delivered or mailed to the property owner and the occupant.
- H. The Planning Commission shall make its decision within 30 calendar days of the public hearing.
- I. The decision of the Planning Commission may be appealed in compliance with the provisions of [Division 2, Section 9412.3, Appeals](#).
- J. In the event a permit is revoked pursuant to this Part, a new permit for the same use may not be issued for twelve months after the date of such revocation.

94118.6 Grounds for Revocation. A permit may be revoked by the City based on any of the following determinations:

- A. That the business or activity has been conducted in a manner which violates the provisions of this title or is a public nuisance in violation of the Carson Municipal Code or fails to adhere to one or more of the conditions of approval imposed upon the issuance of the permit, or which fails to conform to the plans and procedures described in the application.
- B. That the permittee has failed to obtain or maintain all required city and state licenses and permits required for its operation.
- C. That the permittee is engaging in a use that is not allowed or a use that is different from that for which the permit was issued.
- D. **Conditions of approval.** Any condition of approval attached to the granting of a use permit, planned unit development permit, variance permit or development and site plan review approval, or any other permit or approval provided for in this title shall have the same force and effect as if it were a requirement mandated by this title. Maintaining a use in the absence of, or in a manner inconsistent with, a previously imposed condition of approval is a public nuisance.

94118.7 Notices to Property Owners.

Whenever under the provisions of this title notice is required to be mailed to property owners, such notice shall be addressed to the person or persons listed as the owner of the real property in the most current equalized assessment roll of Los Angeles County available at the time the notice is prepared at owner's last known place of address as shown therein.

- A. The failure of any property owner to receive such notice shall not invalidate the proceeding which has been noticed.
- B. The procedures set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances by all other remedies of the Carson Municipal Code or through other legally established procedures.
- C. Appeals of administrative citations issued for violations of this Code shall be heard by the Planning Commission in the same manner as public nuisances under Article V, [Chapter 7, Property Maintenance](#) of the Carson Municipal Code. The Commission's decision may be appealed to the City Council in compliance with [Chapter 7, Part 2, Enforcement Procedure](#).

Part 5. General Terms

Definitions of terms commonly used throughout the Code will appear at the end of the document. This organizational strategy helps to elevate the most important sections of the Code—the regulations themselves—above the sections primarily serving as a reference tool. Their position at the end of the Code, however, maintains the ease with which code users can locate the section when needed. The list of terms serves as an index to the definitions used in the code and would include a cross-reference to the heading under which each term is found. For example, Rear Lot Line would refer the user to Lot Line Types, Through Lot to Lot Types, and Rear Yard to Yard Types. Definitions in the existing Code and the Draft Code will be revised as necessary to ensure they simply define terms the Code uses and do not establish standards (e.g., distillery, large format liquor store, special events at bed and breakfast inns, winery, etc.). This Part is intended to include all terms the new Code uses, including those applicable to non-residential districts and provisions that will be included in Phase 2 of the Code update. Revisions may, however, be required after Phase 2 has been reviewed by the Planning Commission and the City Council. The final version of Part 5 will also include graphics when needed to clarify definitions.

Division 1. Use Classifications

All use types allowed citywide will be listed here according to use classification (i.e., residential, commercial). Following is a partial list of the uses that may be listed in this Division. A more comprehensive use classification list based on use groups of similar functions and characteristics will be prepared and reviewed during the Code update process.

Sections:

- 9511.1 Purpose and Applicability
- 9511.2 Residential Uses
- 9511.3 Public and Semi-Public Uses
- 9511.4 Commercial Uses
- 9511.5 Industrial Uses
- 9511.6 Transportation, Communication and Utilities Uses
- 9511.7 Accessory Uses

9511.1 Purpose and Applicability

Use classifications describe one or more uses of land having similar characteristics but do not list every use or activity that may appropriately be within the classification. The Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Chapter. The Director may determine that a specific use shall not be deemed to be within a classification, whether named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification.

9511.2 Residential Uses

Single-unit residential. A building containing one dwelling unit located on a single lot. These include mobile homes and manufactured housing installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Single-unit dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a single lot that does not contain any other unit (except an accessory dwelling unit, where permitted) and is attached through common vertical walls to one or more dwellings on abutting lot. An attached single-unit dwelling is sometimes called a “townhouse” or “zero-lot line” development. This classification includes individual attached manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Single-unit dwelling, Detached. A dwelling unit that is designed for occupancy by one household, located on a single lot that does not contain any other dwelling unit (except an accessory dwelling unit, where permitted), and not attached to another dwelling unit on an abutting lot. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Duplex. A single building that contains two dwelling units or two single unit dwellings on a single lot. This use is distinguished from an Accessory Dwelling Unit.

Multiple unit residential. Three or more dwelling units within a single building or in two or more buildings on a site or lot(s), including a triplex or fourplex. Types of multiple-unit dwellings include garden apartments, courtyard housing, bungalow courts, senior housing developments, and multi-story apartment buildings. See definitions for further information regarding development types. The classification is distinguished from Group Residential.

Group residential. Shared living quarters with or without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes unlicensed sober living homes, supportive and transitional housing, rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, farmworker housing, and private residential clubs but excludes Residential Care facilities licensed by the State Department of Social Services and Hotel and Motel establishments intended for transient occupancy, both of which types are classified separately.

Mobile home park. As defined in [CMC 9191.398](#), any area or tract of land intended, maintained or designed for the purpose of supplying a location or accommodation for two or more mobile homes including all buildings used or intended to be used as part of the equipment of such facility regardless of whether a charge is made for such use. Not included in this definition are trailer camp, trailer court, trailer park and similar terms.

Residential care facility. A state-licensed facility for the non-medical care and supervision of children, adolescents, adults, or elderly persons. This use includes community care facilities as defined in California Health and Safety Code (H&SC) Section 1500 *et seq.*, residential care facilities for the elderly (H&SC Section 1569 *et seq.*), facilities for the mentally disordered or otherwise handicapped (California Welfare and Institutions Code Section 5000 *et seq.*), alcoholism or drug abuse recovery or treatment facilities (H&SC Section 11834.02), supportive housing (California Government Code

Section 65582), and other similar facilities. This use excludes medical care institutions, skilled nursing facilities, nursing homes, foster homes, family day care homes, childcare facilities, and transitional housing.

Residential care, General. State licensed facility, family home, group care facility, or similar facility that is maintained and operated to provide 24-hour nonmedical residential care for seven or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance.

Residential care, Limited. State licensed facility, family home, group care facility, or similar facility that is maintained and operated to provide 24-hour nonmedical residential care for six or fewer adults, children, or adults and children as-in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual and which is required by state law to be treated as a single housekeeping unit for zoning purposes. This use includes the administration of limited medical assistance.

Residential care, Senior. A housing arrangement chosen voluntarily by the resident, the resident's guardian, conservator, or other responsible person, where residents are 60 years of age or older and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California.

Hospice, General. A facility that provides residential living quarters for more than six terminally ill persons.

Hospice, Limited. A facility that provides residential living quarters for up to six terminally ill persons.

Congregate Living Health Facility. A facility that provides that provides inpatient care, including medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social, and recreational services in a non-institutional, homelike environment for persons needing skilled nursing care on a recurring, intermittent, extended, or continuous basis.

Shopkeeper unit. A dwelling unit located above and with an internal connection to a ground floor commercial space that is operated by the resident of the dwelling unit and meets applicable occupancy separation requirements of the California Building Code. This use type is distinguished from a live-work unit.

Single room occupancy. A facility providing dwelling units where each unit meets the requirements of California Health and Safety Code Section 17958.1 as an efficiency unit or guest room. The unit may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer

Skilled Nursing Facility. A facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes

physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Supportive housing. As defined in California Health and Safety Code 50675.14(b): Any dwelling unit or a Group Living Accommodation, that is occupied by the target population as defined in subdivision (d) of Section 53260 of the CA Health and Safety Code with no limit on length of stay, that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Transitional housing. Dwelling units with a limited length of stay that are operated under a program requiring recirculation to another program recipient at some future point in time. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of residential housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single-unit dwelling). This classification includes domestic violence shelters.

9511.3 Public and semi-public use classifications

Adult day care. Establishments licensed by the State of California to provide non-medical care for persons 18 years of age or older on a less-than-24-hour basis licensed by the State of California. Services may include therapeutic activities such as art, singing, age-appropriate games, health monitoring, social work, meals, dietary counseling, physical, occupational and speech therapy.

Cemetery. A place, either public or private, religious, or secular, for the interment of human or animal remains, including mausoleums, burial places, memorial gardens, statuary and incidental structures for storage, maintenance, administrative functions, and memorial services. A cemetery may include a columbarium for the storage of cremated remains.

Crematory. A place with a building or structure containing a furnace used for the reduction of human remains by way of incineration.

Child daycare and early education facility. Establishments licensed by the State of California to provide non-medical care for persons less than 18 years of age on a less-than-24-hour basis other than Family Day Care (Small and Large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children, and any other day care facility licensed by the State of California.

Colleges and trade schools, public or private. Institutions of higher education, including public or private colleges and universities granting associate arts degrees, certificates, undergraduate and graduate degrees, junior colleges, business and computer schools, management training, technical and trade schools, but excluding personal instructional services such as music lessons. These facilities typically offer classrooms, laboratories, and staff offices within a shared office building, often containing typical business and professional office suites and conference centers and academic

retreats associated with such institutions. This use may include student housing (e.g., dormitories, fraternities, multi-family housing, or sororities) administrative centers, student unions, libraries, and cafeteria facilities.

Community assembly. A facility for public or private meetings, including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms, and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

Community garden. A site used by the community or a neighborhood for the growing of ornamental plants, herbs, fruits, flowers, or vegetables that are not sold commercially but are used exclusively for personal use. The use is without permanent structures. Community gardens may be accessory to public or institutional uses, such as parks, schools, community centers, or religious assembly uses. This classification does not include gardens that are on a property in residential use when access is limited to those who reside on the property. Community Gardens do not include Medical Marijuana Collectives or the cultivation of cannabis for personal use, whether medicinal or recreational.

Cultural facility. A facility engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This use classification includes libraries, museums, art galleries, performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; historical sites; aquariums; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

Emergency shelters. A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided. This classification includes, but is not limited to, navigation centers, bridge housing, and respite or recuperative care facilities under Government Code Section 65583 (a)(4)(See Low-Impact Navigation Center)

Government office. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes public safety facilities, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

Hospitals and clinics. State-licensed public, private, and non-profit facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

Clinic. A facility providing medical, mental health, or surgical services exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Extended care. An establishment providing care on a 24-hour basis for persons requiring regular medical attention but excluding facilities providing surgical or emergency medical services.

Hospital. A facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. It may include a facility that provides continuous skilled nursing care and supportive care to patients whose primary need is for skilled nursing care on an extended basis.

Park and recreation facilities, Public. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

Mini parks. Small parks serving a limited area, often where land is not available for a neighborhood facility. These parks generally include children’s play areas and picnic areas.

Neighborhood parks. Facilities typically five to ten acres in size, intended to serve one or more neighborhoods located within walking or biking distance of the area served. These parks provide a range of both passive and active recreational opportunities with facilities such as ball fields, basketball courts, children’s play areas, and picnic areas.

Join use school parks. School playground and recreation facilities that are usually available for public use during off-school hours. They are typically combined with or located adjacent to a public school site and may include playfields, tennis courts and other recreational facilities.

Community spaces. Publicly accessible areas with a range of entertainment, activities, park amenities, and diverse public spaces in various sizes. Facilities have a diversity of scales, designs, and textures that create public spaces to enrich the economic, social, and cultural life of the community. Community spaces include multi-purpose plazas, rooftop green spaces, parklets, privately-owned public open spaces, and recreation and community facilities.

