



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 22, 2018

SUBJECT: Zone Text Amendment 32-18 & Zone Text Amendment 33-18

APPLICANT: City of Carson
Community Development Department
Planning Division
701 E. Carson Street
Carson, California, 90745

REQUEST: Recommend approval of Proposed Amendments to the Zoning Ordinance regarding Temporary Off-site Real Estate and Yard Signs located within the public right-of-way, Public Noticing Requirements and Unused Permit Expiration to the City Council

PROPERTY INVOLVED: City-wide

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chair Pimentel			Madrigal
		Vice-Chair Cainglet			Palmer
		Cinco			Rahman
		Fe'esago			Rashad
		Mitoma			Alt. Diaz, Alt. Hellerud, Alt. Zuniga

I. Introduction

Background

The following are three proposed amendments to the Carson Municipal Code (CMC):

Temporary Signs

The CMC does not currently allow any temporary signs within the public right-of-way. Representatives of the South Bay Association of Realtors (SBAOR) have expressed concerns that the City's prohibition on the placement of off-site open house directional signs is negatively impacting the real estate business and in turn jeopardizing the City's economic growth. In August 2018, in response to these concerns, the City Council directed staff to evaluate the existing temporary sign standards and establish new standards that would allow placing open house signs within the public right-of-way.

Noticing Requirements

The Planning Commission has expressed concerns regarding the current public noticing distance and its potential inefficiency of adequately noticing properties located near subject projects. In an effort to provide consistent public noticing for expanded areas, the Planning Commission directed staff to evaluate the public noticing distance requirements and recommends increasing the radius from 300 and 500 feet to 750 feet for all discretionary permits (proposed CMC Sections 9172.13, 9172.21 through 9172.23, 9172.25, 9172.26, 9173.22, and 9203.16).

Also, the CMC requires a 10 day notice for public hearing and 20 day notice for administrative/quasi-judicial sections. To provide consistency, the proposed amendment is changing the notice time for administrative/quasi-judicial public hearings to 10 days. California Government Code section 65090 and 65091 specify the time and radius requirements for public hearing notices to be 10 days and 300 feet respectively.

Unused Permit Expiration

The Planning Division has noted that many discretionary projects approved by the Commission and City Council are taking longer than one year to obtain a building permit. Per CMC Section 9172.23, discretionary permits expire one year after approval. This constrained time often results in the risk of a project losing its entitlement approval and the applicant having to start over by submitting a new application and paying the related application fees to obtain Commission and/or Council approvals.

The amendment proposes extending the discretionary permit expiration length of time from one year to two years, which should allow an appropriate amount of time for applicants to obtain a building permit.

These recommendations will be addressed through proposed Ordinances attached as Exhibits 4 and 5.

II. Analysis & Discussion

Temporary Signs

Temporary directional signs in the public right-of-way are a common practice in other communities, and are a benefit to the community by ensuring continued sales of housing stock.

CMC 9128.7 does not allow temporary off-site signs including open house signage within the public right-of-way. However, real estate sales and garage or estate sales (yard sales) are businesses for which on-premises signage does not provide adequate advertising because the business's primary and most effective way to notify people of the available goods or services is by directing passers-by to the fixed business location. The idea here is to create a narrow exception to the prohibition to the City's rule that no signs shall be posted in the public right-of-way for businesses who would be significantly disadvantaged by not being able to advertise the location of their product. Real estate (and yard sales on a smaller scale) is one such business: the product is real property, which cannot be viewed at a fixed location, interested buyers must visit the property itself and assess it in person. In addition, buyers of real property often will simply drive around a specific neighborhood on weekends looking for open houses. Allowing signs in the public right-of-way on a limited basis will ease this process.

The standards for temporary off-site signs for several cities including Long Beach, Torrance, Manhattan Beach, Brea and Whittier were researched. The research indicated that the cities of Torrance, Manhattan Beach and Brea allow temporary off-site signs within the public right-of-way regulating the length of time, location, and types of these signs. The cities of Whittier and Walnut Creek also have adopted standards to allow temporary signs in the public right-of-way. The proposed ordinance amendment is modeled closely after the standards of Whittier and Walnut Creek and inferences have been drawn from other cities that allow temporary off-site signs within the public right-of-way.

It is also recognized that businesses that intend to use the public right-of-way to place their temporary commercial signs may create a safety risk for pedestrians and vehicular traffic and should therefore indemnify the City for any injuries or damages caused by signs placed in the parkways. As such, an indemnification agreement requirement for realtors who wish to place their signs in the public right-of-way is added to the proposed Ordinance.

The proposed amendments will expressly include real estate and yard sale (garage and estate sales) signs as qualifying temporary off-site signage. Any other business use proposing a temporary off-site sign will have the opportunity to apply for a determination of approval or denial. Sign proposals that are not defined as real estate or yard sales will have to comply with the identified criteria and provide suitable findings that can be determined affirmative in order to obtain approval for the proposed temporary off-site signs located in the public right-of-way. At this time, no other business appears to need this type of signage, but if a type of business were to emerge that does, the director could evaluate that type of business and, if appropriate, allow additional signs in the public right-of-way.

The ordinance proposes standards to restrict the time, location, and types of temporary signs that can be placed in the public right-of-way. The placement is restricted to parkways only, and the allowable time to display the proposed temporary off-site signs is as follows:

Day	Time
Fridays	11:00 a.m. – 3:00 p.m.
Saturdays, Sundays, and Federal holidays	9:00 a.m. -- 6:00 p.m.

A summary of the proposed ordinance is provided in Exhibit 1.

The proposed amendment is equitable and likely consistent with provisions of the First Amendment of the U.S. Constitution.

Noticing Requirements: Time and Distance

It is necessary to periodically update the Zoning Ordinance to improve the welfare of the community with the changing times. The code amendment proposes to streamline the noticing time and distance requirements by making them uniform across the CMC.

Currently, CMC Section 9173.22 requires a 10 day notice for public hearing; and 20 days for notice by posting of legislative/administrative/quasi-judicial public hearings. Staff proposes to change the noticing time period requirement to 10 days for all public hearings and for posting.

The Planning Commission has also expressed that the current noticing distances are deficient and has requested to increase the distance radius. Noticing distance requirements varies from a 300-foot radius (CMC Section 9172.23 – Site Plan and Design Review) to a 500-foot radius for various discretionary permit applications located within the CMC Legislative, and Admin/Quasi-Judicial sections and CMC Section 9173.22.

At the Commission’s direction, the amendment proposes to increase the noticing distance to further the public interest and maximize government transparency. The amendment proposes to expand the noticing radius distance to 750-foot radius for all discretionary permits including all legislative and quasi-judicial decision relating to land use.

