



CARSON PLANNING COMMISSION STAFF REPORT

DATE: January 31, 2024
FROM: Planning & Community Development Department
BY: Christopher Palmer, AICP – Planning Manager
SUBJECT: Public Hearing for Consideration of a Recommendation to City Council regarding Zoning Text Amendment (ZTA 195-23) and Zoning Map Amendment (ZCC 190-23) – New Comprehensive Zoning Update (Phase 1)

PROJECT/APPLICANT INFORMATION

Project Summary: Consideration of recommended amendments to the Carson Zoning Ordinance (Title IX of the Municipal Code, Chapter 1: Zoning; the “Zoning Code”) and Zoning Map for implementation of and consistency with the Carson 2040 General Plan. The Zoning Code text provides standards, rules, and procedures for development, while the Zoning Map translates the General Plan land use districts into zoning districts.

Project Location: Citywide
Zoning: Residential and Mixed Use (Phase 1)
Project Applicant: City of Carson

I. OVERVIEW

A. Background

At the Planning Commission meeting of August 22, 2023, the Planning Commission was provided information about the legal requirements of zone text amendments, zone changes and a proposed Phase 1 Comprehensive Update to the City’s Municipal Code regarding land use, zoning, and development standards for residential development. The associated zoning map was also presented for the Commission’s review and consideration. The Planning Commission also opened the public hearing to receive public comment.

On January 16, 2024, Interim Chairperson Thomas called a Special Meeting to be held on January 31, 2024, to consider this item.

B. Introduction

In general, zoning is the division of a city into districts and the application of different regulations in each district. Zoning regulations are generally divided into two classes: (1) those that regulate the height bulk or physical nature of structures within designated districts; and (2) regulations that prescribe the use of those buildings and structures. State law gives cities control over zoning matters while ensuring uniformity of, and public access to, zoning and planning hearings.

C. Project History

Every city in California has an existing zoning ordinance. The effect of that zoning ordinance on real property can be changed by a city's adoption of an amending ordinance. There are two basic types of substantive amendments to zoning ordinances: (1) reclassification of the zoning applicable to a specific property, designating a change from one district to another commonly referred to as "rezoning" and (2) changes in the permitted uses or regulations on a property within a zone or citywide, commonly called "text amendments." The first type of amendment involves a change to the zoning map, without any change in the text of a zoning ordinance. The second type of amendment usually involves amending the text of the zoning ordinance, but not the map. The item before the Planning Commission involves both.

Zoning ordinances must be consistent with the City's adopted General Plan. According to the consistency test set forth by the Governor's Office of Planning and Research, a zoning ordinance is consistent with a city's general plan where the ordinance furthers the objectives and policies of the general plan and does not obstruct their attainment.

D. Project Description

On April 4, 2023, the Carson City Council adopted a comprehensive update of the General Plan. The Sixth Cycle Housing Element for the City was adopted by the City Council in September 2022, with changes recommended by the State Department of Housing and Community Development (HCD) incorporated in November 2022. The 2021-2029 Housing Element presents goals, policies, and actions to affirmatively further fair housing for all residents of Carson.

As described by the State HCD, for over 50 years, California has required all local governments adequately plan to meet their respective regional housing needs allocation (RHNA) of everyone in the community. This process starts with the state determining how much housing at a variety of affordability levels is needed for each region in the state, and then regional governments developing a methodology to allocate that housing need to local governments. California's local governments then adopt Housing Elements as part of their General Plan to show how the jurisdiction will meet local housing needs.

The City's adopted Housing Element takes action to address community needs by developing programs that maintain and rehabilitate the City's existing housing stock, encourage development of a variety of housing to meet needs of the broad spectrum of the community, and preserve and promote affordable housing opportunities.

The City is undertaking an update of the Zoning Code (Attachment 2) to reflect the new General Plan, including the Housing Element. The Code update would translate the proposed General Plan policies into specific use regulations, development standards, and performance criteria to govern development on individual properties. The Zoning Code text provides standards, rules, and procedures for development, while the Zoning Map translates the General Plan land use districts into zoning districts. In addition to making the Code consistent with the updated General Plan and easier to understand and use, the update is intended to make certain that it complies with applicable statutory and case law and reflects contemporary zoning approaches and terminology.