District/citywide parks. These facilities afford contact with the natural and/or historic environment and possess a unique character or function not found in neighborhood or community parks. Improvements may include a variety of special use facilities such as swimming, boating, fishing, golf, hiking, interpretive facilities, scenic overlooks, picnic areas, and other similar facilities.

Trail systems. This includes district/citywide pathways using public easements, rights-of-way, and natural features such as watercourses and ridgelines, providing a nonvehicular circulation

system throughout the city and district to connect major facilities and points of activity and interest. Such a trail system increases the effectiveness of recreational opportunities by providing the linkage between separate facilities to create a continuous recreational network. Such a system itself also provides recreation opportunities, such as walking, jogging, bicycling, nature study, photography, and the like.

Open space. Areas with recreational value and merit that provide visual relief from the urban landscape and provide opportunities for passive and active recreation. Open space areas are defined in the public facilities and other services element of the general plan.

Parking facility. A surface lot or structure wither publicly or privately-owned where parking is offered to the public when such use is not incidental to another activity.

Public safety facility. A facility for public safety and emergency services, including police and fire protection, with incidental storage, training and maintenance facilities. This use includes facilities used by the National Guard or the Military Reserve.

School. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools.

Social services center. Facility providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (See Adult Day Care and Childcare and Early Education Facility), clinics (see Clinic), and emergency shelters providing 24-hour or overnight care (See Emergency Shelter).

9511.4 Commercial use classifications

Adult Business. Any commercial activity, whether conducted intermittently or full time, which primarily involves the sale, display, exhibition or viewing of books, magazines, films, videos, photographs, or other materials, distinguished, or characterized by an emphasis on matter depicting, describing adult activity. Such activity includes adult bookstores, adult arcades, adult movie theaters, adult cabarets, adult hotels/motels, massage parlors (excluding those in compliance with Section 5.04.205 of the Municipal Code), and adult theaters, which exclude minors by virtue of age. See Part 3-B, Division 12 for Adult Use Regulations.

Adult Bookstore or Video Store. A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas."

Adult Nightclub. A club, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

Adult Motion Picture Theater. A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

Viewing Room. The room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital videodisc, or other video reproduction.

Animal Care, Sales, and Services. Retail sales and services related to the boarding, grooming, and care of household pets, including:

Animal Boarding. The provision of shelter and care for small animals on a commercial basis including keeping, feeding, exercising, grooming, and incidental medical care. This classification includes animal shelters and kennels.

Auctioning. Auctioning of livestock on a wholesale or retail basis with the incidental storage of animals produced off property for periods not exceeding 40 hours. Typical uses include animal auctions or livestock auction yards.

Grooming and Pet Store. Retail sales and services of dogs, cats, birds, and similar small animals, including grooming, on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, sales of pet supplies and equipment, and boarding of domestic animals for a maximum period of 48 hours completely within a structure. This classification excludes dog walking and similar pet care services not performed at a fixed location.

Horse Stables. Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables with indoor or outdoor rings, a dressing room, a harness room, a staff area, watering place, and a room for animal care services.

Kennel. A commercial, non-profit, or government facility for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator on a 24-hour basis. This classification includes animal shelters and pet hospitals that provide boarding for animals not receiving services on the site but excludes boarding for periods of 48 hours or less.

Pet Clinic/Hospital. Establishments where small animals receive medical and surgical treatment. This classification only includes facilities that are enclosed, soundproofed, and air-conditioned. Grooming and temporary boarding of domestic animals is included if incidental to the hospital use.

Pet Day Care Service. A commercial, non-profit, or governmental facility for keeping four or more dogs, cats, or other household pets not owned by the kennel owner or operator primarily for periods of less than 24 hours.

Auto/Vehicle Sales Retail or wholesale businesses that sell, lease or rent automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles, including:

Auto Auction. A facility that sells new or used automobiles and other vehicles through a bidding process. The facility typically includes a storage lot.

Auto Broker, Office Only. An establishment engaged in arranging, negotiating and assisting in the sale of new or used automobiles or other vehicles within an enclosed building with no vehicle display.

Auto Broker, Office w/Display. An establishment engaged in arranging, negotiating and assisting in the sale of new or used automobiles or other vehicles within an enclosed building with an indoor vehicle display area.

Auto/Vehicle Rental (Minor). Rental of automobiles or equipment with limited vehicle storage (five parking spaces or less) and maintenance on the same site but excluding maintenance requiring pneumatic lifts.

Auto/Vehicle Rental (Major). Rental of automobiles or equipment with vehicle storage (more than five parking spaces) and maintenance on the same site including maintenance requiring pneumatic lifts.

Auto/Vehicle (New) Sales and Leasing. The sale, or leasing of automobiles, trucks, tractors, construction or agricultural equipment, recreational vehicles, and similar equipment, including storage and incidental maintenance and repair. This use may also include used car sales.

- *Minor.* Sales and leasing within an enclosed structure without any incidental maintenance or repair work, outdoor display, or outdoor storage.
- *Major.* Sales and leasing of vehicles with incidental maintenance or repair work, outdoor display or outdoor storage.

Auto/Vehicle Used Sales: Sales of used or pre-owned vehicles with incidental maintenance, repair work, outdoor display or outdoor storage.

Auto/Vehicle Services

Alternative Fuels and Recharging Facilities. A commercial facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., biofuels, LPG) as well as equipment to recharge electric-powered vehicles.

Auto/Vehicle/Equipment Repair. The repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. These uses include auto repair shops, body and fender shops, wheel and brake shops, oil change shops, auto glass sales and installation, stereo and alarm sales and installation, and tire sales and installation, but exclude vehicle dismantling or salvage and tire retreading or recapping as described below.

- *Light.* The service and repair of automobiles, light-duty trucks, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tune-up and brake and muffler shops where repairs are made, or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal, or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of heavy trucks, limousines, or construction vehicles.
- *Heavy.* Service and repair of automobiles, trucks, motorcycles, including incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission repair, wheel and brake shops, vehicle painting, tire sales and installation, and installation of car alarms, vehicle radios, and navigation systems, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Auto/Vehicle Washing/Detailing. Washing, detailing, waxing, or cleaning of automobiles or similar light duty motor vehicles including self-service washing facilities.

- *Small Scale.* Washing and detailing businesses that do not occupy more than 1,000 square feet and are located within a structure, service station, or other auto-related establishment.

Service Stations. An establishment engaged in the retail sale of vehicle fuel, lubricants, parts and accessories. These uses include service stations with convenience stores, self-service auto washes and facilities having service bays for vehicle service and repair. The service and repair may include incidental maintenance and repair of automobiles and light trucks but shall not include maintenance and repair of large trucks, or body and fender work or automobile painting on any vehicles. Light Auto/Vehicle/Equipment Repair is allowed here but not heavy as described above.

- *Full Service.* A service station that has one or more service bays.
- *Minimum Service.* A service station that has no service bays.

Wrecking, towing and impound. The storage of operative or inoperative vehicles. These uses include storage of parking tow-aways, impound yards, and storage lots for buses and recreational vehicles, but do not include vehicle dismantling.

Automobile Storage Lot. A property used for short- or long-term parking of operable vehicles for sale or lease at an automobile dealership or rental agency on a separate lot.

Commercial Vehicle and Equipment Facilities. Heavy vehicle and large equipment, sales/rental, service, and repair. An establishment that sells/ rents and may provide service and repairs to

construction, farm, or other heavy equipment. It does not include autos, trucks and other passenger vehicles used for personal or business travel.

Commercial Vehicles and Equipment. An establishment that sells, rents or services or repairs construction, farm, or other heavy equipment, as well as vehicles for moving or towing property, such as cranes, earthmoving equipment, forklifts, tractors, cargo trucks, heavy trucks, trailers and vans.

Recreational Vehicles. An establishment that sells, rents and/or leases motor homes, trailers, and boats, including incidental storage, installation of accessories and maintenance. This includes facilities that repair or service recreational vehicles.

Banks and Financial Institutions

Banks and Credit Union. A bank, savings and loan, credit union, or other financial institution that provides retail-banking services to individuals and businesses but excluding Check Cashing Businesses. These uses include only those institutions engaged in the on-site circulation of cash money. For administration, headquarters, or other offices of banks and credit unions without retail banking services/on-site circulation of money, see Finance, Insurance and Real Estate Services.

Alternative Financial Services. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in California Civil Code 1789.33. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money orders incidental to their main purpose or business.

Business services. Establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, quick printing services, and blueprint services.

Catering services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment for commercial purposes. This use includes theaters, concert halls, cinemas, nightclubs, and comedy clubs, and restaurants, snack bars, and other incidental good and beverage service for patrons.

Cinema. Facilities for indoor display of films and motion pictures.

Electronic Game Center. An establishment that provides more than four amusement devices, regardless of whether the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill and which is activated by coin, key, or token, or for which the player or user pays money for the privilege of playing or using.

Theater. Facility designed and used for entertainment, including plays, comedy, and music, which typically contains a stage upon which movable scenery and theatrical appliances, or musical instruments and equipment are used.

Large-scale facility. This classification includes large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses. It also includes indoor and facilities with more than 5,000 square feet in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice- or roller-skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; and riding stables.

Small-Scale facility. This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, electronic game centers, health clubs, yoga studios, music studios, dance halls, small tennis club facilities, pool-rooms, and amusement arcades.

Eating and drinking establishment. Businesses primarily engaged in the selling and serving of prepared food and beverages for consumption on or off premises. Typical uses include restaurants, bars, brewpubs and tasting rooms, but does not include adult uses as defined and regulated by Part 3-B, Division 12, Adult Use Regulations.

Bar/Tavern/Lounge. Establishments that operate under a Type 48 Department of Alcoholic Beverage Control license (On-sale General—Public Premises) and sell beer, wine and distilled spirits for consumption on the premises or Type 42 license (On-sale Beer and Wine-Public Premises) but do not necessarily sell food. Tavern also includes bars and pubs that operate under a Type 40 license (On-sale Beer) and which sell sandwiches or snacks but not wine or distilled spirits. This use does not include Night Clubs as defined by these regulations or restaurants that operate under a Type 48 License.

Brewpub. A full-service or limited-service restaurant with a micro-brewery as an accessory use. A brewpub may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.

Nightclub. An establishment engaged primarily in offering entertainment to the public, in the form of music for dancing or live or recorded performances. The establishment may or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises.

Restaurant, Full Service. Restaurant providing food and beverage services to patrons who order and are served while seated and pay after eating. Take-out service may also be provided.

Full-service restaurant includes eating places authorized to sell beer, wine, and distilled spirits for consumption on-site under Type 47 Department of Alcoholic Beverage Control license and eating places that are authorized to sell beer and wine under a Type 41 License.

Restaurant, Limited Service. Establishment where food and beverages are consumed on the premises, taken out, or delivered, and where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products.

Restaurant with Drive-Through. Establishment where food or coffee-type beverages are purchased by motorists who remain in their vehicles during the sales transaction including drive-up service.

Tasting Room/Wine Bar. An establishment or place within a winery or brewery or other premises or a separate establishment licensed by the State Department of Alcoholic Beverage Control where wine, beer, and other alcoholic beverages produced, grown, or processed on the same site or off-site and are offered for sale or without charge to members of the public. Food may also be served. Tasting rooms may be established and operated by a single winery or brewery or collectively by a group of producers.

Equipment Rental. Establishment engaged in rental of equipment, such as small business machines, medical devices and party equipment (e.g. chairs, tables, dishes, etc.) to individuals and businesses, and whose activities may include storage and delivery of items to customers. This specifically excludes the rental of industrial machinery or vehicles.

Financial, Insurance and Real Estate Services. The finance, insurance and real estate services use type refers to establishments primarily engaged in the provision of financial, insurance, real estate or securities brokerage services. Typical uses include investment banks, insurance agencies or real estate firms, but exclude uses involving the on-site circulation of cash, which are classified as Banks and Financial Institutions, and Pawn Shops.