Unused Permit Expiration

CMC Section 9172.23 states that an unused permit expires “within one year from the Approving Authority’s action”. However, larger projects take about 2 years to obtain building permits, exceeding the allowable time. As a result of the restrictive 1-year period requirement, projects are either delayed because developers must obtain the Commission approval for entitlement extensions, or the entitlements expire. If a viable project expires, further delays occur because the applicant must go through the entitlement process again and obtain the appropriate approval(s) from the Commission and/or the City Council.

The amendment proposes to change the unused permit expiration time to 2 years to allow appropriate time for projects to go through the development process and obtain the necessary building permits.

III. Conclusion

Temporary off-site real estate and yard sale signs located within the public right-of-way are common in other cities. With appropriate sign standards, the proposed off-site temporary signs will direct passers-by to safely navigate through the residential neighborhoods to the interested fixed location.

Procedures amendments to the noticing distance and time requirements will streamline processing of projects and achieve greater community outreach.

Extending the time requirement from one year to two years to obtain building permits following land use entitlement approvals will streamline completion of viable development projects.

IV. Environmental Review

Pursuant to Section 15061(b)(3) the proposed Zoning Ordinance amendments are not subject to the California Environmental Quality Act (CEQA) the proposed ordinance amendment is an update and improvement to the existing standards and guidelines in the Carson Municipal Code and is exempt under the general rule. The text amendment will generate no direct significant environmental impacts.

V. Public Notice

Public Notice of these proposed Zoning Ordinance amendments was advertised in the January 10, 2018 edition of Our Weekly.

VI. Recommendation

That the Planning Commission:

- **RECOMMEND APPROVAL** of ZTA 32-18 to the City Council; and
- **WAIVE** further reading and ADOPT Resolution No._____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL TO ADOPT TEXT AMENDMENT NO. 32-18, AMENDING SECTIONS 9126.29 AND 9126.7 OF THE CARSON MUNICIPAL CODE AND ADDS SECTION 9126.72 TO INCLUDE TIME, PLACE, AND MANNER STANDARDS FOR TEMPORARY OFF-SITE SIGNS IN THE PUBLIC RIGHT-OF-WAY; SECTIONS 9136.7(D) & 9146.7(D) OF THE COMMERCIAL AND INDUSTRIAL SIGN SECTIONS, SECTION 9167.1 OF PROCEDURES FOR SIGNS, SECTION 9167.3 REFERRING TO PROHIBITED SIGNS, AND 9167.8 REFERRING TO REMOVAL OF UNAUTHORIZED SIGNS ARE ALSO AMENDED FOR CONSISTENCY; SECTION 9167.9 IS ADDED TO IDENTIFY THE SIGNAGE RESTRICTIONS FOR MOBILE VENDING TRUCKS AND SIDEWALK VENDORS; FINALLY, SECTION 9172.29 IS ADDED TO IDENTIFY THE PROCEDURE TO REQUEST AN EXCEPTION FROM THE PROHIBITION AGAINST SIGNS IN THE PUBLIC RIGHT-OF-WAY AS DESCRIBED IN EXHIBIT 2. And
- **RECOMMEND APPROVAL** of ZTA 33-18 to the City Council; and
- **WAIVE** further reading and ADOPT Resolution No._____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CITY COUNCIL ADOPT

Planning Commission Staff Report
January 22, 2019

TEXT AMENDMENT NO. 33-18, AMENDING SECTIONS 9172.13(C), 9172.21(C), 9172.22(C), 9172.23(C), 9172.25(C), 9172.26(C), 9173.22 (C) & (D) TO REQUIRE ALL PUBLIC HEARING NOTICES TO BE PROVIDED TO PROPERTIES WITHIN A 750-FOOT RADIUS AND NO LATER THAN 10 DAYS BEFORE THE HEARING; SECTION 9172.23(I)(1)(A) IS ALSO AMENDED TO CHANGE THE UNUSED PERMIT EXPIRATION TIME TO 2 YEARS; AND SECTION 9146.23 IS AMENDED TO CORRECT A TYPOGRAPHICAL ERROR

VII. Exhibits

1. Summary of Proposed Ordinances
2. Draft Resolution 19- ____ for Sign Ordinance
3. Draft Resolution 19- ____ for Procedures
4. Draft Ordinance ____ for Sign Ordinance
5. Draft Ordinance ____ for Procedures

Prepared by: Manraj G. Bhatia, Assistant Planner

Exhibit 1

TABLE – SUMMARY OF PROPOSED ORDINANCES

Section	Discussion
Section 9126.7 (A)	<p><i>Some parts of this section have been reworded, others deleted and new ones added</i></p> <ul style="list-style-type: none"> ➤ To include all types of temporary off-site signs and to clarify sign regulations for single family and multi-family developments. ➤ Most significant changes to this section include: <ul style="list-style-type: none"> • A-frame signs allowed as temporary directional signs. • Signs also allowed on Fridays between 11 am to 3 pm. • Temporary directional signs are allowed in the public right-of-way, with limitations • Increase in number of temporary directional signs from 2 to 6.
Section 9126.72	<p><i>New section added</i></p> <p>To allow temporary off-site signs in the public right-of-way for certain types of businesses whose goods are not able to be sold out of a fixed commercial location, and whose buyers must evaluate in person. Some businesses are explicitly called out to have the right to these standards that have already been determined to fall under this section. Any business not explicitly mentioned in this section can apply for an exception, and process to be followed is provided.</p> <p>Realtors who wish to avail themselves of these provisions will be required to execute an indemnification agreement.</p>
Section 9136.7 (D)(1-7) & (9)	<i>Reworded to generalize for "temporary off-site signs"</i>
Section 9136.7 (D)(8)	<i>Removed and replaced with</i>
	8. Temporary signs shall be limited to no more than four 30-day periods per calendar year, for a total of 120 days per calendar year.
Section 9146.7 (D) (1-7) & (9)	<i>Reworded to generalize for "temporary off-site signs"</i>
Section 9146.7 (D)(8)	<i>Removed and replaced with</i>
	8. Temporary signs shall be limited to no more than four 30-day periods per calendar year, for a total of 120 days per calendar year.
Section 9167.1	<i>Reworded for clarity</i>
Section 9167.3	<i>Removed and replaced with:</i>



	<p>“9167.3 Signs on public property; Signs on vehicles.”</p> <p>To prohibit all signs on public property except for the allowed temporary off-site signs in the public right-of-way, and outlining restrictions for signs on vehicles.</p>
Section 9167.8	<p><i>Amended</i></p> <p>Changed the time for holding the sign by Code Enforcement from 10 days to 7 days.</p>
Section 9167.9	<p><i>New section added</i></p> <p>Identifying the signage restrictions for mobile vending trucks and sidewalk vendors.</p>
Section 9172.29	<p><i>New section added</i></p> <p>Identifying the procedure to request an exception from temporary sign restriction in the public right of way.</p>
Sections 9172.13(C), 9172.21(C), 9172.22 (C), 9172.25 (C)	<p><i>Amended</i></p> <p>Changed noticing requirement from 500 to 750 ft.</p>
Sections 9172.23 (C), 9172.26 (C), 9203.16	<p><i>Amended</i></p> <p>Changed noticing requirement from 300 to 750 ft.</p>
Section 9172.23 (D)(1)(a)	<p><i>Amended</i></p> <p>Changed unused permit expiration from 1 year to 2 years.</p>
Section 9173.22 (C) & (D)	<p><i>Amended</i></p> <p>Changed noticing time from 20 days to 10 days and distance to 750 ft.</p>
Section 9146.23	<p><i>Amended</i></p> <p>Text error correction to read “20” instead of “210”</p>



