



# CARSON PLANNING COMMISSION STAFF REPORT

**DATE:** August 22, 2023  
**FROM:** Planning & Community Development Department  
**BY:** Christopher Palmer, AICP – Planning Manager  
**SUBJECT:** Public Hearing for Consideration of a Subsequent 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. 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.

### B. 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.

### **C. 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 incorporated in November 2022. The 2021-2029 Housing Element presents goals, policies, and actions to affirmatively further fair housing for all residents of Carson.

The 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 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, with this first phase focused on residential and mixed-use regulations to address the community’s housing needs, as outlined in the Housing Element and other General Plan elements. In a later phase, 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 industrial zones.

Amendments to the Code in this Phase 1 will also help to overcome several governmental constraints to housing development in Carson through new multifamily development

standards, parking standards review, zoning appropriate for affordable housing projects, zoning for non-vacant sites, zoning for a variety of housing types, increased housing opportunities in high resource areas, and open space standards review. Further, the 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.

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 an Update Zoning Code. 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 to rezone to accommodate requirements brought about by Regional Housing Needs Assessment and establishment of 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 revised Density Bonus provisions to comply with State law. We propose to codify regulations for review and approval of community benefits.

**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 to revise emergency housing regulations to comply with State law, including new regulations for low-barrier navigation centers, to 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 articulate terms, procedure, processes, Planning authorities and their roles, 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, is attached as Attachment 2.

As previously discussed, the Zoning Code and Map update will happen in two phases. Phase (1) will update the residential and mixed-use portions of the code and the zoning map. Phase (2) will update purely 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 at a later date to be determined. 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 update draft ordinance, 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. Public Hearing Notice**

Public Notice of this hearing (Attachment 4) was given in accordance with Carson Municipal Code Section 9173.22. The Planning Department published a public hearing notice in the Daily Breeze paper on August 12, 2023, posted notice in the designated public places, and posted notice on the City's website.

#### **D. Environmental Analysis**

The proposed Zoning Code and Map amendments are entirely 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. Although staff's environmental analysis remains ongoing, the anticipated CEQA finding at this time is that adoption of the Zoning Code and Map update is exempt from CEQA for the following reasons, each as a separate and independent basis: (1) It can be seen with certainty that there is no possibility that the Planning and Zoning Code update may have a significant effect on the environment (the "common sense" exemption, CEQA Guidelines Section 15061(b)(3)). (2) Pursuant to CEQA Guidelines Section 15183, the proposed Zoning Code and Zoning Map update is consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified, and there are no project-specific significant effects which are peculiar to the project or any site. (3) There are no changes proposed to the General Plan land uses or densities, there have been no substantial changes in circumstances, and no new information has become known since the time of the General Plan EIR certification; thus, pursuant to CEQA Guidelines Section 15162, no subsequent EIR is required. (4) This activity is within the scope of the project covered by the General Plan EIR (a program EIR), and no further environmental review is required, pursuant to CEQA Guidelines 15168.

### **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 in regard to Housing regulations, including removing constraints and barriers that impede the development of a variety of housing types.

Staff recommends that the Planning Commission open the public hearing and, after hearing the public comment, reviewing the report from staff, considering, discussing and reviewing the documents presented, inclusive of the attached draft Zoning Ordinance and Map amendments, continue the public hearing to the next regular Planning Commission meeting on September 12, 2023 at 6:30 p.m. in the City Council Chambers at City Hall. The Commission may also provide direction to staff regarding any further information or revisions to the draft ordinance that the Commission would like staff to present for the Commission's further consideration at the continued public hearing on September 12. Other information or revisions may also be presented to the Commission on September 12 based on further environmental or legal review of the draft ordinance or map amendment.

No formal Commission recommendation to the City Council on the draft ordinance or map amendment will be made on August 22. Following the continued public hearing on September 12, the public hearing may be closed (on or after Sept. 12) and the Commission may then make a recommendation to the City Council.

**ATTACHMENTS**

- 1) Draft Zoning Ordinance
- 2) Zoning Ordinance Comparison/Cross-Reference Table
- 3) Draft Zoning Map Amendment
- 4) Public Hearing Notice
- 5) The 2040 General Plan, General Plan EIR, and Housing Element are available at [carson2040.com](http://carson2040.com)