Food and beverage retail sales. Retail sales of food and beverages retail for consumption off-premises. Typical uses include groceries, produce stores, liquor stores delicatessens, bakeries, and other specialty food stores.

Convenience Store. A retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience and travelers' shopping needs, including a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. This classification includes small retail stores located on the same lot as or operated in conjunction with a fuel Service Station but does not include small general markets, delicatessens, or specialty food shops. Alcohol sales only allowed subject to approval of use permit.

Farmers' Market. An outdoor market certified for direct retail sales by farms to the public by the State or County Agricultural Commission under California Code of Regulations Title 3,

Division 3, Article 6.5. Additional activities including, but not limited to, retail sales of other food products, mobile food vendors, performance artists, etc. may occur at the same location subject to approval by the market operator.

Grocery Store/Supermarket. The retail sale of food and beverages for off-site preparation or consumption. This use may also include bakeries and the provision of other services (e.g., banks, copy services, dry cleaners, film processing, food take-outs, pharmacies, florists, etc.) under one roof. The use includes produce stores where most of the floor area is used for selling fresh fruits and vegetables, fresh and frozen meats, fish, and poultry as well as other items intended for home preparation and consumption.

Liquor store. A retail establishment licensed by the State Department of Alcoholic Beverage Control to sell alcoholic beverages for off-site consumption. See Part 3-B, Division 14, Alcoholic Beverage Sales for additional details and requirements.

Off-sale general. A store operating under a Type 21 license authorizing sale of distilled spirits, beer, wine, and other alcoholic beverages for consumption off the premises.

Off-sale beer and wine. A store operating under a Type 20 license authorizing sale of beer and wine for consumption off the premises.

Mobile Food Truck Off-Street. Commercial vending of food and beverages from vehicles parked off-street. See Part 3-B, Division 40, Mobile Food Vending for additional details.

Produce Store. An indoor market of food and beverages for off-site preparation or consumption and includes fresh fruits, vegetables, poultry, eggs, meats, dairy products and dry groceries.

Public Market. Indoor and or outdoor retail year-round use with multiple food vendors that are owner-operated shops, stalls, and/or day-tables. The market may include a food hall with independent purveyors with common seating area. The public market may sell in season, fresh and farm products, artisan, crafts, limited production products. The public market may be owned and operated by public or non-profit entities. This use includes farmers' markets.

Funeral/interment service. An establishment providing services involving the care, preparation, or disposition of human remains for burial including arranging and managing funerals but not including cemeteries, crematories, columbariums, or religious assembly uses, which are separately regulated.

Laboratory. An establishment providing dental or medical laboratory services; or an establishment providing analytical, photographic, testing services, or similar uses.

Live/work Unit. A unit that combines a workspace and incidental residential occupancy, in which the work component is the primary use and the residential component is secondary, occupied by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity. The "work" activity is conducted by a person or persons for whom the living space is their principal residence. See Part 3-B, Division 38, Live/Work Units for further details.

Commercial Lodging. An establishment primarily engaged in the provision of overnight accommodations for patrons who maintain a permanent place of residence elsewhere. Incidental food, drink and other sales and services intended for the convenience of guests may be provided. This classification does not include Mobile Home Parks.

Bed and breakfast. An establishment offering lodging on less than a weekly basis in a residential structure in which the property owner or manager lives on site with incidental eating and drinking service for lodgers only provided from a single kitchen on the premises. Bed and breakfast does not include Vacation rentals or other short-term rental accommodations available for rent or hire where the owner or manager occupies the premises while paying guests are present.

Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents including recreational vehicle parks.

Hotel and motel. An establishment providing temporary lodging to transient patrons but not providing room rentals on an hourly basis. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the public. This use classification includes motor lodges, motels, apartment hotels, hostels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs, single-room occupancy housing, or bed and breakfast establishments within a single-unit residence.

Maintenance or Repair Services. An establishment providing appliance repair, office machine repair, or building maintenance services. This use does not include the maintenance and repair of vehicles (see Vehicle/Equipment Repair).

Nursery and Garden Center. A retail establishment selling plants, seeds, shrubs, and various gardening equipment. Garden products such as trees, shrubs, plants, seeds, bulbs, and sod are predominantly grown elsewhere. All merchandise other than plants is kept within an enclosed structure or fully screened. Fertilizers of any type are stored and sold in package form only.

Offices. Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities (See Research and Development) and hospitals (see Hospitals and Clinics).

Business and professional. Offices of firms or organizations providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office (See Offices, Walk-In Clientele).

Medical and dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Walk-In clientele. Offices providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, private utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (See Banks and Financial Institutions).

Parking facilities. Surface lots and structures for the use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another on-site activity.

Personal services

General Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, day/health spas (massage service as accessory), nail salons, tanning salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, photography studios, and travel agencies mainly intended for the consumer. This classification also includes massage establishments that are in full compliance with the applicable provisions of the Municipal Code, and in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612, but excludes gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction (see Personal Services, Physical Training)

Personal Services, Massage Service. Any premises, place of business or membership club where the primary use is providing or giving for a fee or other form of consideration a massage, bath, manipulation of the body, electric or magnetic treatment, alcohol rub or other similar massage service or procedure. A use where accessory massage occurs i.e., chair massage services in a supermarket, massage services in the courtyard of an outdoor or indoor shopping center) shall not be classified as a massage establishment.

Personal Services, Massage Therapy. Massage operations in conjunction with and on the same premises and when accessory to a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist who are duly State-licensed to practice their respective professions in the State of California, trainers of athletes, and State-licensed barbers, beauticians, manicurists, cosmetologists, and estheticians while engaging in practices as part their license.

Personal Services, Physical Training. Gyms, exercise clubs, or studios offering martial arts, physical exercise, yoga training and similar types of instruction to classes and groups of more than five persons.

Personal Services, Tattoo or Body Modification Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Retail sales

Building Materials, Sales and Service. Retailing, wholesaling or rental of building supplies or equipment. These uses include lumberyards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes the exclusive retail sales of paint and hardware, plant nurseries, and activities classified under Auto/Vehicle Sales and Services - Sales and Leasing. Accessory sales of paint and hardware are permitted.

Cannabis Retail (Recreational and Medical). The retail sale of cannabis, cannabis products, or devices for the use of cannabis for recreational and medical purposes as a principal sales item or incidental to other sales. This use includes delivery.

Firearms Retail Sales. The retail sale of firearms or ammunition, whether it is the principal sales item or incidental to the overall sales. This use includes firearms dealers that transfer and lease any firearms.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 75,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

Convenience Store. Small retail self-service stores selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation, a high volume of customer traffic, and either standalone or associated with auto service stations. Alcohol sales only allowed subject to use permit.

Discount Store. Retail establishments selling a broad range of outlet, close-out, discontinued, liquidation, or overstock and general merchandise, primarily at a single discount price and/or in the low and very low-price ranges.

Large Format Retail. Retail establishments with more than 80,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, of which more than 10,000 square feet is used for the sale of non-taxable merchandise, including, but not limited to, food

and beverage retail sales. This includes membership warehouse clubs and similar retail establishments known as “superstores”.

Pawnshop. An establishment engaged in the buying, selling, trading, accepting for consignment, accepting for auctioning, or auctioning of new or secondhand merchandise and offering loans in exchange for or secured by personal property.

Smoke shop. Any establishment that devotes 20 percent or more of the display area to the sale or exchange of tobacco products and/or tobacco paraphernalia. (See Definition.) This does not include retail sales of cannabis for recreational or medical purposes, which are separately regulated.

Swap meet. The display, exchange, barter or sale of new or used common household items or office equipment and furnishings, clothing, personal effects, household furnishings and household appliances at an approved location. These include both indoor and outdoor swap meets, conducted on either a permanent or recurring basis. Also known as a flea market.

9511.5 Industrial use classifications

Artisan/small-scale manufacturing. The artisan/small-scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacturers.

Artist’s studio. Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students. It does not include joint living and working units (See Live-Work).

Studio-Light. Small-scale art production that is generally of a low impact. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.

Studio-Heavy. Art production on a medium or large scale generally using heavy equipment. Typical uses include large-scale metal and woodworking studios.

Brewery Production. A facility licensed by the State to manufacture beer, ale, mead, hard cider, and similar brewed beverages. See Division 2, Definitions.

Brewery-Micro. An establishment licensed by the California Department of Alcohol Beverage Control to less than 15,000 barrels of ales, beers, meads, hard ciders and/or similar beverages onsite with or without food subject to a Type 23 license. Micro-breweries may also serve beverages onsite and sell beverages for offsite consumption pursuant to the regulations of the California Department of Alcohol Beverage Control and the federal Bureau of Alcohol, Tobacco, and Firearms. This also includes a do-it-yourself brewery where customers produce craft style beer or wine on the premises of a brewery or microbrewery. Customers also may purchase the

ingredients, rent the equipment, time and space, and be assisted/trained by an on-site brew master.

Brewery - Large. An establishment that annually produces 15,000 barrels or more of ales, beers, meads, hard ciders and/or similar beverages onsite subject to a Type 1 license. Production breweries may also serve beverages onsite, with or without the service of food, and sell beverages for offsite consumption pursuant to the regulations of this Code, the California Department of Alcohol Beverage Control, and the federal Bureau of Alcohol, Tobacco, and Firearms.

Cannabis uses. Establishments involved in the planting, growing, harvesting, drying, curing, grading, trimming, or distribution of marijuana as defined in and regulated by Article VI, Chapter 15 of the Carson Municipal Code.

Commercial kitchen. Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include catering and commissary facilities. This classification does not include businesses involved in the processing or manufacturing of wholesale food products (See Industry, Limited).

Industry, general. The manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products, primarily from extracted or raw materials, or bulk storage and handling of the products and materials. Uses in this classification involve an incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. These uses include auto dismantling within an enclosed building; biomass energy conversion; food processing and packaging, laundry and dry-cleaning plants greater than 5,000 square feet in size, production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing, concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation.

Industry, limited. The manufacturing of finished parts or products primarily from previously prepared materials; and provision of industrial services within an enclosed building. These uses include processing, fabrication, assembly and treatment, commercial laundries and dry-cleaning plants with 5,000 square feet or less; monument works; printing, engraving, and publishing; sign painting shops; machine and electrical shops; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. It also includes the preparation, manufacturing, and/or packaging of food for off-site consumption. Typical food manufacturing uses include canners, roasters, breweries, wholesale bakeries, and frozen food manufacturers. It excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services and commercial bakeries that provide seating for on-site consumption, which are classified as take-out restaurants.

Media production. Establishments engaged in the production of movies, video, music and similar forms of intellectual property. Typical facilities include movie and recording studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, post-

production facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations. This classification does not include facilities for live audiences (see Commercial Entertainment and Recreation) or transmission and receiving equipment for radio or television broadcasting (see Communication Facility).

Support facility. Administrative and technical production support facilities such as offices, editing and sound recording studios, film laboratories, and similar functions that occur entirely within a building.

Full-service facility. Indoor and outdoor production facilities, distribution facilities, post-production facilities, set construction facilities, sound stages, special effects facilities, and other media-related production operations.

Recycling facilities. A collection facility for recycling materials including glass, metal, paper products and other materials as may be determined by the Director. This use includes donation collection facilities, mobile recycling units, reverse vending machines and small and large collection facilities.

Recycling, large. A recycling facility over 500 square feet for the acceptance of recyclable materials from the public by means of a bulk or single-feed reverse vending machine, a mobile recycling unit, a kiosk unit, or a permanent building. A large collection recycling facility shall be the primary use on the site.

Recycling, small. A recycling facility of 500 square feet or less for the deposit or drop-off of CRV recyclable materials. for the acceptance of recyclable materials from the public by means of a bulk or single-feed reverse vending machine, a mobile recycling unit, or a kiosk unit. A small collection recycling facility shall be incidental to an existing primary commercial use and shall not include any type of power-driven processing equipment other than that required to operate a reverse vending machine.