**CITY OF CARSON
PLANNING COMMISSION**

RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL TO ADOPT TEXT AMENDMENT NO. 32-18, AMENDING SECTION 9126.7(A) OF THE CARSON MUNICIPAL CODE AND ADDS SECTION 9126.72 TO INCLUDE TIME, PLACE, AND MANNER STANDARDS FOR TEMPORARY OFF-SITE SIGNS IN THE PUBLIC RIGHT-OF-WAY; SECTIONS 9136.7(D) & 9146.7(D) OF THE COMMERCIAL AND INDUSTRIAL SIGN SECTIONS, SECTION 9167.1 OF PROCEDURES FOR SIGNS, SECTION 9167.3 REFERRING TO PROHIBITED SIGNS, AND 9167.8 REFERRING TO REMOVAL OF UNAUTHORIZED SIGNS ARE ALSO AMENDED FOR CONSISTENCY; SECTION 9167.9 IS ADDED TO IDENTIFY THE SIGNAGE RESTRICTIONS FOR MOBILE VENDING TRUCKS AND SIDEWALK VENDORS; FINALLY, SECTION 9172.29 IS ADDED TO IDENTIFY THE PROCEDURE TO REQUEST AN EXCEPTION FROM THE PROHIBITION AGAINST SIGNS IN THE PUBLIC RIGHT-OF-WAY.

WHEREAS, the City of Carson, pursuant to its police power, has the authority to take appropriate action to address concerns regarding traffic safety and aesthetics, as they relate to signs. *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981).

WHEREAS, signs constitute speech protected by the First Amendment of the United States Constitution, and by Art. 1, Sec. 2, of the Constitution of the State of California and that its regulation of signs must be consistent with these protections.

WHEREAS, the Planning Commission of the City of Carson finds that an uncontrolled proliferation of signs within the City is harmful to the public's health, safety and welfare, in that such signs are aesthetically displeasing and constitute a traffic hazard, as drivers will be distracted by attempting to read an excessive number of signs that are placed in a haphazard manner.

WHEREAS, the City's interests in traffic safety and aesthetics underlying these regulations are substantial interests. *National Advertising Co. v. City of Orange*, 861 F.2d 246, 248 (9th Cir. 1988); *Foti v. City of Menlo Park*, 146 F.3d 629 (9th Cir. 1998).

WHEREAS, the Planning Commission finds that the citizens of Carson and visitors to the City have a substantial interest in visiting, living, and working in an aesthetically pleasing city.

WHEREAS, the Planning Commission finds that the citizens of Carson and all those who travel in and through the City have a substantial interest in traffic safety within the City.

EXHIBIT NO. 2 -



WHEREAS, the Planning Commission finds that real estate sales and garage or estate sales are businesses for which on-premises signage does not provide adequate advertising of the goods or services sold because the nature of these businesses is such that effective advertising by way of permanent on-premises signage is impractical: the business's primary and most effective way to notify people of the available goods or services is by directing passers-by to the location of the goods or services; and the businesses do not have a fixed place of business or the goods or services themselves cannot practically be viewed and/or sold out of one business location.

WHEREAS, current regulations allow on-site commercial signage while prohibiting off-site advertising signs, the City Council having found that onsite commercial speech is more valuable than offsite commercial speech, as permitted by *Outdoor Systems, Inc. v. City of Mesa*, 997 F.2d 604, 611 (9th Cir. 1993) and *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981).

WHEREAS, the Planning Commission finds that businesses that intend to use the public right-of-way to place their temporary commercial signs may create a safety risk for pedestrians and vehicular traffic and should therefore indemnify the City for any injuries or damages caused by signs placed in the parkways.

WHEREAS, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the proposed ordinance amendment is an update and improvement to the existing standards and guidelines in the Carson Municipal Code and is exempt under the general rule. The text amendment will generate no direct significant environmental impacts.

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The Planning Commission finds that the recitals herein are true and correct, and incorporates the same by reference.

Section 2. On January 22, 2019, the Planning Commission held a duly noticed public hearing to discuss the issue of off-site temporary real estate directional signs in the public right-of-way. A notice of the time, place and purpose of the public hearing was duly given.

Section 3. Evidence, both written and oral, was duly presented to, and considered by, the Planning Commission at the public hearing.



Section 4. The Planning Commission finds that:

- a) It is necessary to periodically update the Zoning Ordinance to improve the welfare of the community with the changing times.
- b) Realtors rely on off-site temporary directional signs to direct potential homeowners to open houses.
- c) The transitory or temporary nature of a business such as real estate, where the goods or services offered by the business cannot be viewed and/or sold out of a fixed business location necessitates placing temporary signs in the public right-of-way to direct potential buyers to the goods and services for sale or rent.
- d) Temporary off-site signs in the public right-of-way are a common practice in other communities, and provide a benefit to the community by ensuring continued sales of housing stock.
- e) It is necessary to provide clear time, place, and manner standards for temporary off-site signs for this type of business that do not obstruct pedestrian or vehicular traffic, or cause an unnecessary distraction that increases the possibility of a vehicle accident.
- f) Updating the Zoning Ordinance would better protect the health, safety, and welfare of the community by keeping regulations current and reducing the possibility of misinterpretation.

Section 5. Based on the aforementioned findings, the Planning Commission hereby recommends that the City Council adopts text amendments to the Zoning Ordinance, pursuant to the proposed ordinance attached hereto as Exhibit 1, and incorporated by reference. The proposed ordinance amends CMC Section 9126.7(A) and adds section 9126.72 to include time, place, and manner restrictions to temporary off-site signs in the public right-of-way. Sections 9136.7(D) and 9146.7(D) (signs in commercial and industrial zones), Section 9167.1 (procedures relating to signs), Section 9167.3 (prohibited signs), and Section 9167.8 (removal of unauthorized signs in the public right-of-way) are also amended to be consistent with Section 9126.7(A). Section 9167.9 is added to identify the signage restrictions for mobile vending trucks and sidewalk vendors. Finally, Section 9172.29 is added to identify the procedure to request an exception from the prohibition against signs.

Section 6. Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the Planning Commission finds that the proposed ordinance amendment is an update and improvement to the existing standards and guidelines in the CMC and is exempt under the general rule. The ordinance amendment will generate no direct significant environmental impacts.



Section 7. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council.

PASSED, APPROVED AND ADOPTED THIS 22ND DAY OF JANUARY 2019.

