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NEW ZONING CODE: PHASE 1

PUBLIC REVIEW DRAFT

March 2024

Approved for Second Reading



CITY OF CARSON

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PREPARED BY

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Introduction

This paper presents an annotated draft of the proposed Carson Zoning Code (Article IX, Chapter 1 of the Carson Municipal Code). It is intended to provide a basis for discussing proposed changes to the Carson Zoning Code to implement General Plan 2040 by highlighting proposed substantive changes. The proposed revisions include re-organization of the Code provisions and changes to the format to make the regulations easier to use. Subsequent changes to the draft will respond to issues raised by City staff and officials, the public, and other Code users. The annotated draft lists the parts, divisions, and sections that are recommended for inclusion in the updated Code, it has been prepared with the following objectives in mind:

- To organize and consolidate development provisions in a logical, user-friendly format using tables and graphics, where appropriate, to help convey meaning,
- To make zoning consistent with the policies and land use concepts of General Plan 2040 and federal and State law,
- To establish clear and objective standards for achieving high quality design in all neighborhoods and non-residential districts,
- To respond to community concerns about neighborhood preservation, project design, and community health and well-being,
- To facilitate economic growth and job development,
- To clarify review and decision-making responsibilities and procedures, and
- To modernize the current code with flexible standards that will allow Carso to respond to market demands.

Generally, the most frequently consulted sections of the Zoning Code appear towards the beginning, while more specific and less frequently used sections, including administration and permits, are at the end along with provisions that serve as references such as definitions and use types. This paper proposes that Article IX include two Chapters instead of five as the Municipal Code now has. As does the current Code, Chapters 1 and 2 will be the Zoning and Subdivision Regulations. Most of the content in Chapters 3 through 4 of the existing code can be incorporated in Chapter 1, Zoning but Chapter 5, Oil and Gas Code, will be a separate part of the Municipal Code.

Within each of these Chapters, the various parts and sections have been ordered to flow logically from one set of regulations to the next. Typically, the different parts of each Part and Division of the new Code will begin with statements regarding their purpose and applicability, followed by general standards and will then move to more specific regulations. Many Divisions end with references to other Parts of each Chapter, such as the provisions that establish additional regulations for specific uses.

The Code's format has been revised to make greater use of different fonts, including bold and italic text, to distinguish different provisions and highlight topics. For the same reason, we propose to include sub-headings to indicate the issue that the sub-sections cover. We also propose to use more tables and graphics to make it easier for code-users to find the information they need and to facilitate comparison between provisions applicable to different districts. The next section summarizes the contents of the new code and highlights major changes from the existing regulations. It has been prepared as a summary that can be published on the city's website and provided to the public and city officials as an overview of the new land use regulations.

Overview

This draft is an annotated version of the new Carson Zoning Code (Article IX, Chapter 1, Carson Municipal Code) with comments on revisions proposed to implement the new General Plan or applicable provisions of federal or State law. Each Part and Division of the Annotated Draft Code begins with commentary describing the proposed content and whether the Part or Division incorporates existing provisions, which may have been modified or edited to reflect proposed changes, or new provisions.

The numbering of different Parts, Divisions, and Sections has been generated using an automated numbering system and is only provisional. The numbering system generally follows that established in the Municipal Code, but an “automatic numbering” feature is used because this facilitates revisions if it is necessary to add new provisions or reorganize certain Divisions or sections. To make it easier for code-users to find the provisions they need, the updated code will list the sections included in each Division before the text.

Chapter 2, Subdivision Regulations, of Article IX, was originally enacted in 1977 and readopted in October, 1980, is generally consistent with the State Subdivision Map Act (Government Code Section 66410 *et seq.*). That Chapter will also be revised to be consistent with the new General Plan but, for the most part, the Subdivision Regulations only need changes to cross-reference changes to the other parts of Article IX. These revisions will be prepared after the proposed changes to Chapter 1 are completed and are not included in this document.