The Zoning Code update is taking place in two phases (“Phase 1 and Phase 2”), with Phase 1 focusing on residential and mixed-use regulations to address the community’s housing needs, as outlined in the Housing Element and other General Plan elements. More specifically, ZTA No. 195-23 will establish the permitted uses, development standards, and procedures applicable to development in the residential and residential/commercial mixed-use zoning districts of the new Carson Zoning Ordinance (specifically, the new Low Density Residential, Low-Medium Mix Residential, Medium Density Residential, High Density Residential, Corridor Mixed-Use, and Downtown Mixed-Use Zoning Districts and the Mobilehome Park Overlay District) and to residential development in the Flex District housing sites identified in the Housing Element sites inventory with current Carson Zoning Ordinance provisions remaining in effect as to other, non-residential development. ZC No. 190-23 will affect a zone change for the properties in said new residential and mixed-use zoning districts, and for the Flex District housing sites inventory properties to the extent necessary to carry out Program 5 of the Housing Element and gain full HCD certification.

In Phase 2, which will be heard at a later date to be determined, amendments related to non-residential uses will be undertaken, including the portion of the Zoning Code and Zoning Map update pertaining to Flex District, Mixed Use Business, General Commercial, Light Industrial, and Heavy Industrial Districts as well as other sections of the zoning code such as sign, wireless, non-conforming uses, and other pertinent regulations not included in Phase 1 regulations.

Amendments to the Code in Phase 1 will also assist in overcoming governmental constraints to housing development through parking standards, zoning for a variety of housing types, and increased housing opportunities in high resource areas. Furthermore, the Phase 1 Zoning Code update will substantially increase the maximum permitted residential densities in several land use designations, consistent with and as provided in the 2040 General Plan and the Housing Element.

The proposed rezoning is necessary to ensure that the City’s zoning is consistent with the General Plan, as required by State law (Government Code Section 65860) and accommodates the City’s Regional Housing Needs Allocation (RHNA), as required by State law.

II. ANALYSIS

A. General Plan Consistency (Housing)

The Housing Element of the General Plan describes 17 Programs that the City of Carson will create or cultivate to ensure public welfare. While not all programs are directly related to the proposed Zoning Code Update and Map, the primary programs contributing to proposed changes are outlined as follows:

Program 5: initiates a Zoning Code Update. To this end, program priorities include proposed changes to the zoning code that removes the conditional use permit requirement for most multifamily residential projects. It proposes to consolidate and simplify condominium and multifamily standards. Implementation of the Housing Element triggers a review and revision of parking standards. The City also proposes rezoning to accommodate requirements brought about by RHNA and establish a new zoning district to increase housing in opportunity areas.

Program 6: Initiates a Streamline Development Review. This includes policy on expedited review and approval of affordable housing, which establish objective design standards and procedures required by law.

Program 7: Density Bonus, proposes revising the Density Bonus provisions to comply with State law. Codifying regulations for review and approval of community benefits are also proposed.

Program 8: Accessory Dwelling Units deals with revision of standards to comply with State law regarding second units.

Program 11: Maintains and Preserves Mobilehome Parks by ensuring Mobilehome Park Overlay District regulations and protections remain in place and are consistent with the latest State Laws. Note: the City has already adopted Ordinance No.'s 23-2303 (Mobilehome Park Overlay District Ordinance) and 23-2304 (Relocation Impact Report Ordinance update) in furtherance of this Program. The provisions will be carried through the Zoning Code and Map update without substantive modification.

Program 13: Special Needs, will be demonstrated in the zoning ordinance by revising the code to remove constraints to development of residential care facilities including parking standards and revising emergency housing regulations to comply with State law, including new regulations for low-barrier navigation centers, which will allow facilities by right in all mixed-use and non-residential zones permitting multifamily uses. The Special Needs Program will also help establish new and revised requirements for transitional and supportive housing including single-room occupancy residential units.

Program 16: Helps facilitate Commercial to Residential Conversions. The Zoning Code update proposes new mixed-use zones such as Downtown Mixed Use, Corridor Mixed Use and Flex Mixed Use along with associated regulations to promote residential development on underused commercial sites and vacant parcels.

B. Zoning Ordinance Maintenance and Map

There are sections of the current Zoning Code that are outdated and confusing. There are also portions of the code that are ambiguous and hinder the type of development envisioned by the General Plan's adoption. These corrections are numerous, therefore, these portions will simply be removed and replaced with language that defines, gives rules, and details and clearly articulates terms, procedure, processes, to allow for full and effective implementation of and consistency with the General Plan. Examples of this include but are not limited to common procedures such as application submission, noticing, public hearings, and community benefits.

A comparison and cross-reference chart of the changes between the existing Zoning Code and the draft ordinance, with explanatory comments, (Attachment 5) is available at www.carson2040.com.

As previously discussed, the Zoning Code and Map update will happen in two phases. Phase 1 will update the residential and certain mixed-use portions of the code and the zoning map. Phase 2 will update commercial and industrial regulations and land use limitations in those zones.