CHAIRMAN

ATTEST:

SECRETARY



**CITY OF CARSON
PLANNING COMMISSION**

RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CITY COUNCIL ADOPT TEXT AMENDMENT NO. 33-18, AMENDING SECTIONS 9172.13(C), 9172.21(C), 9172.22(C), 9172.23(C), 9172.25(C), 9172.26(C), 9173.22 (C) & (D) TO REQUIRE ALL PUBLIC HEARING NOTICES TO BE PROVIDED TO PROPERTIES WITHIN A 750-FOOT RADIUS AND NO LATER THAN 10 DAYS BEFORE THE HEARING; SECTION 9172.23(I)(1)(A) IS ALSO AMENDED TO CHANGE THE UNUSED PERMIT EXPIRATION TIME TO 2 YEARS; AND SECTION 9146.23 IS AMENDED TO CORRECT A TYPOGRAPHICAL ERROR

WHEREAS, Title 7 of the Government Code require that the Planning Commission and/or City Council make certain legislative and quasi-judicial decisions relating to land use pursuant to noticed public hearings.

WHEREAS, certain public hearing notices require that a city notify all property owners within 300 feet of the property affected by the decision.

WHEREAS, the City Council of the City of Carson has adopted a wider radius for such notices, namely, 500 feet from the property affected by the decision.

WHEREAS, the Planning Commission finds that for legislative and quasi-judicial decisions relating to land use the public interest will be served by further increasing the radius for public hearing notices to 750 feet from the property affected by the decision, and with this ordinance the City Council amends the relevant provisions in the Zoning Code to further the public interest and to maximize transparency in government.

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Planning Commission finds the recitals true and correct, and incorporates them herein by reference.

Section 2. On January 22, 2019, the Planning Commission held a duly noticed public hearing to discuss the issue of noticing time and distance and expiration time for unused permits. A notice of the time, place and purpose of the aforesaid hearing was duly given.

Section 3. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

EXHIBIT NO. 3 -



Section 4. The Planning Commission finds that:

- a) It is necessary to periodically update the Zoning Ordinance to improve the welfare of the community with the changing times;
- b) Updating the Zoning Ordinance would better protect the health, safety, and welfare of the community by keeping regulations current and reducing the possibility of misinterpretation.

Section 5. Based on the aforementioned findings, the Planning Commission hereby recommends approval to the City Council of the proposed text amendment to the Zoning Ordinance, attached hereto and incorporated by reference as Exhibit 1 amending Sections 9172.13 (c), 9172.21 (c), 9172.22 (c), 9172.23 (c), 9172.25 (c), 9172.26 (c), and 9203.16 of the Carson Municipal Code to require public hearing notices to be provided to all properties within a 750-foot radius and no later than 10 days prior to the hearing; Section 9172.23 (i)(1)(a) is amended to change the unused permit expiration time to 2 years; and Section 9146.23 is amended to correct a typographical error.

Section 6. Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the Planning Commission finds that the proposed ordinance amendment is an update and improvement to the existing standards and guidelines in the CMC and is exempt under the general rule. The ordinance amendment will generate no direct significant environmental impacts.

Section 7. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council.

PASSED, APPROVED AND ADOPTED THIS 22ND DAY OF JANUARY 2019.

CHAIRMAN

ATTEST:

SECRETARY



ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING A TEXT AMENDMENT TO CHAPTER 1 (ZONING) OF TITLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING TEMPORARY SIGNS AMENDING SECTIONS 9126.29 AND 9126.7 AND ADDS SECTION 9126.72 TO INCLUDE TIME, PLACE, AND MANNER RESTRICTIONS TO TEMPORARY OFF-SITE SIGNS IN THE PUBLIC RIGHT-OF-WAY. SECTIONS 9136.7(D) AND 9146.7(D) (SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES), SECTION 9167.1 (PROCEDURES RELATING TO SIGNS), SECTION 9167.3 (PROHIBITED SIGNS), AND SECTION 9167.8 (REMOVAL OF UNAUTHORIZED SIGNS IN THE PUBLIC RIGHT-OF-WAY) ARE ALSO AMENDED TO BE CONSISTENT WITH SECTION 9126.7(A). SECTION 9167.9 IS ADDED TO IDENTIFY THE SIGNAGE RESTRICTIONS FOR MOBILE VENDING TRUCKS AND SIDEWALK VENDORS. FINALLY, SECTION 9172.29 IS ADDED TO IDENTIFY THE PROCEDURE TO REQUEST AN EXCEPTION FROM THE PROHIBITION AGAINST SIGNS

WHEREAS, the City of Carson, pursuant to its police power, has the authority to take appropriate action to address concerns regarding traffic safety and aesthetics, as they relate to signs. *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981).

WHEREAS, signs constitute speech protected by the First Amendment of the United States Constitution, and by Art. 1, Sec. 2, of the Constitution of the State of California and that its regulation of signs must be consistent with these protections.

WHEREAS, the City Council of the City of Carson finds that an uncontrolled proliferation of signs within the City is harmful to the public's health, safety and welfare, in that such signs are aesthetically displeasing and constitute a traffic hazard, as drivers will be distracted by attempting to read an excessive number of signs that are placed in a haphazard manner.

WHEREAS, the City's interests in traffic safety and aesthetics underlying these regulations are substantial interests. *National Advertising Co. v. City of Orange*, 861 F.2d 246, 248 (9th Cir. 1988); *Foti v. City of Menlo Park*, 146 F.3d 629 (9th Cir. 1998).

WHEREAS, the City Council finds that the citizens of Carson and visitors to the City have a substantial interest in visiting, living, and working in an aesthetically pleasing city.

WHEREAS, the City Council finds that the citizens of Carson and all those who travel in and through the City have a substantial interest in traffic safety within the City.



WHEREAS, the City Council finds that real estate sales and garage or estate sales are businesses for which on-premises signage does not provide adequate advertising of the goods or services sold because the nature of these businesses is such that effective advertising by way of permanent on-premises signage is impractical: the business's primary and most effective way to notify people of the available goods or services is by directing passers-by to the location of the goods or services; and the businesses do not have a fixed place of business or the goods or services themselves cannot practically be viewed and/or sold out of one business location.

WHEREAS, current regulations allow on-site commercial signage while prohibiting off-site advertising signs, the City Council having found that onsite commercial speech is more valuable than offsite commercial speech, as permitted by *Outdoor Systems, Inc. v. City of Mesa*, 997 F.2d 604, 611 (9th Cir. 1993) and *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981).

WHEREAS, the City Council finds that businesses that intend to use the public right-of-way to place their temporary commercial signs may create a safety risk for pedestrians and vehicular traffic and should therefore indemnify the City for any injuries or damages caused by signs placed in the parkways.

WHEREAS, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the proposed ordinance amendment is an update and improvement to the existing standards and guidelines in the Carson Municipal Code and is exempt under the general rule. The text amendment will generate no direct significant environmental impacts.