Chapter 1, Zoning, is proposed to have five parts, which are discussed in further detail below. The five parts are:

Part 1 – Introductory Provisions

Part 2 – Base, Overlay and Special Districts

Part 3 – General Regulations: Site Development Standards and Requirements for Specific Uses

Part 4 – Administration and Permits

Part 5 – General Terms: Definitions and Use Classifications

Part 1: Introductory Provisions

This part establishes the overall purposes of the Zoning Code text and zoning map and the general rules that govern their applicability and use. It will include the provisions in Divisions 1 through 4 of Part 1. Introduction, of the existing Code as well as a new Division 5 called Rules for Measurement. This new Division will explain how to perform calculations and measurements that are necessary to implement zoning regulations. Division 5 consolidates and, as necessary, revises existing requirements for measurement and calculation to ensure consistency and clarity (e.g. measuring heights, daylight planes, lot width and depth, setbacks, etc.). Some of these provisions are now found among the definitions in Part 9. Because Part 1 includes a variety of provisions regarding the breadth and applicability of the Code, such as its relationship to other municipal, state, and federal statutes, we propose to change its title to Introductory Provisions.

Part 1 also includes provisions that are in Division 3. Relationship of Zoning Regulations to Other Laws and Regulations, which further explain the applicability and scope of the Code, the severability of individual sections, and related issues. We also propose a new section on fees that identifies the City Council as the authority responsible for setting fees.

Part 2 – Base, Overlay and Special Districts

This part of the new Code will be divided into three Divisions—Base, Overlay, and Special Districts. District regulations will specify the land use and development and design standards for each of the base and overlay districts. New Zoning Code will include some new base to implement the goals and policies of the new Plan, but existing districts will be retained to the extent possible albeit with new or revised use and development regulations. In some cases, sub-districts will be proposed to further refine the Plan’s land use designations and reflect differences in character. To make the Code easier to use and reduce the total number of districts, existing districts will be combined where appropriate.

Each base district will have a purpose statement, a list of allowed uses specifying the level of discretionary review required, and development and design standards applicable to those uses. Tables will list these requirements along with cross-references to the regulations in Part 3, which establish requirements for a variety of uses that the Code allows in multiple districts. The Code will also include supplemental development regulations applicable to uses that are allowed in each of the base districts. (See Appendix B for a sample layout page.)

Part 2 will explain how the city administers regulations for areas subject to specific plans. The city has approved more than ten specific plans and may adopt more in the future. Some of the specific plan areas have been incorporated into the new Code as new districts. The new Code will include a list of approved specific plans and a map showing their location and boundaries. This Part will also set forth the purpose and scope of such plans and establish basic requirements for their adoption including a minimum area for new specific plans. It will also establish a consistent set of procedures for processing projects proposed in areas subject to an adopted specific plan. Part 2 will refer users to the applicable specific plan for standards and special requirements, such as design guidelines, that apply to the specific plan area. Any issue that the Specific Plan does not specifically address shall be subject to the requirements of the new Code. Where there is a conflict between a Specific Plan and General Plan 2040, the policies of the General Plan shall apply.

Purpose Statements

The revised Zoning Code will state a specific purpose for each district based on relevant General Plan implementing policies and Land Use Diagram designations. The purpose statements will explain in general language how the Code intends the district to be used and how it fits into the City’s land use policy. These statements will serve as a guide for the administration of district regulations and can provide a basis for the findings required for action on discretionary permits. They may also serve as specific reference criteria for rezoning to implement General Plan policies. Purpose statements will be written to clearly distinguish each district from others while ensuring that each district is clearly complementary to others.

Land Use Regulations

Allowed uses will be classified according to use classifications, which this paper discusses below, and will be presented in tables intended to provide a quick and easy summary of development possibilities in each district. Use tables will specify the level of review required, list any limitations on permitted uses, and provide cross-references to other sections of the Code where additional regulations apply.

