



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

NEW BUSINESS DISCUSSION: March 23, 2010

SUBJECT: Zoning Ordinance, Carson Street Non-Conformity Workshop

APPLICANT: City of Carson

REQUEST: Discuss the non-conformity section of the zoning ordinance as it relates to Carson Street Master Plan Corridor

PROPERTIES INVOLVED: Carson Street Master Plan Corridor

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### COMMISSION ACTION

☐ Concurred with staff  
☐ Did not concur with staff  
☐ Other

### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairperson Faletogo			Gordon
		Vice-Chair Saenz			Graber
		Brimmer			Park
		Diaz			Schaefer
					Verrett

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## I. Introduction

As a follow-up to the Carson Street Master Plan Workshop, this workshop concentrates on the non-conforming aspects of the zoning ordinance as it relates to the Carson Street corridor.

## II. Background

Non-Conforming uses or structures are defined as lawfully established structures or uses which are no longer in conformance with the provisions of the zoning ordinance due to changes in such provisions after their construction or initiation of the use. The implementation of the non-conforming provisions of the zoning ordinance is one of the most important and potentially most controversial steps in implementing the Master Plan's vision since it could mean that certain structures and uses could not continue to exist as they do today, therefore, creating a direct financial burden on the property and business owners. As required by state law, the ordinance includes amortization periods that provide a reasonable time for the property or business owners to recoup their investments in the property prior to the required abatement.

The zoning ordinance has created several categories of non-conformity within the Corridor that addresses auto repair uses, residential structures, and pole signs. These non-conformities were created through adoption of amendments to the zoning ordinance during several public workshops and public hearings. All impacted property owners were notified of these hearings.

### Analysis

#### *Auto Repair Uses*

This provision of the zoning ordinance was adopted in 2004 and requires all auto repair businesses to apply for a Conditional Use Permit (CUP) within 5 years from the adoption of the ordinance. The primary reason to establish this procedure was to ensure that auto repair businesses within the corridor (and elsewhere in the city) are held to high standards and are consistent with the Master Plan's vision. The deadline to file CUPs expired last November, and not all businesses have filed a CUP despite receiving written notification from staff.

Staff is currently reviewing a number of CUPs and has been in communication with other auto repair business owners regarding filing of CUPs for their businesses. These CUPs will be presented to the Planning Commission as staff completes the analysis. If during this process staff determines that a property owner is not willing or able to make necessary improvements to meet the requirements, staff would recommend denial of the CUP and if upheld by the Planning Commission, an abatement procedure will be initiated immediately. On the other hand, if improvements can be made to meet the requirements and the owner is willing to make those improvements, staff would recommend approval of the CUP.

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## *Residential Structures*

This provision of the zoning ordinance was adopted in 1994 and provided different provisions for residential properties that are constructed with 10 or more units and those that are 9 or less units. Properties with 10 or more units were required to file for a Development Plan Application (DOR) within two years from the adoption of the ordinance. One DOR has been approved by the Planning Commission but few others still need to be filed. The goal for establishing this process was to only retain multi-family developments along the corridor that meet today's acceptable standards for multi-family projects. As the DORs are filed, staff will be reviewing them and presenting them to the Planning Commission. If during this process staff determines that a property owner is not willing to make necessary improvements to meet the requirements, staff would recommend denial of the DOR and if upheld by the Planning Commission, an abatement procedure will be initiated immediately. On the other hand, if improvements can be made to meet the requirements and the owner is willing to make those improvements, staff would recommend approving the DOR.

Those complexes with 9 or less units received an amortization period of five years which started from the date that the property was sold subsequent to the adoption of the ordinance. The purpose for this provision was to discourage lower density residential units and provide an unlimited time for the current owners to continue to use their properties. However, if the properties were sold, the new property owners should have been notified by the selling parties regarding the 5-year abatement clause, which essentially means the property would have to be abated by the new owners after five years from their date of purchase. As the properties are abated, new commercial or high density units are expected to be built to assist in creating the vision for a vibrant Corridor with high density housing and retail development.

## *Pole signs*

In 2006, the City adopted an ordinance that made all existing pole signs non-conforming on properties less than 2 acres. The abatement period for these pole signs is five years from the adoption of the ordinance. The purpose of this provision is to clean up the existing proliferation of pole signs along the corridor and to assist in creating the pedestrian friendly atmosphere envisioned by the Master Plan. These signs can be replaced with monument signs not exceeding eight feet in height. In the near future, staff will be notifying all property owners regarding the non-conforming status of their pole signs and the requirement for their abatement.

## **Conclusion**

The implementation of the non-conforming provisions of the zoning ordinance is a critical part of creating the vision for the Carson Street Corridor as it will be a catalyst in realizing this vision. Both the Planning Commission and City Council carefully

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considered the impacts associated with the abatement periods in order to balance the interests of current property owners and businesses with the long range goals and objectives of the community. This implementation will not be easy. However, at this point, the staff and Planning Commission are merely implementing the provisions of an adopted ordinance. The Planning Commission is requested to carefully review the various non-conforming provisions of the zoning ordinance.

### III. Recommendation


That the Planning Commission:

- CONSIDER and DISCUSS the information provided for in this workshop;
- RECEIVE and FILE.

### IV. Exhibits

None.

Prepared by:

  
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Approved by:

  
Sheri Repp Loadman, Planning Officer