WHEREAS, the City Council finds that the publication of the entire text of this ordinance in a newspaper of general circulation would cost significantly more than the cost of publishing other ordinances and it is infeasible to prepare a fair and accurate summary of the ordinance.

WHEREAS, pursuant to subdivision (c) of Section 36933 of the California Government Code, the City Council may publish a summary of this ordinance in lieu of the entire text; and

WHEREAS, the City Council previously ordered that a display advertisement of at least one-quarter of a page be published in a newspaper of general circulation in the City, and that such publication occurred at least five days prior to the City Council meeting at which the ordinance was adopted.



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

Section 1. Section 9126.29 (Signs) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by deleting strikethrough text and adding underlined text with all other text remaining unchanged as follows:

Section No. Reference		9126.22	9126.221	9126.23	9126.24	9126.25	9126.26	9126.27	9126.28		
Type of Encroachment	Type of Yard	Future Right-of-Way Areas	Parking Setback (between street or alley & garage door or parking space)	Front Yard	Side Yard		Rear Yard		Passageway	Space Between Buildings (on same lot)	Usable Open Space
					Less than 60' from front lot line	60' or more from front lot line	50% of area - building encroachment permitted	50% of area required to remain open			
Real Estate Advertising Residential Property Sign		One <u>Two</u> temporary sign signs per lot as provided in CMC 9126.7									

Section 2. Section 9126.7 (Signs) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

"A. Sign posts, window placards, and A-frame signs on residential properties are permitted, as follows:

1. Sign Posts.

- a. Single Family Units. One unlighted sign post is permitted, not to exceed 3 square feet in area and 4 feet in height if on a straight stake or stakes or 6 square feet in area and 6 feet in height if on a colonial post.
- b. Multi-family developments. Only one master post shall be permitted for all straight stake posts, colonial posts, and riders. The height of the master post shall not exceed 8 feet and shall not exceed 6 square feet. Multi-family developments with more than one street frontage may place one master post per street frontage.
- c. Sign posts shall be situated not less than 10 feet from the inside line of the sidewalk, or if there is no sidewalk, from the property line, except, if the building setback on such premises is less than 10 feet, such sign shall be situated not less than one-half the setback from the inside line of the sidewalk or property line.
- d. Two riders, not larger than 6 by 24 inches, are permitted to be placed under the main sign face. Information may be printed on both sides of the riders.



2. Window Placards. A placard not over 2 square feet in area may be placed in the window of a residential building or unit.
3. A-Frame Signs. A-frame signs placed on a residential property are subject to the following limitations.
 - a. Single Family - One on-site A-frame sign, not to exceed 3 square feet in area and not to exceed 3 feet in height, shall be permitted.
 - b. A-frame signs shall only be placed on-site on Fridays, between the hours of 11:00 a.m. and 3:00 p.m. and Saturdays, Sundays, and Federal holidays between the hours of 10:00 a.m. and 6:00 p.m.

B. Signs on residential property are subject to the following restrictions:

1. No signs other than sign posts, window placards, A-frame signs, and lawn signs are permitted on residential properties.
2. No more than 2 sign posts, A-frame signs, and lawn signs, in any combination, shall be permitted per street frontage per single family property. No more than 2 A-frame signs per 1/4 acre of lot size, in addition to a master sign post, shall be permitted for multi-family properties.
3. Signs shall not be placed so as to obstruct pedestrians' and motorists' view of signs erected by a local, state, or federal governmental agency, including but not limited to traffic signs, public directional signs, parking signs, and street address signs.
4. Signs shall not be placed so as to obstruct or hinder sidewalk or street access by pedestrians and vehicles.
5. Signs shall not be placed so as to obstruct ingress and egress to any public or private property.
6. Signs shall not be designed or constructed to cause undue distraction to motorists. For example, signs shall not be illuminated, either internally or externally, shall not have flashing lights, shall not have any moving parts, shall not generate any source sounds including radio waves), shall not release steam or smoke, and shall not look like traffic signs.
7. Signs may be subject to other reasonable restrictions, or modifications to the above restrictions, which the Community Development Director finds are necessary to ensure that the signs do not constitute a threat to property, traffic, or pedestrians. Such restrictions may include, but shall not be limited to, moving signs so as not to obstruct visibility, weighing down signs in windy conditions, etc."

Section 3. Section 9126.72 (Off-site Temporary Commercial Signs) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is added as follows:



“9126.72 Temporary Off-Site Signs in the Public Right-of-Way

- A. Notwithstanding the prohibition of signs on public property, as provided for in Section 9176.3(A), temporary off-site signs are permitted in the public right-of-way, as follows:
1. Signs for any business that provides goods or services that meet one or more of the following criteria,
 - a. The business is of a transitory or temporary nature, or
 - b. The goods or services themselves cannot practically be viewed and/or sold out of a fixed business location.
 2. Before a business may place its signs in the public right-of-way pursuant to this section, the Director must make a finding, in accordance with the procedures in Section 9172.29, that a particular type of business satisfies the criteria herein.
 3. Temporary off-site signs for the following goods and services are deemed to satisfy the criteria for the exception in subsection ((A) above):
 - a. Real estate directional signs, directing to properties that are for sale or for rent.
 - b. Yard sale directional signs, including garage sales and estate sales, directing where such sales are to occur.
 4. Indemnification Required. No person shall place off-site signs in the public right-of-way prior to executing an indemnification agreement with the City to the satisfaction of the City Attorney, releasing the City from any liability that may arise from the placement of the signs in the public right-of-way, and indemnifying the City from any third party claims or liability arising from the placement of the signs in the public right-of-way. Any sign placed in the public right-of-way prior to the execution of the indemnification agreement shall be deemed illegal and subject to immediate removal.
 5. Temporary off-site signs in the public right-of-way are subject to all of the following time, place, and manner limitations:
 - a. Signs shall not be permanently affixed, but should be anchored or weighed down to prevent them from falling or being blown into the street or sidewalk.
 - b. The purpose of the sign is limited to indicating in which direction potential buyers or customers should proceed to locate the event.
 - c. Temporary off-site signs in the public right-of-way shall only be placed in landscaped parkways, and shall not be placed on the sidewalk or in the center street median.
 - d. No signs shall be placed on utility poles, light or traffic light poles, traffic signs or traffic sign poles, or street trees. No more than a total of 6 signs per property/yard sale may be permitted at any one time.