Development Standards and Supplemental Regulations

The standards section for each district will list dimensional requirements for lots, build-to lines, setbacks, frontage types, location of parking, minimum open space (“outdoor living area”) and building heights, as well as limits on floor area and density. Supplemental regulations will include elements such as performance

criteria that implement General Plan policies and ensure compatibility among uses in each district. Examples of supplemental standards in commercial areas will include but will not necessarily be limited to:

- Building design, orientation, and entrance location,
- Street façade design and window transparency,
- Pedestrian amenities,
- Landscaping, buffering, and screening,
- Transitional requirements where higher intensity districts abut residential neighborhoods, and
- Access requirements.

These standards may modify, expand upon, or allow exceptions to similar standards listed in the general development regulations in Part 3, General Regulations to achieve a district's stated purposes.

Part 3 – General Regulations

This part of the new Code includes two sets of requirements—general development regulations (Part 3-A) and requirements for specific uses (Part 3-B)—that apply in addition to the requirements in Part 2. Part 3 will incorporate some standards in Part 6 of the existing Code and establish new standards as needed that will apply generally to some or all districts such as parking, landscaping, and transportation demand and trip reduction measures. The reasons for incorporating all of these provisions in one part of the updated Code is to make them easier for code-users to find, avoid duplication, and accommodate a broader range of uses in some districts.

The requirements for specific uses carry forward many provisions in Part 6 of the existing code revised as necessary to be consistent with the new Plan and applicable state and federal law. These General Regulation should incorporate some standards that are now included in Part 2 with the regulations for specific types of districts, such as the standards for accessory dwelling units, home occupations, child day care, vehicle repair, as well as some that are now included in Division III, Standards and Criteria for Residential Condominiums, and Division 4, Density Bonus Provisions for Residential Units. Standards and requirements only applicable to specific districts will be presented in the sections that establish development and supplemental regulations for those districts in Part 2 of the updated Code. Part 2 will cross-reference to these citywide standards as necessary instead of reiterating them.

Part 3 could include the sign regulations in Division 6 unless the City decides to remove these provisions from the Zoning Code, as some cities have done, in which case the Zoning Code will cross-reference the City regulations applicable to cannabis in Article VI, Taxes and Licenses, of the Municipal Code.

Part 4 - Administration and Permits

This part of the new Code expands upon and refines many of the provisions in Part 7. Procedures of the current Code. The Divisions have been organized to first list the specific responsibilities of decision makers who review, approve and handle appeals of the planning and zoning actions identified in Section 9171.1, Types of Procedure, of the existing Code. This Division will include a table listing types of approvals and responsibilities. Division 2, Common Procedures, will establish procedures applicable to all types of approvals. Part 5 will then proceed to establish requirements for specific processes and permits in an order meant to reflect their relative frequency of use. In addition to clarifying the complementary roles of the Director, Planning Manager, Planning Commission, and City Council, the Code will list the different findings that are required when deciding on planning and zoning applications. The existing findings will be revised as necessary to comply with changes to State law that require objective standards as a basis for decisions.

Part 5– General Terms

The last part of the new Zoning Code will serve as a reference section. Part 5 will contain two divisions: use classifications and definitions.

Division 1, Use Classifications.

Use classifications describe one or more uses of land that have similar characteristics such as the type and amount of activity, type of product, how goods or services are sold or delivered, and certain site factors. Use classification provides a systematic basis for assigning present and future uses to zoning districts. The new use classifications will replace use lists such as the lengthy lists of product types associated with different industrial activities in the manufacturing zones, some of which include imbedded regulations (e.g. “Raw rubber processing (in ML Zone, rubber is not to be melted and, where a banbury mixer is used, the resulting dust is to be washed.)” Special regulations applicable to certain uses (e.g., “snack shop with outdoor dining space within the limits of the restaurant frontage”) will be listed in a separate column in the use tables or in notes following the table.

Establishing a series of use categories based on common functions, products and other characteristics, instead of lists of specific uses will improve the City’s capacity to accommodate changes in the economy and technology. If there is uncertainty regarding the classification of a specific use, the Planning Director will determine whether the use falls within one or more use classifications or is not within any existing classification by applying criteria such as:

- The description of the activity or activities in relationship to the characteristics of each use category,
- The relative amount of site or floor space and equipment devoted to the activity,
- The relative amounts of sales from each activity,
- The relative number of employees in each activity,
- Building and site arrangement,
- How the use advertises itself, and,
- Whether the activity is likely to be independent of the other activities on the site.