Research and development. A facility for scientific research and the design development, and testing of and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, technology components and products, and other similar uses in advance of product manufacturing. This classification includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities. It may also include offices as a secondary use. Typical uses include electronics research laboratories, space research and development firms, and pharmaceutical research labs but excludes medical testing, analysis, and product testing.

Salvage and wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange, or sale of goods, including, but not limited to any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Warehousing, storage, and distribution. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

Chemical, mineral, and explosives storage. Storage and handling of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor warehousing and storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials. This classification also includes cold storage, draying or freight, moving and storage, and warehouses. It excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor storage. Storage of vehicles or commercial goods or materials in open lots. Typical uses include monument or stone yards, grain elevators or open storage yards.

Mini-storage. A storage facility that is characterized by individual separate spaces which are accessible by customers for the storing and retrieval of personal effects, household goods, business supplies or products offered for off-site sales. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, office or other business services, or human habitation on the premises. Also called self-service storage.

9511.6

Public and semi-public use classifications

Adult day care. Establishments providing non-medical care for persons 18 years of age or older on a less-than-24-hour basis licensed by the State of California.

Cemetery. A place, either public or private, religious, or secular, for the interment of human or animal remains, including mausoleums, burial places, columbarium, memorial gardens, statuary and incidental structures for storage, maintenance, administrative functions, and memorial services.

Crematory. A place with a building or structure containing a furnace used for the reduction of human remains by way of incineration.

Childcare and early education facility. Establishments providing non-medical care for persons less than 18 years of age on a less-than-24-hour basis other than Family Day Care (Small and Large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children, and any other day care facility licensed by the State of California.

Colleges and trade schools, public or private. Institutions of higher education, including public or private colleges and universities granting associate arts degrees, certificates, undergraduate and graduate degrees, junior colleges, business and computer schools, management training, technical and trade schools, but excluding personal instructional services such as music lessons. These facilities typically offer classrooms, laboratories, and staff offices within a shared office building, often containing typical business and professional office suites and conference centers and academic retreats associated with such institutions. This use may include student housing (e.g., dormitories, fraternities, multi-family housing, or sororities) administrative centers, student unions, libraries, and cafeteria facilities located on the same site as classrooms, offices, and other uses.

Community assembly. A facility for public or private meetings, including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms, and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

Community garden. Land used for the cultivation of edible and non-edible plants grown for and maintained by a group of individuals in the community. Community gardens may produce food for individual consumption or food for sale, may be designed for beautification of the community, and/or may be used for educational purposes. Community gardens may be accessory to public or institutional uses, such as parks, schools, community centers, or religious assembly uses. This classification does not include gardens that are on a property in residential use when access is limited to those who reside on the property. Community Gardens do not include Medical Marijuana Collectives or the cultivation of cannabis for personal use, whether medicinal or recreational.

Cultural facility. A facility engaged in activities to serve and promote cultural educational interest in the community that are open to the public on a regular basis. This use classification includes libraries, museums, art galleries, performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; historical and archeological sites; aquariums; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

Emergency shelters. A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided. This classification includes Low-Barrier Navigation Centers as defined in Government Code Section 65662.

Government office. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes public safety facilities, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

Hospitals and clinics. State-licensed public, private, and non-profit facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

Clinic. A facility providing medical, mental health, or surgical services exclusively on an outpatient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment,

blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Extended care. An establishment providing care on a 24-hour basis for persons requiring regular medical attention but excluding facilities providing surgical or emergency medical services.

Hospital. A facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. It may include a facility that provides continuous skilled nursing care and supportive care to patients whose primary need is for skilled nursing care on an extended basis.

Park and recreation facilities, public. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the general public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

Neighborhood park. Facilities typically less than seven acres in size, which are designed primarily to provide facilities for preschool, and elementary age children. They may be combined with or be located adjacent to elementary school site and may include open, multiuse turfed playfields, play apparatus areas, park-like landscaped areas, multigame court areas, sanitation facilities and/or meeting facilities meant to serve nearby neighborhoods.

Community park. Facilities that are usually eight or more acres in size and are designed primarily for recreational activities of all age groups. They may be combined with or be located adjacent to junior high or high school sites. They may include open, multiuse turfed areas, sports fields, play apparatus areas, park-like landscaped areas, tennis courts, swim centers, recreation buildings, lighted ballfields, picnic areas, parking, and sanitation facilities meant to serve a larger community than just nearby neighborhoods.

District/citywide park. These facilities afford contact with the natural and/or historic environment and possess a unique character or function not found in neighborhood or community parks. Improvements may include a variety of special use facilities such as swimming, boating, fishing, golf, hiking, interpretive facilities, scenic overlooks, picnic areas, and other similar facilities meant to serve citizens citywide.

Trail systems. This includes district/citywide pathways using public easements, rights-of-way, and natural features such as watercourses and ridgelines, providing a non-vehicular circulation system throughout the city and district to connect major facilities and points of activity and interest. Such a trail system increases the effectiveness of recreational opportunities by providing the linkage between separate facilities to create a continuous recreational network. Such a system itself also provides recreation opportunities, such as walking, jogging, bicycling, nature study, photography, and the like.

Open space. Areas with recreational value and merit that provide visual relief from the urban landscape and provide opportunities for passive and active recreation. Open space areas are defined in the public facilities and other services element of the general plan.

Parking facility. A surface lot or structure wither publicly or privately-owned where parking is offered to the public when such use is not incidental to another activity.

Public safety facility. A facility for public safety and emergency services, including police and fire protection, with incidental storage, training and maintenance facilities. This use includes facilities used by the National Guard or the Military Reserve.

School. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools.

Social services center. Facility providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (See Adult Day Care and Early Education Facility), clinics (see Clinic), and emergency shelters providing 24-hour or overnight care (See Emergency Shelter).

9111.1 Transportation, communication and utilities use classifications

Airports and heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal buildings and parking, air freight terminals, baggage handling facilities, aircraft hangar and public transportation and related facilities, including bus operations, servicing, and storage. This classification also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops, and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Blimp port. Facility providing mooring masts and associated equipment for docking of blimps and similar air ships but not airplanes or helicopters. Blimp ports that may include a hangar, maintenance sheds and other small structures.

Passenger station. Facilities for passenger transportation operations. This classification includes rail, bus and ferry stations and terminals but does not include terminals serving airports or heliports. Typical uses include ticket purchasing and waiting areas out of the public right-of-way, restrooms, and accessory uses such as cafés.

Light fleet-based service. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does

not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site.

Utility, major. Generating plants, electrical substations, aboveground electrical transmission lines, refuse collection or disposal facilities, dredge disposal sites, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utility, minor. A utility facility that is necessary to support a legally established use and involves only minor structures (e.g., electrical distribution lines).

9111.2 Accessory uses

Accessory dwelling unit. An attached or a detached residential dwelling unit as defined by Section 65852.2(j) of the Government Code, as may be amended, which provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation and is situated on the same lot as the single-unit dwelling with which it is associated. This term also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a Junior Accessory Dwelling Unit, as defined in Section 65852.22 of the Government Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code, as may be amended. This use is distinguished from a duplex, which is not subject to the requirements of State law for Accessory Dwelling Units.

Caretaker unit. Living accommodations for employees and their immediate families employed for the exclusive purpose of on-site management, maintenance, or upkeep. Also known as a building manager's unit.

Family day care. A home at which the resident of the home provides regular nonmedical care, protection, and supervision of one (1) for up to fourteen (14) children for periods of less than 24-hours per day while the parents or authorized representatives are away. The provider shall be licensed per the State Health and Safety Code unless specifically exempted therein.

Family day care home, small. A family day care home that provides family day care for up to eight (8), including children who reside at the home, pursuant to Health and Safety Code Section 1597, as may be amended.

Family day care home, large. A family day care home that provides family day care for up to seven (7) to fourteen (14) children, including children who reside at the home pursuant to Health and Safety Code Section 1597, as may be amended.

Guest house. Living quarters for temporary occupancy by guests of the owner that have no kitchen facilities and are not rented or otherwise used as a separate dwelling unit.

Home-based business. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

Tasting room. A space for on-site tasting of alcoholic beverages and retail sales that is licensed by the California Department of Alcoholic Beverage Control and operated within a winery, micro-

brewery/micro-distillery, grocery store, large format liquor store or wine shop but not within a liquor store or a convenience store or mini-market associated with fuel sales. See Eating and Drinking Establishments for tasting rooms that are not within a winery, brewery, or other production facility on the same site.

Division 2. Definitions

Sections:

- 9112.1 Purpose
- 9112.2 Applicability
- 9112.3 Terms and Definitions

9112.1 Purpose.

The purpose of this Division is to establish the precise meaning of words and phrases to facilitate consistent application of the Zoning Code's regulations and requirements. The terms in this Division are intended to augment the glossary included in the 2040 General Plan. Definitions are also intended to:

- A. Eliminate vagueness and ambiguity that may create confusion especially when words and phrases may be subject to differing interpretations,
- B. Make technical jargon understandable to all Code users,
- C. Help to ensure implementation of the Code is consistent with applicable and related federal, State, and City statutes and case law by using the same terms and citing such laws as appropriate; and,
- D. Ensure that the meaning of words and terms is consistent with their generally accepted meaning.

9112.2 Applicability.

The meaning and construction of words and phrases defined in this Part of the New Zoning Code will apply throughout the Code. However, to make the Code easier to use, technical terms only used in one Division, such as requirements for sign regulations, water-efficient landscaping, and wireless communications, will appear at the beginning of the Section in which they are used and not in this Division.

- A. Terms and definitions are distinguished from standards, measurements and other requirements that regulate the defined word or phrase.
- B. Terms and definitions in this Division only apply to words and phrases that this Code uses.
- C. All citations to State or federal law mean existing provisions and any subsequent amendments.

9112.3 Terms and Definitions

Abandoned, Abandonment. Ceasing continuous use of a nonconforming building, lot, activity or permit without any authorization that may be granted under the provisions of the Zoning Code.

Abutting, Adjoining. Having a common boundary or property line or district line.

Access. The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property or use as required by this Code.

Act of Nature. A natural occurrence such as an earthquake, flood, landslide, tidal wave, hurricane, fire, tornado, or similar event, which causes substantial damage to buildings or property.

Active frontage. Building features and activities in those portions of a building visible from the street or other public right-of-way that engage pedestrians and others in the public realm by attracting their interest.

Addition. The creation of any new portion of a building that results in a vertical or horizontal extension of the building, or results in any new gross floor area that was not present in the building prior to construction of the addition. The creation of a mezzanine or loft, or a conversion of a previously unused attic or underfloor space to usable floor area, shall be considered an addition for the purposes of this Zoning Code.

Adequate. Sufficient or good enough to meet a specific need or requirement.

Adjacent. Having a boundary or lot property line(s) in common or bordering directly, or separated by a natural barrier, street, or other public right-of-way.

Adjudicative decision. An action involving approval or denial of a specific project, application or set of facts based on evaluation of compliance with an adopted policy, rule, regulation, or similar adopted set of rules or policies such as a Code or specific plan. Sometimes called “quasi-judicial” action.

Administrative review. The process for permit/project review with a formal decision by the Director having approval authority.

Adverse or negative effect or impact. A change in the conditions affecting a use or property that will be harmful to those who frequent the property or will degrade the quality of the physical conditions they enjoy.

Agriculture. The production, keeping, or maintenance of plants and/or animals useful to people for purposes including, but not limited to, food and fiber crops, livestock forage and grazing, orchards, and cultivation of nursery and ornamental plants.

Alcohol-related terms.

Alcoholic Beverage. Any beverage, including, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, that contains one-half of one percent or more of alcohol by volume and is fit for human consumption, either alone or when diluted, mixed, or combined with other substances, and sales of which require a California Department of Alcoholic Beverage Control license.