- e. A distance of 500 feet or more is required between individual temporary off-site signs on the same street. This limitation does not apply to signs that pertain to different properties/events.
- f. The background sign area of a temporary off-site sign shall be no larger than 3 square feet.
- g. Temporary off-site signs shall not exceed 3 feet in height, measured from the highest street grade in contact with the sign to the top of the sign.
- h. No temporary off-site signs shall be placed so as to obstruct pedestrians' and motorists' view of traffic and of signs erected by a local, state, or federal governmental agency, including but not limited to traffic signs, public directional signs, parking signs, and street address signs.
- i. No temporary off-site signs shall be placed so as to obstruct or hinder sidewalk or street access by pedestrians and vehicles.
- j. No temporary off-site signs shall be placed so as to obstruct ingress and egress to any public or private property.
- k. Temporary off-site signs shall not be designed or constructed to cause undue distraction to motorists. For example, signs shall not be illuminated, either internally or externally, shall not have flashing lights, shall not have any moving parts, shall not generate any source sounds (including radio waves), and shall not release steam or smoke.
- l. Temporary off-site signs shall only be placed in the public right-of-way on Fridays, between the hours of 11:00 a.m. and 3:00 p.m. and Saturdays, Sundays, and federal holidays, between the hours of 10:00 a.m. and 6:00 p.m.
- m. Temporary off-site signs shall be subject to any other reasonable restrictions, or modifications to the above restrictions, which the Community Development Director finds are necessary to ensure that signs do not cause a hazard to vehicle traffic, pedestrians, or property.

C. This section is subject to the substitution clause articulated in Section 9167.7.

D. Violations.

- 1. Violations of subdivisions (A) and (B) shall be subject to the following civil fines within a calendar year: (a) \$50.00 for the first violation; (b) \$75.00 for the second violation; and (c) \$100 for the third and any subsequent violation.
- 2. Fines shall be payable within 30 days of issuance. Late payment shall incur a late penalty equal to the amount of the fine. The failure of any person, within 60 days of the date of issuance of a fine, to pay the fine and any applicable late penalty, may result in the matter being referred to the Director of Finance to file a claim with the Small Claims Court. Alternatively, the City may pursue any other legal



remedy to collect the civil fines. The City may also recover its collections costs according to proof.

3. Violations shall be recorded by realtor office address, rather than by individual property for sale; provided that if the property is being sold by its owner, the violations shall be recorded against the property that is for sale.
4. The remedies provided in this section are in addition to any other remedies and penalties that may be available under the Carson Municipal Code and the laws of the State of California."

Section 4. Subdivision (D) Section 9136.7 (Signs) of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

"Temporary Signs. Temporary on-premises signs are permitted on commercial properties, subject to the following limitations:

1. One unlighted sign structure is permitted per lot; except on parcels larger than 5 acres, one such sign structure is permitted for each street frontage of the parcel.
2. A sign structure may have any number of sign faces but the total sign area shall not exceed 50 square feet per sign structure.
3. All portions of a sign structure shall be not less than ten (10) feet from the inside line of the sidewalk, or if there is no sidewalk, from the lot line, except, if the building setback is less than ten (10) feet, the sign structure shall be not less than one-half the setback from the inside line of the sidewalk or lot line.
4. A free-standing temporary sign shall not exceed thirty (30) feet in height.
5. A temporary sign may be affixed to a building but shall not project above the height of the building wall or roof fascia.
6. Advertising copy shall pertain only to the premises upon which the sign is located.
7. Any such signs shall be removed within two (2) weeks after the conclusion of the event advertised.
8. Temporary signs shall be limited to no more than four 30-day periods per calendar year, for a total of 120 days per calendar year.
9. Violations.
 - a. Violations of this subdivision (D) shall be subject to the following civil fines within a calendar year: (a) \$50.00 for the first violation; (b) \$75.00 for the second violation; and (c) \$100 for the third and any subsequent violation.
 - b. Fines shall be payable within 30 days of issuance. Late payment shall incur a late penalty equal to the amount of the fine. The failure of any person, within 60 days of the date of issuance of a fine, to pay the fine and any



applicable late penalty, may result in the matter being referred to the Director of Finance to file a claim with the Small Claims Court. Alternatively, the City may pursue any other legal remedy to collect the civil fines. The City may also recover its collections costs according to proof.

- c. Violations shall be recorded by realtor office address, rather than by individual property for sale; provided that if the property is being sold by its owner, the violations shall be recorded against the property that is for sale.
- d. The remedies provided in this section are in addition to any other remedies and penalties that may be available under the Carson Municipal Code and the laws of the State of California."

Section 5. Subdivision (D) of Section 9146.7 (Signs) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter I (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

"Temporary Signs. Temporary on-premises signs are permitted, subject to the following:

1. One unlighted sign structure is permitted per lot; except on parcels larger than 5 acres, one such sign structure is permitted for each street frontage of the parcel.
2. A sign structure may have any number of sign faces but the total sign area shall not exceed 100 square feet per sign structure.
3. All portions of a sign structure shall be not less than 10 feet from the inside line of the sidewalk, or if there is no sidewalk from the lot line, except, if the building setback is less than 10 feet, the sign structure shall be not less than one-half the setback from the inside line of the sidewalk or lot line.
4. A free-standing temporary sign shall not exceed 30 feet in height.
5. A sign may be affixed to a building but shall not project above the height of the building wall or roof fascia.
6. Advertising copy shall pertain only to the premises upon which the sign is located.
7. Temporary signs shall be removed within 2 weeks after the event or sale advertised.
8. Temporary signs shall be limited to no more than four 30-day periods per calendar year, for a total of 120 days per calendar year.
9. Violations.
 - a. Violations of this subdivision (D) shall be subject to the following civil fines within a calendar year: (a) \$50.00 for the first violation; (b) \$75.00 for the second violation; and (c) \$100 for the third and any subsequent violation.



- b. Fines shall be payable within 30 days of issuance. Late payment shall incur a late penalty equal to the amount of the fine. The failure of any person, within 60 days of the date of issuance of a fine, to pay the fine and any applicable late penalty, may result in the matter being referred to the Director of Finance to file a claim with the Small Claims Court. Alternatively, the City may pursue any other legal remedy to collect the civil fines. The City may also recover its collections costs according to proof.
- c. Violations shall be recorded by realtor office address, rather than by individual property for sale; provided that if the property is being sold by its owner, the violations shall be recorded against the property that is for sale.
- d. The remedies provided in this section are in addition to any other remedies and penalties that may be available under the Carson Municipal Code and the laws of the State of California."

Section 6. Section 9167.1 (Signs) of Division 7 (Signs) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is repealed and replaced with the following:

"A. In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, walkway or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

B. When signs are constructed with two (2) or more faces, all faces may be used except as otherwise specified in this Chapter; provided, that the total sign face area shall be considered to be the sum of the areas of the faces.

C. All signs shall be maintained in good repair, including display surfaces which shall be kept neatly painted or pasted.

E. Any person who violates any provision of this Section shall be guilty of an infraction and shall be punishable as provided in Chapter 2 of Article I of this Code."

Section 7. Subdivision (E) of Section 9167.3 (Prohibited Signs) of Division 7 (Signs) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

"9167.3 Signs on Public Property; Signs on Vehicles.