The proposed system will combine duplicative and overlapping terms that apply to uses that could be regulated in a similar manner (e.g., seasonal sales instead of Christmas tree sales and pumpkin sales). Revisions to the Code will eliminate outdated uses, such as boarding houses, which can be subsumed into a broader category (e.g., group housing) and Dwelling, Second Unit, which State law now calls Accessory Dwelling Units. The revised use types will exclude accessory and temporary uses and instead regulate them with standards and requirements. The proposed changes will make it possible to also eliminate the lists of individual uses within a classification by providing clear and unambiguous descriptions of each use type (e.g., Retail sales). Along with new and updated use types, the new Code will have definitions to help the public and city officials decide how to classify different uses.

Division 2, Definitions.

This Division will contain definitions of all key terms used in the Code, mainly drawn from definitions in the current Code, supplemented by new terms used in supplemental standards and new regulations and procedures. The objective is to revise and update definitions in Part 9 of the existing Code to provide a comprehensive set of terms that will facilitate understanding and administration of the new Zoning Code. Terms that are not used in the new Code will be revised or removed.

Plain English is preferred when drafting definitions and duplication of terms that also are included in the Use Classifications is avoided. Grouping of terms under a heading (e.g. “Fence-related Terms” and “Lot Line Types”) will make it easier to find and compare specific definitions. The existing Code already uses this approach in grouping together terms related to Recycling Facilities. Cross references within the definitions for common terms that may be defined by a single generic concept or consolidated with like terms (e.g. “Structure height: see Height” or “Cellar: see Basement”) will help code-users understand the overall organization of the definitions section. Numbers less than 10 will be spelled out, while numerals will be used for numbers of 10 or more.

The new Code will add some terms to the City’s current list of definitions to avoid ambiguity in zoning administration. These include terms specifically related to land use and development, including “change of use,” “construction,” “development,” and “land use,” and terms related to permit processing, including “allowable use,” “applicant,” “condition of approval,” and “effective date,” among others. Also added are terms that will facilitate regulating architectural features, building size, location, massing, and articulation: “balcony,” “bay window,” “buffer,” “build-to line,” “deck,” and “drive-through facility.”

Unnecessary detail and specific references to State law or State license types will not be included unless necessary to avoid confusion because these may change in the future. Similarly, definitions that establish rules for measurement related to average slope and street frontage, for example, will be covered separately in a new section of the Code.

Definitions do not include specific policies and standards because these should be within the zoning district regulations or the citywide regulations of the Code. Otherwise, it is not readily apparent that they would apply to a specific situation. Examples of such embedded policies include minimum lot area and separation requirements, hours of operation and parking requirements for convenience stores and landscaping and screening requirements for accessory unit size limitations, which are not consistent and so seem arbitrary, regulations for special events and tasting rooms, regulations for bona fide eating places, and convenience store size limits.

Additional terms for bicycle-related facilities, landscaping, lighting, and noise will be added after new regulations and performance standards are drafted to implement General Plan policies. How classes of zoning districts, such as residential districts and industrial districts, can be cited will be established in General Provisions. Acronyms will be added at the end of the Code drafting process once it is known how they will be used in the new Zoning Code.

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Part 1 Introductory Provisions

Part 1 includes provisions that are like those in Part 1, Introduction, of the existing Zoning Code. The most significant change from the existing Code is the inclusion of a new Division 5. Rules of Measurement. Because they are important to understanding all the regulations, sections regarding the interpretation of language and numbers will be included in this division. Part 1 will also incorporate some of the provisions that appear in the existing Code including Part 8, Implementing Provisions (Division 1, Applicability of Regulations, Division 3. Relationship of Zoning Regulations to Other Laws and Regulations, and Division 4, Interpretation of Provisions.