Only Phase 1 is before the Commission at this time; Phase 2 is a separate and independent action that will be presented to the Commission for hearing in the future. Adoption of Phase 1 does not commit the City to adoption of Phase 2. When Phase 1 is adopted, the current Zoning Code or Map provisions which are within the scope of Phase 1 will be repealed and replaced by the Phase 1 zone update, whereas the portions of the existing Zoning Code and Map that are not within the scope of the Phase 1 update will remain in full force and effect unless and until amended pursuant to Phase 2 or otherwise. At a later date to be determined, public hearings, study sessions and public outreach will be provided for Phase 2.

C. Community Engagement

"Our Carson Zoning Code Update" community engagement focuses on these five goals:

- Inform – Provide balanced and objective information.
- Consult – Obtain public feedback.
- Involve – Ensure the public concerns and aspirations are understood and considered.
- Collaborate – Partner with the public throughout the entire process.
- Empower – Community's voice.

To accomplish these goals, public outreach to the community includes strategies such as launching on-line and website engagement and meeting with Carson stakeholders.

The following community engagement strategies have been done:

- Set in motion routine social media blasts on the City's platforms and intermittent email-blasts.

- Mailed approximately 50,000 public notices to Carson property owners regarding the Phase 1 Zoning Code update.
- Presented before seven out of eight City Commissions (Economic Development, Senior Citizen Advisory, Human Relations, Public Safety, Public Relations, and Environmental).
- Introduced the Zoning Code Update Phases 1 to the Carson Chamber of Commerce as well as future efforts that will be underway for Phase 2.
- Hosted a virtual “Lunch and Learn” meeting and an in-person “Listening Session” for the community.
- Launched a survey relating to Commercial and Mixed-Use uses in five languages (English, Spanish, Tagalog, Korean, and Mandarin) resulted in receiving 190 responses from residents. Similar to the Carson 2040 General Plan public outreach results, as of date, the survey has revealed the top three uses respondents would like to have more in the City are restaurants, grocery stores, and recreation/leisure.
- Built an interested person list of approximately 45 people who became aware of the comprehensive Zoning Code update from our e-blasts, social media platforms, virtual meetings, presentations, notices, and dedicated webpage.
- Launched the dedicated email zoningcodeupdate@carsonca.gov and webpage [Zoning Code Update \(carson.ca.us\)](https://www.carson2040.com/) as well as updated the Carson 2040 webpage <https://www.carson2040.com/>.

Engaging the community will occur throughout the Zoning Code update processes. Applying the above strategies will assist staff in presenting a well-planned, inclusive, and accessible comprehensive Zoning Code for consideration by the Planning Commission for recommendation to the City Council.

D. Public Hearing Notice

Public Notice of this hearing (Attachment 6) was given in accordance with Carson Municipal Code Section 9173.22. Staff published a public hearing notice in the Daily Breeze paper on January 19, 2024, posted notice in the designated public places, and posted notice on the City’s website.

E. Environmental Analysis

California Environmental Quality Act (CEQA) Guidelines Section 15168 (Program EIR), subsection (c) states that “later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.” Furthermore, sub-subsection 15168(c)(2) states that if the lead agency finds pursuant to CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) that no subsequent EIR would be required, “the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.”

The proposed Phase 1 Zoning Code and Map amendments are consistent with and implement the General Plan densities/intensities and land uses established in the General Plan, for which an EIR was previously prepared and certified.

According to CEQA Guidelines Section 15162, once an EIR has been certified, no subsequent or supplemental EIR shall be required (Environmental Memo, Attachment 4).

Based on the analysis, the proposed Zoning Code update would not result in a new significant impact not identified in the 2023 EIR or an increase in the severity of a significant impact identified in the 2023 EIR. No mitigation measures or alternatives have been identified that differ from what was evaluated or are now considered to be feasible.

The General Plan and EIR (Attachment 7) are available at www.carson2040.com.

III. CONCLUSION AND RECOMMENDATION

The purpose of the Phase 1 Zoning Code and Map amendment before the Commission is to help implement the City's 2040 General Plan, specifically as it relates to the Housing Element and portions of the Land Use Element, and to be consistent with the 2040 General Plan and State Law regarding Housing regulations, including removing constraints and barriers that impede the development of a variety of housing types.

IV. ATTACHMENTS

- 1) Draft Resolution No. 24- ____
- 2) Draft Zoning Code Ordinance Phase 1 are available at www.carson2040.com
- 3) Draft Zoning Map Amendment Phase 1 (Zone Code Change No. 190-23)
- 4) Environmental Memo Phase 1 available at www.carson2040.com
- 5) Zoning Ordinance Phase 1 Comparison/Cross-Reference Table is available at www.carson2040.com
- 6) Public Hearing Notice
- 7) The 2040 General Plan, General Plan EIR, and Housing Element are available at www.carson2040.com