Off-sale liquor establishment. Any establishment that requires a liquor license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages that will not be consumed on the property on which the alcohol is sold.

On-sale liquor establishment. Any establishment that requires a liquor license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages that will be consumed on the premises on the property on which the alcohol is sold.

Allowed Use. A use of land as a permitted or conditionally permitted that may be established with zoning compliance review (for a “by right” or permitted use) or a land use permit for a conditionally permitted use and use permitted with any other applicable planning application and/or building permit approval, subject to compliance with all applicable provisions of the Zoning Code.

Alley. A public or private thoroughfare other than a street that is permanently reserved for access to the rear or side of a property abutting a street.

Alteration. Any change, addition or modification that changes the interior construction or exterior architectural appearance or materials of a structure. Alteration includes but is not limited to changes in exterior surfaces, changes in materials, additions, remodels, demolitions, landscaping, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Minor alteration. Modifications to a building or structure affecting the interior or exterior of a structure that comply in all respects with the Zoning Code, are cosmetic in nature, do not result in a change in height, floor area, or lot coverage or affect an historic property or structure, and do not require work in the public right-of-way. Typical projects include minor in-kind repairs, reroofing, improvements to plumbing, electrical and mechanical systems, installation of cabinets, exterior cladding, siding, new or relocated windows or doors, and work on interior partitions other than bearing walls, and work for which no building permit is required.

Major alteration. Construction or demolition of structures, any change in the supporting members of a building or structure, changes in maximum height, total floor area, number of bedrooms, façade materials, or dwelling units, creation or removal of parking, or projects that require grading subject to a grading permit, changes to the exterior of an historic structure and work that requires a building permit.

Amusement machine. Any device, machine, apparatus, or other instrument operated electrically, mechanically, or manually, for amusement purposes only (other than those now or hereafter prohibited by the Codes of the City or laws of the state, and other than mechanical and electrical musical devices), for the use of which there is required to be deposited a coin, token, or thing of value. "Amusement machine" includes pinball machines, slot machines, miniature bowling lanes, simulated shooting galleries, electronic tennis and related machines that create electronically produced images on video screens as amusement devices, and similar machines or devices.

Animals, domestic (Household pets). Small pets such as cats, dogs, and birds. This definition excludes exotic animals and large animals, such as horses, goats, cattle, swine and similar size animals, and farm animals, such as chickens, ducks, and rabbits.

Animal husbandry. Breeding and raising of domesticated animals, poultry, and beekeeping for personal use or sale, or to use or sell products such as meat, honey, milk, eggs, and fibers.

Animal keeping. The keeping of animals, such as household pets or farm animals, for personal use and enjoyment customarily within a dwelling or a yard.

Animal shelter. Any place where stray, lost, abandoned, or surrendered animals, mostly dogs and cats, and sometimes sick or wounded wildlife are kept and rehabilitated.

Antenna. Any system of poles, panels, rods, reflectors, wires or similar devices used for the transmission or reception of electromagnetic signals, including but not limited to radio waves at any radio frequency operated by any person or organization regulated by the FCC, other than in the Amateur Radio Service. An antenna does not include the support structure the antenna(s) are mounted upon. See Division TBD, Wireless communications.

Applicant. Any entity or person who applies for a ministerial or discretionary permit, certificate, zoning approval or other entitlement.

Approval Authority. The decision-making body or official responsible for approving, approving with conditions, or denying an application, subject to any available administrative appeals. For example, the Planning Commission is the Approval Authority over an application for a Major Conditional Use Permit, the Director is the Approval Authority over an application for a Minor Use Permit.

Area. Any geographical area, for example a portion of a block, a block, or a larger district.

Architectural feature. An exterior building feature, including but not limited to a roof, walls, windows, doors, porches, posts, pillars, cornices, awnings, recesses or projections, and exterior articulation or walls, and other building surfaces.

Attic. The area less than the minimum height the California Building Code requires, which is located above the ceiling of the top story and below the roof, is not usable as habitable or commercial space, and is not considered a story.

Awning. An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework that projects from and is supported by the exterior wall of a building.

Balcony. A platform that projects horizontally from the wall of a building 30 inches or more above grade, is accessible from the building's interior, and is not accessible from the ground.

Banquet facility. A room or area available for use, lease or rent by private parties both indoor and outdoor.

Ancillary. A room or area, or portion thereof, that is rented, leased, or otherwise made available to any person or group for a private event or function, whether a fee is charged or not, where the banquet facility use is incidental and subordinate to the facility's primary use as a restaurant, hotel, golf course, winery, microbrewery or other use.

Stand-alone. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, whether or not a fee is charged and is the primary use at the site.

Basement. The lowest usable space of a building, between the floor and the ceiling, for non-habitable use such as, but not limited to, garage or storage use, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling and is not considered a story.

Bathroom. A room containing toilet, sink, and bathing facilities that meets Building Code standards.

Bay window. A portion of a building cantilevered to project out from a wall and containing angular or curved windows.

Bedroom. Any room meeting Building Code standards as a sleeping room.

Blimp. An airship without an internal structural framework that relies on the pressure of a gas, such as helium, to maintain its shape. The only solid parts of a blimp are typically the passenger car (gondola) and the tail fins.

Block. An area designated on an official map of the City, which is bounded on all sides by the public right-of-way, a railroad right-of-way, private streets or a boundary line of un-subdivided acreage or any combination of such thoroughfares.

Body piercing. An establishment providing services that puncture, perforate, or penetrate a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. The puncturing of the outer perimeter or lobe of the ear shall not be included in this definition.

Brewery. An establishment licensed by the State to manufacture beer, ale, mead, hard cider and similar brewed beverages with or without food service subject to the requirements of the Zoning Code. See Division 1, Use Classifications for additional detail.

Buffer. An open area or barrier used to separate potentially incompatible activities, land uses, and/or development features; for example, a required setback to separate an area of development from

Building. Any enclosed structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Building, accessory. A detached building located on the same lot as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if connected to it by common roof-line or fully enclosed space.

Building, principal. A building in which the principal use of the lot on which it is located is conducted except for an Accessory Dwelling Unit as defined in the Zoning Code.

Building Code. Any Code adopted by the City that governs the type and method of construction of buildings, signs, and sign structures as it may be amended including, but not limited to, the California Building Code, the State Historic Building Code, and other State-adopted uniform codes and any subsequent amendments.

Building face or facade. That portion of any exterior elevation of a building extending vertically from grade to top of a parapet, wall, or eaves, and horizontally across the entire front width of the building elevation.

Building frontage. That portion of the exterior building wall constituting primary access to a single place of business that is both adjacent to and parallel to either a public street, or walkway or parking lot.

Building lines. See "Setback" and "Build-to Line".

Bungalow court. A type of multi-unit residential development consisting of a series of small, detached structures arranged around a shared courtyard or central garden. (See Courtyard housing)

By right. Uses or construction that are designated as permitted in their zoning district subject to Zoning Compliance determination (i.e., provided they meet the objective dimensional standards and requirements of the Zoning Code). Uses allowed by right do not require discretionary review or approval.

California Environmental Quality Act (CEQA)-related terms. .

CEQA. The California Environmental Quality Act, Public Resources Code Sections 21000 et seq

CEQA Guidelines. California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000s et seq..

Environmental Impact Report (EIR). See definition in Guidelines §15362.

Initial study. See definition in Guidelines §15365.

Environmental review. An evaluation process conducted pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

Mitigated negative declaration (MND). See definition in Guidelines §15369.5.

Negative declaration. See definition in §15371.

Camping. The occupancy of any place by the property owner or with the permission of the property owner for temporary living, sleeping, or other human occupancy purposes. This definition

does not include parking or storage of an unoccupied and otherwise unused trailer coach, recreational vehicle, or tent trailer on a privately-owned lot or the occupancy of a trailer or recreational vehicle for any accessory use that this Code allows.

Campground. Land upon which temporary shelters (such as tents, travel trailers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. This term includes such permanent structures and facilities as are normally associated with the operation of a campground. This definition does not include Mobile Home Parks where mobile homes or manufactured housing units are occupied as permanent living accommodations. (See Part 3-B, Division 43).

Cannabis-related terms. See definitions in Carson Municipal Code, Article VI, Chapters 15 and 17.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Care Facility Types

Care facility, large, licensed. Any one of the following residential or nonresidential care facilities, which serves seven or more residents (or clients):

- A health facility, as defined by Health and Safety Code Section 1250, as it may be amended, including general acute care hospital; acute psychiatric hospital; skilled nursing facility; intermediate care facility; intermediate care facility/ developmentally disabled – rehabilitative; special hospital; intermediate care facility/developmentally disabled; intermediate care facility/developmentally disabled – nursing; congregate living health facility; correctional treatment center (including in-patient health services and not including facilities providing offender rehabilitation services); nursing facility; and intermediate care facility/developmentally disabled – continuous nursing.
- A community care facility, as defined by Health and Safety Code Section 1502, as it may be amended, including: residential facility; adult day program; therapeutic day services facility; foster family agency; foster family home; small family care home; social rehabilitation facility; community treatment facility; full-service adoption agency; non-custodial adoption agency.
- A residential care facility, as defined at Health and Safety Code Section 1568.01, as it may be amended, as a residential care facility for persons with chronic, life-threatening illnesses who are eighteen (18) years of age or older, or are emancipated minors, and for family units.
- A residential care facility for the elderly, as defined at Health and Safety Code Section 1569.2, as it may be amended, as a housing arrangement chosen voluntarily by persons sixty (60) years of age or over (or their authorized representative) where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on their varying needs.

- A pediatric day health and respite care facility, as defined at Health and Safety Code Section 1760.2, as may be amended, as a facility which provides an organized program of therapeutic social and day health activities and services and limited 24-hour inpatient respite care to medically fragile children twenty (21) years of age or younger, including terminally ill and technology dependent children.
- An alcoholism or drug abuse recovery or treatment facility, as defined at Health and Safety Code Section 11834.02, as may be amended, licensed by the State.

Care facility, small, licensed. A community care facility as defined by Health and Safety Code Section 1502, as may be amended, which serves six (6) or fewer residents (not including the licensee or members of the licensee’s family or staff) and is licensed by the California State Department of Social Services to provide non-medical care and supervision.

Care facility, large, unlicensed. A residential facility, not licensed by the State, for seven (7) or more individuals with a disability who are not living together as a household (as defined) and in which every person residing in the facility is an individual with a disability (except the licensee, members of the licensee’s family, or persons employed as facility staff).

Care facility, small, unlicensed. A residential facility, not licensed by the State, for six (6) or fewer total residents managed under a single operator and in which every person residing in the facility is an individual with a disability (except the licensee, members of the licensee’s family, or persons employed as facility staff).

Carport. A permanently roofed structure enclosed on not more than two sides, designed, constructed, and maintained for the parking or temporary storage of one or more motor vehicles.

Cellar. See “Basement”.

Centerline of street. The geographic center of a public or private road right-of-way.

Change of use. The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the character or type of use. A residential change of use includes, but is not limited to, the elimination of any dwelling unit, a reduction in the floor area or habitability of a dwelling unit, or a reduction in the floor area or habitability of bedroom or sleeping quarters in a group living accommodation or residential hotel, when a new use will replace a previous use. A commercial change of use includes a change to a different category of commercial or manufacturing use but does not include changes between uses that are classified in the same category of commercial or manufacturing use. Change of use does not include a change of ownership, tenancy, or management associated with a use when the previous type of use will remain substantially unchanged or the establishment of a home-based business that complies with the requirements of this Zoning Code. This definition shall not apply to Section 93143.3 nor Section 93143.4.

Childcare center. A facility licensed by the State of California where persons other than their parents care for infants, preschool children, and school children outside of school hours. As used in the Zoning Code, this definition does not include family day care facilities operated in the care provider’s place of residence.

Collection facility. A facility for the redemption or drop-off of recyclable materials. Such a facility does not process materials except limited bailing, batching and sorting of materials other than glass.