Sections:

9111.1	Title and Authority
9111.2	Purpose
9111.3	Applicability
9111.4	Interpretation
9111.5	Severability
9111.6	Fees

9111.1 Title and Authority

The provisions of Article IX, Chapter 1, of the Carson Municipal Code shall be known and cited as the “City of Carson Zoning Code”. The City of Carson Zoning Code is adopted pursuant to the authority contained in [Section 65850](#) of the California Government Code and [Section 207](#) of the City’s Charter.

9111.2 Purpose

The purpose of this Division shall be to implement the Carson General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare by regulating the location and use of buildings, structures, and land for residential, commercial, industrial, recreational, and other specified uses. More specifically, the Code is adopted to achieve the following objectives:

- A. To provide a precise guide for the physical development of the City in a manner that will progressively achieve the arrangement of land uses depicted in the Carson General Plan, consistent with the goals and policies of the General Plan,
- B. To foster harmonious and workable relationships between different land uses to ensure compatible infill development consistent with the General Plan,
- C. To support economic development and job creation and provide for the housing needs of all economic segments of the community,
- D. To promote high quality architecture, landscaping and urban design that will conserve the city's natural beauty, improve its appearance and enhance its physical character,
- E. To provide adequate open spaces for light and air,
- F. To facilitate the adequate provision and appropriate location of community facilities, institutions, parks, and recreational areas, and
- G. To promote the stability of existing land uses that conform with the General Plan, protecting them from adverse influences and harmful intrusions, and conserve and enhance the value of real property.

9111.3 Applicability

This Division shall apply, to the extent permitted by law, to all property within the corporate limits of the City of Carson and to property for which applications for annexation and/or subdivisions have been submitted to the City, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City or other local, State, or federal agencies. Any governmental agency shall be exempt from the provisions of this Code only to the extent that such property may not be lawfully regulated by the City of Carson.

- A. Compliance with regulations. Except as provided in this Code, land shall only be used, and structures shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, only in accordance with the following:
1. No new building shall be erected, and no existing building shall be moved, altered, or enlarged, nor shall any land, building or premises be used, designed, or attempted to be used or designed for any purpose or in any manner other than a use listed in this Division, as permitted in the district in which the land, building, or premises is located.
 2. The lawful use or uses of all buildings, improvements and premises existing in any district at the time of the adoption of the Code codified in this Division may be continued except as provided by this Division.
 3. No building shall be erected, nor shall any existing building be moved, reconstructed, or structurally altered to exceed in height or floor area the limit established by this Division for the district in which such building is located.
 4. No building shall be erected, nor shall any existing building be moved, altered, enlarged, or rebuilt, nor shall any open spaces surrounding any buildings be encroached upon or reduced in any manner except in conformity with the property development standards for each district in which such building is located.
 5. No yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space similarly required for any other building, structure or dwelling except as may be provided under this Division.
 6. A building or use may only cross property lines if:
 - a. The building site complies with all requirements of this Division as though the total area comprised in the site were a single lot,
 - b. A covenant by the owner(s) of the lots is filed with the Director and recorded with the Los Angeles County Recorder's office before any use or combination of lots occurs. The covenant shall state the intention of the owner(s) to develop the lots as a single building site and shall be in the form required by the Director.
 7. Permitted uses. Any use that is not listed or enumerated in this title is prohibited. Unless specified in this Division, no land use may be established within the city by right. All persons wishing to establish a use within the city must file a written request with the Director or his or her designee to determine if the proposed use is permitted and must apply for and receive approval for the proposed use as provided in this title.
 8. Permits required.
 - a. Any person desiring to operate, establish, expand, convert one use to another or relocate any use shall file with the planning division an application for the appropriate permit on a standard application form supplied by the Planning Division.
 - b. It is the burden of the applicant to supply evidence to justify the granting of the desired use.

