

# ORDINANCES

## SECOND READING/RECOMMENDATIONS

Description of Vote:

Maker/Second    Ayes/Noes/Abstain/Absent

Legend:

JD: Dear      ES: Santarina      DH: Davis-Holmes      MG: Gipson      AR: Robles

ITEM NO.	ORD. NO.	TITLE	DISPOSITION
27	14-1539	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CARSON MUNICIPAL CODE REGARDING MULTIPLE DWELLING UNITS WITHIN SINGLE-FAMILY RESIDENTIAL ZONES	Introduced:08/05/14 Item No. 22 MJD/ES 5/0

ORDINANCE NO 14-1539

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CARSON MUNICIPAL CODE REGARDING MULTIPLE DWELLING UNITS WITHIN SINGLE-FAMILY RESIDENTIAL ZONES

WHEREAS, in 1977, the adoption of the Zoning Ordinance of the Carson Municipal Code (CMC) created a number of nonconforming multiple dwelling units located in RS (Residential, Single-family) or RA (Residential, Agriculture) zones; and

WHEREAS, the Zoning Ordinance allows a 20-year amortization period in which property owners would have to abate the nonconformity and bring such structures into conformance; and

WHEREAS, the amortization period expired in 1997, however, the City has not actively sought remediation because of the loss of housing and amount of hardship bestowed upon residents; and

WHEREAS, in 2003, the City adopted Ordinance No. 03-1290 allowing legal nonconforming second dwelling units in the RS or RA zones to continue indefinitely under certain requirements, but did not address the issue of properties with three or more units in the RS or RA zones except under the standards of Section 9125.5, Multiple Single-Family Rental Units, which most legal nonconforming multiple dwelling units do not meet; and

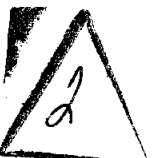
WHEREAS, as a result of State goals and policies encouraging cities to preserve affordable housing and provide alternative housing types, an ordinance amendment is needed to keep legal nonconforming multiple dwelling units of three or more in the RS or RA zone; and

WHEREAS, the proposed ordinance amendment is consistent with the Carson Municipal Code and General Plan; and

WHEREAS, on March 25, 2014, the Planning Commission held a workshop to discuss legal nonconforming multiple dwelling units in the RS and RA zones and the need for preservation if such units are in good condition, compatible with adjacent development, and does not cause a substantial nuisance or significant impact to the surrounding neighborhood; and

WHEREAS, on May 13, 2014, the Planning Commission held a public hearing to discuss an ordinance amendment to the CMC regarding legal nonconforming multiple dwelling units of three or more in an RS or RA zone, which at the conclusion of said public hearing, the Planning Commission recommended to the City Council approval of said ordinance amendment; and

WHEREAS, on \_\_\_\_\_, 2014, the City Council held a public hearing to discuss an ordinance amendment to the Carson Municipal Code (CMC) regarding legal nonconforming multiple dwelling units of three or more in a single-family residential zone.



NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Section 9182.3 (Nonconforming Residential Density) of Division 2 (Nonconformities) of Part 8 (Implementing Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the following underlined text and deleting the following stricken text with all other text remaining unchanged, as follows:

**“§ 9182.3 Nonconforming Residential Density.**

A. Existing lawfully established ~~second~~ multiple dwelling units located in the RS or RA Zone shall obtain a conditional use permit by the Planning Commission pursuant to CMC 9172.21. An application for a conditional use permit shall be submitted within a five (5) year period of the effective date of the ordinance codified in this Section or prior to the termination of the amortization period, whichever provides the greater amount of time.

When approving a conditional use permit, the Commission shall make findings regarding the adequacy of on-site parking and applicable development standards contained in CMC 9125.5 and 9125.6, as applicable. The Commission shall require, as a condition precedent to the continued use of the property under the conditional use permit, that a report be submitted by the applicant, which shall provide and include plans to eliminate or mitigate any building, plumbing, electrical and fire code deficiencies. The Commission may require additional improvements to the property, or any buildings or structures thereon, which may include but are not limited to the following:

1. New or rehabilitated landscaping;
2. Exterior changes to promote compatibility of buildings and structures with surrounding development;
3. General repairs to vehicular maneuvering or parking areas;
4. Modifications designed to bring a structure more nearly into compliance with the applicable standards for ~~second~~ multiple dwelling units.

For a property with three or more units, a full inspection report for all units on the property is required.

This Section shall not validate any existing illegal second or multiple dwelling units. An application for a permit may be made pursuant to CMC 9122.8, 9125.5, and 9125.6 to convert an illegal second or multiple dwelling units to a conforming second or multiple dwelling units, and the standards and requirements for said conversion shall be the same as for newly proposed second or multiple dwelling units.



B. In the RS or RA Zone, a lawfully established residential use of a type or with a density of dwelling units no longer permitted in the RS or RA Zone shall be considered to be a nonconforming use subject to the provisions of CMC 9182.21 through 9182.23 until such time as a conditional use permit or other such special approval is granted.

C. In the RM Zone, a lawfully established residential use which becomes nonconforming with respect to the density of dwelling units, but is otherwise a permitted use, shall be permitted to continue indefinitely provided there is no further increase in the number of units. (Ord. 03-1290, § 10)"

**Section 2.** If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**Section 3.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

**Section 4.** This ordinance shall be effective thirty (30) days following its adoption.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor Jim Dear

ATTEST:

\_\_\_\_\_  
City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