Columbarium. A building that contains vaults with recesses for storage of cinerary or cremation remains.

Commercial kitchen. Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include but are not limited to catering facilities, commissaries, and restaurants. This classification does not include businesses involved in the processing or manufacturing of wholesale food products

Commissary. As defined by the California Retail Food Code, Section 113751, a food facility that services mobile food facilities, mobile support units, or vending machines including preparation or packaging food for sale or service at other locations, disposal of liquid and solid waste, and providing potable water.

Common interest development. A common interest development (“CID”) is a real property development where property owners share a common set of financial obligations, property and easement rights established in a set of recorded restrictions (commonly referred to as “CC&Rs”). Those restrictions require property owners within CIDs to “give up a certain degree of freedom of choice which [they] might otherwise enjoy in separate, privately owned property.” (*Nahrstedt v. Lakeside Village Condo. Owners Assn.* (1994) 8 Cal.4th 361, 374.)

Community assembly. Facilities serving the public by providing spaces for meetings and similar gatherings including, but not limited to, meetings held by fraternal, political, religious, and other organizations including assembly for the purpose of worship.

Community garden. Land used for the cultivation of edible and non-edible plants grown for and maintained by a group of individuals in the community. Community gardens may produce food for individual consumption or food for sale, may be designed for beautification of the community, and/or may be used for educational purposes.

Compatible, compatibility. Compatible means the ability to co-exist with existing or proposed development or uses on nearby properties due to similarity with respect to the form or design of development, the type and level of activity, or the inclusion of measures to minimize effects that might be harmful to occupants of nearby development or interfere with the quality of their environment.

Condition of approval. A limitation imposed on a land use permit or entitlement by an approval authority, which makes the validity of the permit or entitlement contingent on compliance with a statutory or regulatory restriction, or a requirement based on a discretionary determination considering the specific circumstances of the application.

Conditional use. A use generally compatible with other uses permitted in a zoning district, but requires individual review of its location, design, configuration, and intensity and density of use

and structures through a conditional use permit application and may require the imposition of conditions of approval to ensure the appropriateness of the use at that specific location.

Construction. Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, building elements, or land, together with any scientific surveys conducted in connection with construction.

Correctional facility. A facility owned and/operated by an individual, a for-profit, or a non-profit entity used for housing or provision of services for persons who are either (1) serving a sentence from a federal, State or county court and are under restraint, supervision, or security or (2) have served a sentence or have been released from a federal, State, or county prison or jail and are living under government supervision by a government-funded program. This definition shall include, but not be limited to prisons, jails, reformatories detention centers, correction centers, re-entry centers, halfway houses, and pre-release centers.

Corridor. An area generally located along a major or secondary road including lots and or blocks adjacent to the thoroughfare as defined by applicable adopted policies and regulations.

Cottage food operation. A business operated by a person, in compliance with State and Los Angeles County regulations, for the production and/or preparation of certain non-potentially hazardous food or drink products in a kitchen within the person's primary dwelling.

Courtyard. An open, unoccupied, and unobstructed space, other than a required yard, on the same lot with a building or group of buildings that may be mostly enclosed by fences, walls, or other screening but not including any off-street parking or loading area, street, or road right-of-way.

Courtyard housing. A type of medium-density multi-unit housing with a shared outdoor open space or garden surrounded by one- or two-story attached units. Individual units are typically accessed from the courtyard. See Bungalow court.

Days. Calendar days unless this code or State law specifies otherwise.

Deck. A platform, either freestanding or attached to a building that is supported by pillars or posts. See also Balcony.

Deemed approved use. A business or entity that uses a building, structure, or site, or portion of such, for the sale of alcoholic beverages, that was lawfully established and maintained (not terminated for a period of twelve continuous months), but no longer conforms to the relevant provisions of the Zoning Code. A "deemed approved use" is not a "nonconforming use."

Density-related terms.

Density, residential. The computation expressing number of dwelling units per acre.

Density bonus. An increase in density over the otherwise maximum allowable residential density under the applicable zoning district and land-use element of the General Plan as of the date of application by the developer to the City (Government Code 65915(f)) as it may be amended).

Density bonus housing agreement. An agreement between the City and a developer setting forth the terms and conditions of the award of a density bonus, and which the City Council finds is required to make an affordable housing project economically feasible (Government Code Section 65915(h)).

Development. The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, without limitation, subdivision pursuant to the California Government Code, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use; and change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

Director. The City's Community Development Director, or his or her designee.

Discretionary decision. An action requiring the exercise of judgment that is based on a subjective determination of compliance with qualitative standards or criteria. Discretionary permits include, but are not limited to, Minor and Conditional Use Permits, Variances, Development Review, adoption and amendment of Specific Plans, and Zoning Code and Map amendments. The approval authority may approve, deny, or approve with conditions discretionary permits. Discretionary decisions require public notice and a hearing and are subject to appeal and to environmental review under the California Environmental Quality Act.

Distillery. A facility authorized to produce, bottle, rectify, process, and store distilled spirits or alcohol (i.e., vodka or grain spirits) including, but not limited to whiskey, gin, brandy, blended applejack, rum, tequila, cordials and liqueurs.

Dooryard. The yard adjacent to the front entry door of a house or onto which the front door opens.

Drive-Through facilities. Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies, and other commercial uses.

Distance, radius. The radius around a subject property line to another property line in any direction.

Dormer. A roofed structure with a window that projects out from the sloped roof of a building.

Duplex. A structure containing two dwelling units, each of which has direct access to the outside.

Dwelling unit. One or more habitable rooms, which are occupied, or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating. See Division 1, Use Classifications for additional details.

Easement. A grant to the use of land by a property owner to a public agency, corporation, or a private entity or person for specific purposes such as access, construction of utilities, drainage or other specified activity.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Effective date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Efficiency unit. A dwelling unit having a living area of not less than 150 square feet of total floor area and an additional space for a separate bathroom containing a water closet, lavatory, and bathtub or shower. The unit shall be provided with a separate closet. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear work area of not less than thirty inches in front. Light and ventilation conforming to the Building Code.

Exotic animal. A rare or unusual animal or pet that is generally considered to be a wild species including, but not limited to, snakes, hedgehogs, tigers, bears, and monkeys.

Erect. To build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.

Façade. The building front surface or face. Typically, a single-building side or elevation.

Family (Household). See Household.

Feasible. Capable of being accomplished in a successful manner within a reasonable period, considering economic, environmental, social, technological, and other relevant factors.

Fence. A horizontal or vertical barrier that functions as a means of protection or confinement or obscures sight to provide privacy, including a wall, hedge, or structure made of metal, wood, or similar material.

Fenestration. The arrangement, proportioning, and design of windows and doors in on each building elevation or side.

Findings. A statement explaining the reasoning supporting a discretionary decision based on factual information in the record before the decision-maker. Findings are required for zoning and planning decisions such as approval, approval with conditions, or denial of a Major or Minor Use Permit or Variance, environmental document, and other planning and zoning land use decisions.

Flag lot. See Lot types.

Floor. See Story.

Floor area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or structure, including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building unless otherwise stipulated.

Freeway. A public right-of-way to which the owners of abutting lands have limited or restricted right of easement of access, and which is declared to be in compliance with the California Streets and Highways Code as it may be amended.

Frontage, street. That portion of a lot or lot of land that borders a public street.

Food vending. The sale of ready-to-eat food or drink for immediate consumption by a vendor typically from a portable food booth, food cart, or food truck located in a street or other public place under public or private ownership.

Mobile food vending. The sale of food from any motorized or trailer vehicle that is portable and not permanently attached to the ground from which food and beverages are sold, served free or sampled, displayed, or offered for sale.

Garage. A building or portion of a building, either private or public, in which motor and other vehicles are stored or kept.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Grade. The location of the ground surface. See Part 1, Division 5, Rules for Measurement for additional details.

Above grade. A building or portion of a building located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling and is not considered a story.

Adjacent grade. The lowest elevation of ground surface within five feet of the building exterior wall.

Average grade. A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building and average slope of a site. Average grade is calculated separately for each building and average slope can be calculated for the overall site.

Existing grade. On vacant lots before any land development activities are undertaken, the elevation of the ground at any point on a lot as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

Finished grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.

Greenway. A linear green space extending along geographic features such as watercourses, public utility and transportation rights of way that may serve as a buffer between industrial and non-

industrial uses. Facilities are typically used for passive recreation but may include play equipment, open turf areas and picnic areas depending upon the width of the corridor. Other amenities may include pedestrian walkways, landscaped planting areas, bicycle paths, seating, lighting, community gardens and other amenities for community use as well as natural areas.

Grocery store. A retail establishment where the majority of the floor area open to the public is occupied by fresh or packaged food products to be sold for preparation and consumption off-site. Grocery stores include supermarkets that carry a full range of food and household products and have more than one location, and retail bakeries where any on-site baking is only for on-site sales. "Grocery store" does not include large format stores that combine grocery sales with retail sales of a wide variety of personal, consumer or household items.

Group home. A facility being used as a supportive living environment for persons who are considered disabled under State or federal law.

Guest house. An attached or detached habitable structure with only sleeping, living, and bathroom provisions, which does not have an indoor kitchen or cooking facilities, is occupied on a temporary basis by guests of the residents who live on the premises, and which is not rented to paying guests.

Habitable space. A conditioned living space within a building or structure that is designed to be or can be used for habitation including, but not limited to rooms or spaces intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use including any space, which has finished walls (sheetrock or plaster) and/or is heated with any fixed furnace or central heating system, including bathrooms, halls, garages and laundry rooms and storage areas with over seven feet of vertical space, shall also be considered usable space. Specifically excluded are balconies, open porches, mechanical equipment rooms and unfinished attics and basements other unfinished spaces that have less than seven feet of height.

Hardscape. Landscaping elements such as stone, concrete or tiled paving, fountains, benches, fences, arbors, gazebos, and similar durable features.

Hazardous materials. Hazardous materials means and refers to any hazardous material listed in Section [25501](#)(n) of the California Health and 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 and 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 and 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. Section [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.

Heat island effect. Heat island effect is the increase in ambient temperature that occurs over large, paved areas compared to natural landscape.

Home occupation. Any activity of a nonresidential nature carried on within a living unit, garage, or accessory structure, by an occupant of the living unit and which is clearly incidental and secondary to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, the conduct of an art or profession, the offering of a service, home office, or the conduct of a business.

Household. One or more persons living together as a single housekeeping unit in a dwelling unit with access to and common use of all living and eating areas and facilities for preparation and storage of food. Household members have established ties and familiarity with each other, interact with each other, share meals, household activities, and expenses and responsibilities. Members may or may not be related by blood and/or marriage. See “Family.”

Housing First. An approach to serving people experiencing homelessness by first providing a decent, safe place to live before addressing any other barriers that may have resulted in the person’s homelessness and could put them at risk of homelessness again (e.g., increasing income, improving health, or reducing harmful behaviors).

Infrastructure improvement. Projects constructed, financed, installed, or agreed to installed by a property owner, subdivider, public agency, private utility, any other entity approved by the City, or a combination thereof including, street work and utilities on land to be used for public or private streets, highways, ways and easements, as are necessary for the general use of the lot owners in the subdivision and to meet local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map; and any other specific infrastructure, such as streets and sidewalks, trails, drainage, utilities, or other types of physical improvements, the installation of which is necessary to ensure consistency with or implementation of the General Plan or any applicable specific plan.

Incentive. A regulatory or financial concession, grant, refund, or waiver, which may reduce or avoid project costs or increase project feasibility awarded through the Density Bonus application process or under Part 4, Division TBD, Community Benefits.

Junkyard. Any yard, plot, space, enclosure, building, or other place where discarded items are collected, stored, gathered, or kept.