A. Public Property. Except as may otherwise be provided in Sections 9126.7, 9236.7, and 9146.7, no person shall post or affix any sign on any public property, including but not limited to, the public right-of-way, public buildings, signs posts, and utility poles.

B. Vehicles. Vehicles may display signs that are permanently affixed to the vehicle in a manner that is painted directly upon the body of the vehicle, applied



as a decal on the body of the vehicle, or placed in a location on the body of the vehicle that was specifically designed by a vehicle manufacturer for the express purpose of containing a sign, such that they are an integral part of, or fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.”

Section 8. Section 9167.8 of Division 7 (Signs) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“A. The Director may summarily and without prior notice remove any unauthorized sign in the public right-of-way that is placed in violation of any of the provisions of the Carson Municipal Code. Provided that the owner of the sign appears on the face of the sign, the Director may mail written notice within 48 hours after such removal to the sign’s owner or agent.

B. The Director shall release any sign removed pursuant to this section to the owner thereof upon payment of per-sign fee, as determined by City Council resolution, for the removal and keeping of the sign. If the sign is not claimed within 7 days after removal of the sign, the Director shall order the destruction of the sign.”

Section 9. Section 9167.9 (Mobile vending trucks and sidewalk vendors) of Division 7 (Signs) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) is added as follows:

“9167.9 Mobile vending trucks and sidewalk vendors.

- A. Mobile vending trucks and sidewalk vendors shall not place signs in the public right of way.
- B. Mobile vending trucks and sidewalk vendors parked on private property may place temporary signs on the property in accordance with the sign regulations for residential, commercial, and industrial properties.
- C. Mobile vending trucks and sidewalk vendors may display advertising signs that are permanently affixed in a manner that is painted directly upon the body of the vehicle, applied as a decal on the body of the vehicle, or placed in a location on the body of the vehicle that was specifically designed by a vehicle manufacturer for the express purpose of containing an advertising sign, such that they are an integral part of, or fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.”

Section 10. Section 9172.29 of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby added as follows:



"9172.29- Request for Exception from Temporary Sign Restriction in the Public Right of Way.

- A. Initiation. Consideration shall be initiated upon the filing of an application for exception from Section 9173.6(A) by the owner of the business or his/her authorized representative in accordance with CMC 9173.1.
- B. Approval Authority. The Director of Community Development shall have the authority to approve such an exception.
- C. Approving Authority Findings and Decision.
 - 1. The Director will approve the exception, if s/he is able to make affirmative findings based on the following criteria:
 - a. The business requesting an exemption from CMC 9173.6(A) is of a transitory or temporary nature, and
 - b. The goods or services of the business themselves cannot practically be viewed and/or sold out of a fixed business location, or at the location of the business itself.
 - 2. The Director must communicate the decision of his/her findings in writing, within 30 calendar days of receipt of the application.

D. Effective Date and Appeal.

- 1. An appeal from a decision of the Director shall be considered by the Commission, and an appeal from a decision of the Commission shall be considered by the Council as provided in CMC 9173.4.
- 2. The decision of the Director or Commission, as the case may be, shall become effective and final fifteen (15) days after the date of the decision unless an appeal is filed in accordance with CMC 9173.4.
- 3. The decision of the Council is final, and is subject to the provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure."

Section 11. Section 9191.585.1 (Signs, open house) of Part 9 (Definitions) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby deleted.

Section 12. Section 9191.590 (Signs, real estate advertising) of Part 9 (Definitions) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby deleted.

Section 13. Sections 9191.557 (Sidewalk Vendor), 9191.559 (Sign, A-frame), 9191.607 (Signpost), and 9191.607.1 (Signpost, colonial) are added to Part 9 (Definitions) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code



"9191.557 Sidewalk Vendor. Shall have the same meaning as that provided in Section 51036 of the Government Code, as may be amended from time to time."

"9191.559 Sign, A-frame. A sign having a support structured shaped like an A. A-frame signs typically have sign faces on both sides of the frame."

"9191.607 Signpost. Shall mean a post affixed to the ground bearing a sign."

"9191.607.1 Signpost, colonial. Shall mean a signpost in an inverted L-shape with one or more hanging sign faces, most commonly used on properties for sale."

Section 14. 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 15. 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 16. This ordinance shall be effective thirty (30) days following its adoption.

PASSED, APPROVED and ADOPTED this ___th day of _____, 2019.

Mayor Albert Robles

ATTEST:

City Clerk Donesia Gause-Aldana

APPROVED AS TO FORM:

City Attorney



ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING A TEXT AMENDMENT TO TITLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE AMENDING THE FOLLOWING SECTIONS:

SECTION 9146.23 (FRONT YARD) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL USES) OF CHAPTER 1 (ZONING), CORRECTING A TYPOLOGICAL ERROR; SUBSECTION (C) OF SECTION 9172.13 (ZONE CHANGE), SUBSECTION (C) OF SECTION 9172.21 (CONDITIONAL USE PERMIT), SUBSECTION (C) OF SECTION 9172.22 (VARIANCE), SUBSECTIONS (C) AND (I)(1)(a) OF SECTION 9172.23 (SITE PLAN AND DESIGN REVIEW), SUBSECTION (C) OF SECTION 9172.25 (EXTENSION OF NONCONFORMING PRIVILEGE), AND SUBSECTION (C) OF SECTION 9172.26 (RELOCATION REVIEW) OF DIVISION 2 (PROCEDURES BY TYPE) OF PART 7 (PROCEDURES) OF CHAPTER 1 (ZONING); SECTION 9173.22 (NOTIFICATION OF HEARING (CALIFORNIA GOVERNMENT CODE SECTIONS 65854 THROUGH 65854.5) OF DIVISION 3 (ELEMENTS OF PROCEDURE) OF PART 7 (PROCEDURES) OF CHAPTER 1 (ZONING), AND SECTION 9203.16 (PROCESSING AND APPROVAL – PUBLIC HEARING) OF PART 3 (TENTATIVE MAPS) OF CHAPTER 2 (SUBDIVISION REGULATIONS), REQUIRING ALL PUBLIC HEARING NOTICES FOR ALL PROPERTIES WITHIN A 750-FOOT RADIUS AND 10 DAYS PRIOR TO THE HEARING.

WHEREAS, Title 7 of the Government Code require that the Planning Commission and/or City Council make certain legislative and quasi-judicial decisions relating to land use pursuant to noticed public hearings.

WHEREAS, certain public hearing notices require that a city notify all property owners within 300 feet of the property affected by the decision.

WHEREAS, the City Council of the City of Carson has adopted a wider radius for such notices, namely, 500 feet from the property affected by the decision.

WHEREAS, the City Council finds that for legislative and quasi-judicial decisions relating to land use the public interest will be served by further increasing the radius for public hearing notices to 750 feet from the property affected by the decision, and with this ordinance the City Council amends the relevant provisions in the Zoning Code to further the public interest and to maximize transparency in government.

WHEREAS, the City Council finds that the publication of the entire text of this ordinance in a newspaper of general circulation would cost significantly more than the cost of publishing other ordinances and it is infeasible to prepare a fair and accurate summary of the ordinance.



WHEREAS, pursuant to subdivision (c) of Section 36933 of the California Government Code, the City Council may publish a summary of this ordinance in lieu of the entire text.

WHEREAS, the City Council previously ordered that a display advertisement of at least one-quarter of a page be published in a newspaper of general circulation in the City, and that such publication occurred at least five days prior to the City Council meeting at which the ordinance was adopted.

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

Section 1. Section 9146.23 of Division 6 (Site Development Standards) of Part 4 (Industrial Uses) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Each lot shall have a front yard with a required depth of twenty-five (25) feet or twenty-five (25) percent of the lot depth, whichever is less, except that a variable front yard in which all portions are at least ten (10) feet in depth and some portion is at least twenty (20) feet in depth is permitted if, to the satisfaction of the Director, all portions of the yard where the setback is twenty (20) feet or less are landscaped and mounded earthforms are included in the landscaping.

For any building (but not for an unoccupiable structure whether detached or attached to a building) over fifty (50) feet in height, the required front yard setback shall be increased by one (1) foot for each two (2) feet of height above fifty (50) feet.

Any portion of a required front yard which is not utilized for parking shall be landscaped. A required front yard shall not be otherwise occupied except as provided in CMC 9146.29.”

Section 2. Subsection (C) of Section 9172.13 (Zone Change) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing and Notice. The Commission shall hold a public hearing on any such ordinance or amendment, giving notice pursuant to CMC 9173.22 (Notification of Hearing) by posting, by notice to property owners within seven hundred and fifty (750) feet and, in addition, by giving notice to any person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such additional notice, and in such manner, as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 3. Subsection (C) of Section 9172.21 (Conditional Use Permit) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing Notice. Notice of hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mails to the applicant, to the owners of property within seven hundred and fifty (750) feet, and to any



person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such additional notice, and in such manner, as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 4. Subsection (C) of Section 9172.22 (Variance) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing Notice. Notice of hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mails to the applicant, to the owners of the property within seven hundred and fifty (750) feet, and to any person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such additional notice, and in such manner as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 5. Subsection (C) of Section 9172.23 (Site Plan and Design Review) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing and Notice. For applications required by subsection (B)(1) of this section and for appeals authorized by subsection (E)(2) of this section, the Commission shall hold a public hearing within six (6) months of the date of acceptance of the application or date of appeal, as applicable, except that, for applications required under subsection (B)(1)(c) of this section, the planning commission shall not be required to hold a public hearing.

Notice of a public hearing, if required, shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and through the United States mail to the applicant, to the owners of property within seven hundred and fifty (750) feet of the subject property, and to any person who has filed a written request therefor. The City Clerk shall give such additional notices, and in such manner, as prescribed by the law of the State of California and as the Commission or City Council may deem necessary or desirable.”

Section 6. Subsection (I)(1)(a) of Section 9172.23 (Site Plan and Design Review) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Unused Permit. Within two (2) years from the Approving Authority’s action, a construction permit, if necessary, shall be issued by the Building Official for the Development Plan. Work authorized by the permit shall commence within one hundred eighty (180) days from the date of issuance of said permit and such work shall not be suspended or abandoned at any time after commencement for a period of one hundred eighty (180) days or more.”

Section 7. Subsection (C) of Section 9172.25 (Extension of Nonconforming Privilege) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX



(Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing Notice. Notice of hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mails to the applicant, to the owners of property within seven hundred and fifty (750) feet, and to any person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such additional notice, and in such manner, as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 8. Subsection (C) of Section 9172.26 (Relocation Review) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing and Notice. The planning commission shall hold a public hearing within six (6) months of the date of acceptance of the Relocation Development Plan. Notice of hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mail to the owners of property within seven hundred and fifty (750) feet of the proposed new location, and to any person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such additional notice and in such manner, as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 9. Section 9173.22 (Notification of Hearing (California Government Code Sections 65854 through 65854.5) of Division 3 (Elements of Procedure) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

A. Time. Notice of hearing shall be given at least ten (10) calendar days before the hearing.

B. Content. A notice of hearing shall include:

1. Time and place of hearing.
2. A general explanation of the matter to be considered.
3. A general description of the area affected.

C. Posting. When a notice by posting is required, such notice shall be posted in at least three (3) public places in the City as designated by the Council. In addition, any property that is the subject of an administrative/quasi-judicial public hearing shall be posted by the applicant ten (10) days prior to the hearing in accordance with the requirements prescribed by the Director.

D. Notice to Owners of Property within Seven Hundred and Fifty (750) Feet.

1. When notice to owners of property within three hundred (300) feet of the subject property is required by Sections 65854 & 65091 and 65095 of the Government Code,



or by any other applicable statute, such notice shall be made by first class mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within seven hundred and fifty (750) feet of the subject property.

2. In connection with a legislative matter, in the event that the number of owners to whom notice would be sent pursuant to the preceding paragraph is greater than one thousand (1,000), as an alternative to such notice, notice may be given by either of the following procedures:

a. By placing a display advertisement of at least one-eighth (1/8) page in a newspaper of general circulation published nearest to the City of Carson; or

b. By placing an insert with any generalized first class mailing sent by the City to property owners in the area affected.

(c) Such advertisement or mailing insert shall specify:

(i) The type and magnitude of the changes proposed.

(ii) The place where copies of the proposed changes may be obtained.

(iii) The time, date and place of hearing.

(iv) The right to appear and be heard.

E. Notice to Persons Requiring Notice. In all cases, in addition to other notices, notice shall be given by first class mail to any person who has filed a written request therefor with the Commission. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. A reasonable fee may be imposed on persons requesting such notice for the purpose of recovering the cost of such mailing.

F. Notice to Affected Agencies. When notice to local agencies expected to provide water, sewage, streets, roads, schools or other essential facilities is required, such notice shall be made by first class mail or delivery to each such agency.”

Section 10. Section 9203.16 (Processing and Approval – Public Hearing) of Part 3 (Tentative Maps) of Chapter 2 (Subdivision Regulations) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“The tentative map shall be processed and approved in accordance with the terms and provisions of the Subdivision Map Act and this Chapter. The Advisory Agency shall hold a public hearing on every application for a tentative map other than minor lot line adjustments not significantly affecting the property rights of persons other than the applicant. Notice of the hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mails to the applicant, to the owners of property within seven hundred and fifty (750) feet, and to any person who has filed a written request therefor, and pursuant to the Subdivision Map Act.”



Section 11. 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 12. 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 13. This ordinance shall be effective thirty (30) days following its adoption.

PASSED, APPROVED and ADOPTED this ___th day of _____, 2019.

Mayor Albert Robles

ATTEST:

City Clerk Donecia Gause-Aldana

APPROVED AS TO FORM:

City Attorney