Kitchen. A room that is primarily used for cooking and preparation of food that contains a kitchen sink, cooking equipment, (See CA Building Code)

Land use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

Legislative decision. An action by the City Council approving a Plan, Code, or other set of guidelines, policies, standards, or other rules for the use or development of land and property subject to the City of Carson’s jurisdiction.

Live entertainment and dancing. Any "public dance" and/or live musical performances where fixed seating or chairs are not provided for each patron or customer in attendance. A fee or cover charge may or may not be imposed. A "public dance" shall not include dancing at a banquet facility, where the rental of such hall is for a private function and not open to the public. "Live entertainment" includes musical acts, karaoke, theatrical acts, stand-up comedy, magic acts, disc jockey, and similar activities.

Live/Work unit. A non-residential use with incidental residential accommodations occupied by one or more persons operating a commercial, artisan, or other permitted use in the same space.

Living accommodations. Shared living quarters with or without separate kitchen or bathroom facilities for each room or unit.

Living room. The principal room in a dwelling unit designed for general living purposes rather than for sleeping.

Lot. A lot or plot of land of record lawfully created and recorded in Solano County as required by State law and City Code and which is used or capable of being used under the regulations of the Zoning Code.

Abutting lot. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Confronting lot. A lot whose front property line is intersected by a line perpendicular to and intersecting the front property line of the subject lot.

Corner lot. A lot or lot bounded on two or more sides by street lines.

Flag lot. A lot whose sole access from a public street frontage is either over a private access driveway owned and maintained by the owner of said lot or over a private access easement. The shape of the lot resembles a flag with the driveway as the "flag pole" or stem. Other terms for flag lots are "dog-leg" or "pot handle" lots.

Interior lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots, or that is bounded by more than one street.

Key lot. An interior lot, the front of which adjoins the side property line of a corner lot.

Through lot. A lot having frontage on two parallel or approximately parallel streets.

Lot area. The area of a lot measured horizontally between bounding lot lines.

Lot area, net. The lot area minus any public rights-of-way, public easements, floodplains, environmentally sensitive areas, and areas with archaeological or cultural resources.

Lot coverage. The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, patios with covers that are 50 percent or less open to the sky,

and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See Part 1, Division 5, Rules for Measurement, for additional detail.

Reversed corner lot. A corner lot, the rear of which abuts a key lot.

Reversed frontage lot. A double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line.

Lot Line. The boundary between a lot and other property or the public right-of-way. Legally established lot lines.

Lot Line Types.

Front Lot Line. On an interior lot, that portion abutting a public or private street. On a flag or panhandle lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

Front Lot Line, Corner Lot. The narrowest lot line abutting a public or private street lane.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Side Lot Line. Any lot line that is not a front or rear lot line.

Street side lot line. Any side lot line that abuts a public street.

Lot, nonconforming. See “Nonconforming lot.”

Low-Barrier Navigation Center. A low-barrier, service-enriched, shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” Low Barrier shelters may include options such as allowing pets, permitting partners to share living space, and providing storage for residents’ possessions.

Lumen (lm). A unit for measuring the total visible light or total light output from a source.

Maintenance and repair. The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the same character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition. This includes in-kind replacement or repair activities that do not involve a change to the architectural or historic value, style or general design of the building, structure, or object.

Marijuana. See “Cannabis.”

Maker uses. A type of light manufacturing that involves small-scale production and fabrication, artisan food and beverage production, and similar activities that are limited in size and don't generate noise, dust, truck traffic, odors, and other impacts that may be incompatible with surrounding development including residential uses. Maker uses are typically owner-operated small businesses that involve the shared or individual use of hand-tools or with minimal automation for the manufacture of finished products or parts. Maker uses may involve incidental retail activity, such as tasting rooms and sale of goods produced on site, and incidental storage and distribution of such products.

Mezzanine or Loft. An intermediate floor within a building interior without complete enclosing interior walls or partitions that is not separated from the floor or level below by a wall and has a floor area that is no greater than one third of the total floor area of the floor below.

Major transit stop. A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods as defined in California Public Resources Code Section 21064.3.

Manufactured home. A dwelling unit having a permanent foundation system that is transported to the site and was constructed after September 15, 1971, and has an insignia of approval from the California Department of Housing and Community Development, or was constructed after July 1, 1976, and has an insignia of approval from the U.S. Department of Housing and Urban Development. Manufactured housing includes residential buildings, dwelling units, or building components either wholly or partially manufactured at an offsite location to be wholly or partially assembled on a legally established building site in compliance with the California Factory-Built Housing Law (Health and Safety Code, Division 13, Part 6, Sections 19960 to 19997.) This term does not include Mobile home.

Microenterprise home kitchen operation. A type of Cottage food operation conducted by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers on the day it is prepared. See Cottage food operation.

Ministerial permit. Any permit that the Director approves or issues after determining that the use or proposed project conforms with all applicable objective standards and requirements. Ministerial approvals include, but are not limited to, such approvals as Home Occupation Permits, Accessory Dwelling Units located within an existing dwelling unit, and Temporary Use Permits. Ministerial permits are not discretionary and are not subject to environmental review under CEQA. The approval of a Ministerial permit is subject to appeal on the grounds that the determination of compliance was incorrect.

Mixed-Use. Any development in a single building or multiple structures on the same lot that includes both residential and non-residential uses with at least two thirds of the floor area are designated for residential use.

Mobile home. A structure, transportable in one or more sections, designed or used for human habitation by one household.

Mobile home site. That portion of a mobile park designated for use or occupancy of one (1) mobile home, including all appurtenant facilities thereon for the exclusive use of the occupants of said mobile home.

Mobile recycling unit. An automobile truck, trailer or van, licensed by the California Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

Nonconforming-Related Terms.

Nonconforming lot. A legally created lot that does not conform with current standards for area, width, frontage or other such standards for the zoning district in which the lot is located because of annexation or amendments to this Code.

Nonconforming sign. A legally created and lawfully erected sign existing on the effective date of this Code that does not conform to the current general regulations for signs and the sign regulations standards for the zoning district where the sign is located.

Nonconforming structure. A structure legally constructed, which does not conform with current height, setback, coverage or other measurable standards for the zoning district in which the structure is located because of annexation or amendments to the Zoning Code.

Nonconforming use. A use of a building, structure, or site, or portion thereof, or a building, structure or facility itself, which was lawfully established, and maintained, erected or altered but which, because of the application of this article to it, no longer conforms to the specific current regulations applicable to it. Provided however, that this term shall not apply to any use involving the sale of alcoholic beverages (see also "deemed approved use"). Nonconforming uses include, but are not limited to, uses that are no longer conforming because of annexation or amendments to this Code.

Nursing facility, nursing home. A common name for an establishment licensed as a skilled nursing facility by the California State Department of Health Services providing 24-hour medical, convalescent or chronic care to individuals who, due to advanced age, chronic illness or infirmity, are unable to care for themselves, including without limitation rest homes and convalescent hospitals.

Occupancy. The purpose for which a building or portion of a building is used or intended to be used for. The term also includes the building or room housing such use. Change of occupancy is not intended to include change of tenants or owners, but of uses.

Opacity. The degree of being impervious or obscure to light and sight.

Open Space Types.

Open space, common. Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit. Common areas typically consist of

landscaped areas, walks, patios, swimming pools, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.

Open space, private. Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit and reserved for the exclusive use of residents of the dwelling unit and their guests. Private areas typically consist of courtyards, balconies, decks, patios, fenced yards, and other similar areas.

Open space, useable. Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

Outdoor display. The placement of goods or merchandise representative of the kinds of goods or merchandise a retail business offers for sale to the public outdoors and without benefit of screening or fencing. Outdoor display does not include outdoor storage, which is screened or fenced in accordance with Division 16.70, Screening and Landscaping Regulations, of the Carson Municipal Code.

Overlay district. A zoning designation described in this Code and delineated on the Official Zoning Map establishing land use requirements that govern in addition, or as an alternative, to the standards set forth in the underlying base district.

Owner. A person or persons holding legal title to the property, including but not limited to the settlor of a grantor trust, a general partner, firm, or corporation.

Parapet. A wall or railing that extends above the roofline and along all or a portion of its perimeter.

Parcel. See Lot.

Parking area. An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Accessory parking. An area of a lot, structure, or any other area, which is designed and reserved for off-street parking to serve a building or use that is the primary or main use of the lot.

Long-term parking. An area designed for employee or non-employee-related uses, such as long-term parking for airport patrons, or parking when a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.

Parklet. A small public sidewalk extension including up to two parking spaces that includes temporary furniture and other material such as tables, seating, shrubs, bicycle parking or other features approved by the City or permanent fixtures, available for use by the public, and maintained by the owner of the adjacent business. See Part 3-B, Division TBD, Outdoor Dining and Seating.

Paseo. A pedestrian access way connecting streets, plazas, alleys, public parks, and other existing and future public spaces abutting or within a premises. All buildings abutting a paseo shall have

active building frontages along the paseo. A paseo shall have signs visible from the adjacent public right-of-way stating that the paseo is open to the public.

Patio. A leveled, surfaced area usually adjacent to a principal building that may be covered with a solid or open roof structure, which may be attached to the building or another structure. Patio does not include any area used for vehicle parking, storage rooms, or as a habitable room.

Pedestrian way. A right-of-way designed for use by pedestrians and bicyclists that is not designed for or used by automotive vehicles and is not located within a street right-of-way.

Pedestrian-friendly. An area where the design and use of buildings and streets is regulated to attract and accommodate pedestrians by incorporating features such as a variety of ground floor uses providing retail goods and services visible to pedestrians through transparent windows and doors, landscaping along sidewalks, buffers separating pedestrians from vehicle traffic, street furniture, narrow vehicle thoroughfares with pedestrian crossings that slow motorists, and an absence or limited number of driveways crossing the sidewalk. The term pedestrian-oriented is also used to describe areas with such features.

Persons with disabilities. Persons who have a disability as defined in Sections 12926 and 12926.1 of the California Government Code or in the Americans with Disabilities Act of 1990.

Planting strip. The area between the curb, or in the case where there is no curb the edge of the roadway, and the abutting property line, that is not improved by surfacing intended for the use of pedestrians, is designed to separate the sidewalk from the roadway or to prevent access to abutting properties and is intended to be planted with trees or otherwise landscaped.

Porch. A roofed open area that provides access to a doorway and typically extends from the exterior wall of the structure and requires ground supports.

Pre-existing. In existence before the effective date of the Code updating Article XV to adopt this code and any subsequent amendments thereto.

Predominant, predominantly. A feature or element that is primary, prevalent, more important or noticeable than any other; typically, but not necessarily, the largest or biggest.

Premises. An area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit.

Primary unit. The larger of two dwelling units on a property with an Accessory dwelling unit (ADU).

Primary use. The principal or dominant permitted use that occupies a majority of the area of a lot or structure.

Principal residence. The dwelling unit in which a person lives the majority of the time or which is considered his/her primary residence as determined by factors that may include but are not limited to the address used on voting registration, driver's license, income tax forms, and passport.

Produce store. A retail food store where a majority of the floor area is used for selling fresh fruits and vegetables, fresh and frozen meats, fish, and poultry as well as other items intended for home preparation and consumption.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure or use, that is subject to the provisions of this Code. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

Promote. To advance, help, or further achievement of a goal or purpose.

Public hearing. A meeting noticed as required by the Zoning Code in which testimony and arguments are presented publicly before any of the hearing bodies established by this Code including commissions, boards, city council, or staff approval authority.

Public market. Indoor and/or outdoor retail year-round use with multiple food vendors that are owner-operated shops, stalls, and/or day-tables. The market may include a food hall with independent purveyors with common seating area. The public market may sell in season, fresh and farm products, artisan, crafts, limited production products. The public market may be owned and operated by public or non-profit entities. May include a farmer’s market, and chain stores and franchises, which are accessory to independent purveyors.

Public right-of-way. A street, including adjacent sidewalks, providing the principal means of access to abutting property and dedicated to, or maintained by, the city; or a street providing the principal means of access to abutting property and with right-of-way or easement, and paved and otherwise improved to meet city standards or planned to be improved to City standards.

Public services. Includes, but is not limited to, water, sewer, gas, cable television, communications and electric power distribution lines.

Reasonable accommodation. Any deviation requested and/or granted from the strict application of the City’s zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

Reclassification of land. An amendment to the Zoning Map, which amendment changes the classification of any property from one zoning district to another zoning district provided for in the Zoning Code.

Recreation facilities. Indoor or outdoor establishments or places where participants can engage in sports, have contact with the natural or historical environment, obtain visual relief from developed areas, or partake of or other activities for exercise and/or enjoyment. Spectators are incidental on a recurring basis. See park, open space and recreation use classifications in

Private. Facilities operated by an organization and open only to bona fide members of such organization.

Public. Facilities operated by a public or quasi-public agency or organization that are open to the general public. An admission fee may be required, and hours of operation limited.

Recreational vehicles. A vehicle which is built on a single chassis or capable of being placed in or on a vehicle; designed to be self-propelled or towable by a light duty truck; and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use. The basic entities are travel trailer, camping trailer, truck or van camper, tent trailer and motor home, or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes as defined in Sections 18009 and 18010 of the Health and Safety Code, but not a mobile home.

Recreational vehicle storage. On-site parking of recreational vehicle(s) on a parking space approved for a recreational vehicle and that is separate from the required off-street parking provided.

Recreational vehicle storage, private. Recreational vehicle storage that is owned and operated by an individual homeowner or homeowners' association and used exclusively by the homeowner or members of that association.

Recreational vehicle storage, public. Recreational vehicle storage that is provided for use by the public.

Recyclable material. Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with the California Health and Safety Code.

Religious institution. An institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 9110) of Division 2 of Title 1 of the State Corporations Code.

Religious institution affiliated housing development project. A housing development project that meets all the following criteria pursuant to State Government Code Section 65913.6 (a):

1. The housing development project is located on one or more contiguous parcels that are each owned entirely, whether directly or through a wholly owned company or corporation, by a religious institution,
2. The housing development project qualifies as being near collocated religious-use parking spaces (as that term is defined in Government Code Section 65913.6(a)) by being any of the following:
 - a. Located on one or more parcels that collectively contain religious-use parking spaces.

- b. Located adjacent to a parcel owned by the religious institution that contains religious-use parking spaces.
- c. Located on one or more parcels separated by no more than 0.1 miles from a parcel owned by the religious institution that contains religious-use parking spaces.

Remodel. See Alteration, major and minor.

Residual wastes. Waste material that cannot be recovered by recycling, composting, or other systems for processing solid or liquid wastes.

Roof types.

Gable. A roof with two sides that slope down from the ridge.

Gambrel. A roof with two slopes on each side where the lower slope is steeper than the upper slope.

Hip. A roof without gables or other vertical sides that slopes downwards to the walls.

Mansard. A roof with four sloped sides that may be punctured by dormer windows. This type is sometimes described as a hipped-gambrel roof.

Shed. A roof with one slope that is typically attached to a taller wall.

Rooming house and/or boardinghouse. A building or portion thereof, other than a hotel or motel, providing room and/or board for compensation with or without meals.

Screening. A wall, fence, hedge, informal planting, or berm provided for the purpose of buffering a building or activity from neighboring areas, different land uses, visual impacts, or from the street.

Security grate. A metal grate that rolls up over, or slides across, a window or door to provide protection against unwanted entry. It also can be a fixed metal fixture over window openings.

Senior citizen. As defined in California Civil Code Section 51.3, a person 62 years of age or older, or 55 years of age or older who may occupy a senior citizen housing development.

Senior housing. Residential development designed for senior citizen households. Any age restrictions must be consistent with federal and state requirements.

Setback. The minimum or maximum distance that is required between a building or building feature and a property line, right-of-way, shoreline, or other place or line the Zoning Code or other Codes establishes to govern the placement of structures.

Shopkeeper unit. A dwelling unit that is sold or leased together with a commercial space that is located on the ground floor of a mixed-use building and is operated by the resident of the dwelling unit.

Sign. Any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, placard, or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. Removal of signs shall also include all sign structures. See Part 3-B, Division 51, Signs for additional details.

Significant tree. Any tree or stand of trees on private property having either a height of twenty-five feet measured above ground level, or a diameter of ten or more inches.

Site. A continuous area of land used comprised of one or more lots intended for a use or group of uses.

Small lot single-unit development. A residential project with several detached single-unit structures or attached townhouse units with separate walls that abut or are separated by a smaller amount of space on lots that are smaller than conventional single-unit development. See Section XX for development standards.

Smoke shop. Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale or has less than 20 percent of display area dedicated to tobacco products or paraphernalia shall not be defined as a “smoke shop and tobacco store”.

Sober living home. A licensed or unlicensed group home providing a supportive living environment for persons who are recovering from a drug and/or alcohol addiction and who are considered handicapped under state or federal law. (See Group home)

Story. That portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. See Part 1, Division 5, Rules for Measurement, for additional information on determining the number and height of stories.

Street. A public or private thoroughfare providing a primary means of access to property.

Street frontage. The length of the property line of any one lot parallel to and along the public right-of-way that it borders, and which is identified by an officially assigned street address.

Street tree. Any tree of any species or size planted in parkways, sidewalk areas, easements, and rights-of-way granted to the city.

Street wall. All contiguous walls of a building whose overall limits comprise the building façade.

Stoop. A staircase, typically smaller than a deck, porch or patio that provides access to a building entry.

Structural alterations. Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders, including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape. See Alterations, major and minor.

Structure. A physical structure that is manufactured, built, or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together and located on the ground or attached to something having a location on the ground. This definition does not include outdoor walkways; surface parking areas; tennis or basketball courts and similar outdoor recreation areas.

Structure, accessory. A detached subordinate structure used only as incidental to the main structure on the same lot. "Accessory structure" shall not mean an accessory dwelling unit, as defined in this article.

Structure, detached. A structure, no part of which is attached by any means to any other structure.

Structure, existing. A structure erected prior to the effective date of the Zoning Code, or one for which a valid legal building permit has been issued prior to this effective date of the Zoning Code.

Structure, primary (Structure, main). A structure housing the principal use of a site or functioning as the principal use.

Structure, temporary. A structure without any foundation or footings, and which is intended to be removed when the designated time, activity, or use for which the temporary structure was erected has ceased.

Structure height. The vertical distance between a point or all points on top of a structure or any of its appurtenances and the ground below. See Part 1, Division 5, Rules for Measurement for additional information on measuring structure height.

Structure, nonconforming. See Nonconforming Structure.

Subdivider. Any person who 1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision, or 2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, lot site, unit, or plat in a subdivision, or 3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, lot site, unit, or plat in a subdivision; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Supportive housing. Housing with no limit on length of stay that is occupied by the target population and is linked to an on-site or off-site service that assists supportive housing residents in retaining housing, improving their health status, and maximizing their ability to live independently. See Residential Use Classifications.

Swap Meet (includes Flea Market). A business conducted for the purpose of selling new or used merchandise in a parking lot, drive-in theater, or other outdoor facility where two or more individuals rent, lease, or otherwise purchase the right to sell their products at the location. Swap meets shall include flea markets. Swap meets shall not include indoor mini-marts or auction houses or similar businesses conducted on a permanent basis. Any sales use which is advertised as a swap meet or variant shall be construed as a swap meet under this definition.

Target population. Persons with low incomes who have one or more disabilities including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Tattoo Establishment. A commercial establishment used for the business of making or coloring the skin with indelible marks or figures through the insertion of pigment under the skin or the production of scars and all furnishings, equipment, instruments, dyes and inks maintained on the premises for such use.

Tobacco related products. Substances that contain or are used to consume Any substance containing, made, or derived from tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Implements or objects that are or may be used in conjunction with the consumption, inhalation, or ingestion of either tobacco or other like dried plant material or other substance which may be consumed in the same manner, including but not limited to cigarette papers, smoking accessories, herbal vaporizers, or any other instruments or paraphernalia for the smoking or ingestion of tobacco or other like plant, herbal or fruit products.

Townhouse. An attached single-unit dwelling that is adjacent to another single-unit dwelling units with which it shares a common party wall having no doors, windows, or other provisions for human passage or visibility. Also called a “row house.”

Transitional housing. Housing with a limited length of stay operated under a program requiring recirculation to another program recipient at some time in the future. See Residential Use Classifications.

Undevelopable land. All portions of the site that, if developed, would subject persons or property to a high level of risk for personal injury or property damage due to its proximity to a known hazard, including, but not limited to, any portion of the site within 50 feet of a cliff, or fault line, biologically sensitive areas, sites with overall slopes greater than 30 percent, sites within an unrepaired slide area

or in a ravine. Areas of undevelopable land are not excluded from calculations of net site area, allowable floor area, allowable residential units, minimum lot size, and density.

Unenclosed. Open on at least one side.

Use. The purpose for which land, premises or structure thereon is designed, arranged, or intended, or for which it is or may be occupied or used.

Accessory use. An activity or a structure that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use.

Incidental use. A use of a lot and/or building that is secondary to the primary or principal use of the property and is not customarily associated with such use but which could be independent of the primary use.

Primary use. A primary, principal, or dominant use established, or proposed to be established, on a lot and occupies at least 70 percent of the gross floor area of the tenant space or building.

Temporary use. A use of a building or property that is limited in duration and does not permanently alter the character or physical facilities of the premises or property. See Part 3-B, Division 56, Temporary Uses.

Use classification. A system of classifying uses into a limited number of use types based on common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential, retail, commercial and office; institutional and community facilities, industrial, and transportation, communication, and utilities. See Part 6, Division 1, Use Classifications.

Use permit. A discretionary permit, such as minor use permit, or major use permit, that provides for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, that are not permitted as of right but may be approved upon completion of a review process and, where necessary, the imposition of conditions of approval. See Part 4, Division 7, Minor and Major Use Permits, for additional details.

Use type. A category that classifies similar uses based on common functional, product, or compatibility characteristics.

Use, nonconforming. See “Nonconforming Use”.

Variance. A discretionary permit allowing a departure from specific provisions of a zoning Code such as setbacks, side yards, frontage requirements, and lot size, but not involving the actual use or structure, thus relieving a property owner from strict adherence to development standards when some special circumstances exist which deprive the property owner from developing the property in a manner enjoyed by similar properties.

Visible. Capable of being seen (whether legible or not) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

Visibility triangle. A triangular area at the intersection of any two public streets or a driveway, alley, or path with a public street within which height limitation apply to structures or vegetation that may interfere with the visibility of a pedestrian, cyclist, or other vehicle operator. Also called a Sight distance triangle.

Wall. Any vertical exterior surface of building or any part thereof, including windows.

Warehouse. A building used primarily to store goods and materials.

Wetlands. Marshes, swamps, or other areas characterized by wet soil conditions either permanently or seasonally, which are important to sustaining wildlife and biological resources.

Wine cellar. A storage room or warehouse facility for the blending, cellar treatment, storage, bottling, and/or packaging of wine but not wine production. It may include eating areas, tasting rooms and retail areas as accessory uses.

Yard. An open space on a lot, other than a court on a lot, that is unoccupied and unobstructed from the ground upward. See Part 1, Division 5, Rules for Measurement, for additional information on making calculations regarding yards.

Front yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard is a distance specified for the zoning district in which it is located and measured inward from the front lot line.

Interior side yard. A yard extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the interior side lot line.

Street side yard. A yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the street side lot line.

Rear yard. A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified for the zoning district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Yard depth. That dimension of a yard measured at a right angle and horizontally from an abutting property line.

Yard, required. The strip of land which abuts property lines and is unoccupied or unobstructed except as permitted by the Zoning Code.

Zero lot line. A building or structure constructed at a property line. Typically, a detached single-unit dwelling or attached units such as townhomes.