B. Relation to Other Regulations

1. **General.** The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the Carson City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code.
 - a. All uses and development authorized by this Code shall comply with all other such regulations and requirements.
 - b. Where conflict occurs between the provisions of the Code and any other City Code, Division, resolution, guideline or regulation, the more restrictive provisions shall control unless otherwise specified.
2. **Permit Streamlining Act.** It is the intent of this Code that all actions taken by the decision-making body pursuant to this Code that are solely adjudicatory in nature be within a time frame consistent with the provisions of Government Code Section 65920 et seq. (the Permit Streamlining Act). Nothing in this Code shall be interpreted as imposing time limits on actions taken by the decision-making body pursuant to this Code that are legislative in nature or that require both adjudicatory and legislative judgments.
3. **Relation to private agreements.** This Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control.
4. **Relation to Prior Code.** The provisions of this Code supersede all prior Zoning Codes codified in Title IX of the Carson Municipal Code and any amendments. No provision of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.
5. **Application During Local Emergency.** The City Council may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Carson Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

C. Consistency with the General Plan. Any permit, license or approval issued pursuant to this Code must be consistent with the Carson General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall prevail.

D. Effect on previously approved projects and projects in progress. The following projects shall have a vested right to proceed without complying with this Code.

1. **Projects with currently valid building permit.** Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications and permits on which said Building Permit was granted, provided that at least one inspection has been requested and posted for the primary structure on the site where the permit is issued and if construction is diligently pursued and completed within six months of permit issuance. No extensions of time except as provided for in the California Building Code shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Planning Department.
2. **Previously approved development permit.** The erection, construction, enlargement, demolition, moving, conversion of and excavation and grading for any building or structure for which a valid development permit is in effect.

- a. A development permit that does not contain an express limit on the time for exercising the permit shall be deemed valid only if a building permit is obtained within one year of the date of adoption of this Code.
 - b. The Director may approve a time extension for any development permit approved prior to the adoption of this Code pursuant to Part 4, Section 9412.10, Expiration and Extension, of this Code and a determination that the project meets the intent of this Code.
3. **Applications deemed complete.** Any project for which an application was filed pursuant to Code Number TBD and deemed complete in accordance with Code Number TBD prior to the adoption of this Code.

9111.4 Interpretation

The Community Development Director has the authority to interpret any provision of this title. Whenever the Community Development Director determines that the meaning or applicability of any requirement is subject to interpretation, the Community Development Director or the Director's designee may issue an official interpretation. The director may also refer any issue of interpretation to the planning commission for their interpretation.

- A. In interpreting and applying the provisions of this title they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience, and general welfare.
- B. It is not intended that this title interfere with, abrogate, or annul any easement, covenant, or other agreement to which the city, community redevelopment agency, or parking authority is a party.
- C. In matters of consistency or conflict between provisions of this title, or between any such provision and any other applicable regulation, the regulation that results in greater restriction on the use of land shall govern, except in the following instances:
 1. Where a different method to resolve conflict is expressly stated in an agreement to which the city, the former Carson Reclamation Authority (CRA), Housing Authority, or Successor Agency is a party, or in any ordinance, rule or regulation.
 2. In the case of a specific plan adopted by the city, the provisions of the specific plan shall control.

9111.5 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Carson City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

9111.6 Fees

The City Council shall by resolution establish and from time to time amend a schedule of fees for permits, appeals, amendments, and approvals required or permitted by this Code. Applications processed concurrently shall be subject to separate fees for each application filed unless specifically exempted by the City Council.

Division 2. Structure of Zoning Code

This Division includes some of the provisions in Division 2, Format, of the existing Code along with new sections necessary to explain how the Code is organized.

Sections:

- 9112.1 Organization of Regulations
- 9112.2 Types of Regulations

9112.1 Organization of Regulations.

This Zoning Code consists of five parts:

Part 1 – Introductory Provisions

Part 2 – Base, Overlay and Special Districts

Part 3 – General Regulations

Part 4 - Administration and Permits

Part 5 – General Terms

9112.2 Types of Regulations.

This Code includes four types of regulations that control the use and development of property:

- A. **Land Use Regulations.** These regulations specify the land uses that are permitted, conditionally permitted, or specifically prohibited in each zoning district, subject to any additional requirements the Code imposes on specific uses. Land use regulations for base zoning districts and for overlay districts are in Part 2 of this Code. Certain regulations that are applicable to specific land uses in some or all districts are in Part 4, Requirements for Specific Uses, which also establishes the regulations governing nonconforming uses.
- B. **Development Standards.** These regulations control the height, bulk, location and appearance of structures on development sites. Development standards for base zoning districts and overlay districts are in Part II of this Ordinance. Certain development standards applicable to some or all districts are in Part III. These include general site development regulations, performance standards, standards applicable to specific land uses, and regulations for parking, signs, communications facilities, and nonconforming structures.
- C. **Administrative Regulations.** These regulations contain detailed procedures for the administration of this Code. They include procedures, processes, standards, and findings for ministerial permits and discretionary entitlement applications and other permits. Administrative regulations are in Part 5, Administration and Permits.
- D. **General Terms.** Part 6 provides a list of and descriptions of the different use types this Code regulations and provides the meaning of terms and definitions the Code uses.

Division 3. Establishment of Zoning Districts

This Division replaces Divisions 3, Zoning Classifications, and 4, Zoning Boundaries, of the existing code. The Division identifies all the zoning districts established to implement the new General Plan and briefly lists their purposes. The Division will also establish and describe the Official Zoning Map and district boundaries with provisions for interpreting the boundaries of the various zones. To avoid confusion with the Use Classifications in Part 5 of the updated code, the title of this Division refers to Zoning Districts instead of Zoning Classifications.

The new Code eliminates most of the existing overlay districts and replaces them with new base districts (e.g. the Mixed-Use Districts listed below and described in Part 2, Division 2, Commercial and Mixed-Use Districts), the more detailed objective design and development requirements applicable to the base districts and detailed in Part 2, and the requirements for specific uses in Part 4. The new Code includes the recently adopted MHP-Mobile Home Park Overlay and a new CA-Commercial Automotive Overlay, to implement the General Plan and eliminates the other existing overlay districts. These will be replaced with new base districts (e.g. the Mixed Use Districts), more detailed design, development, and performance standards for specific uses (e.g. blimp-ports, cemeteries, colleges, etc.) in the base districts where they are permitted, and new procedures for site development and design review. The overlay districts that apply only to non-residential districts will be retained until Phase 2 of the Zoning Code update.

Sections:

- 9113.1 Establishment of Zoning Districts
- 9113.2 Zoning Map
- 9113.3 Zoning District Boundary Determinations

9113.1 Establishment of Zoning Districts

The City of Carson is divided into the following zoning districts, which are described in Part 2, Divisions 1 through 8.

TABLE 9113.1: ZONING DISTRICTS

Map Symbol	Full Name
Residential Districts	
LDR	Low Density Residential
LMX	Low Medium Density Mixed Residential
MDR	Medium Density Residential
HDR	High Density Residential
Commercial and Mixed-Use Districts	
CG	Commercial, General
DMX	Downtown Mixed Use
CMX	Corridor Mixed Use
BMX	Business Mixed Use
CR	Commercial, Regional Center
CA	Commercial, Automotive

Map Symbol	Full Name
FLX	Flex Mixed Use
Industrial Districts	
IL	Manufacturing Light
IH	Manufacturing Heavy
Other Non-Residential Districts	
PSI	Public/Semi-Public and Institutional
POS	Parks and Open Space
Other Districts	
PD	Planned Development
SP	Specific Plan
SU	Special Use
Overlay Districts	
MHP-O	Mobilehome Park Overlay
BP	Blimp Port
CEM	Cemetery
COL	College
EMS	Electronic Marquee Signage
ORL	Organic Refuse Landfill

References to classes of basic districts. The following references apply throughout the Code:

- A. “Residential district” or “R district” means one or more of the following districts:
 - 1. LDR Low Density Residential
 - 2. LMX Low Medium Mixed Residential
 - 3. MDR Medium Density Residential
 - 4. HDR High Density Residential

- B. “Commercial and mixed-use districts” means one or more of the following districts:
 - 1. CG General Commercial
 - 2. CN Neighborhood Commercial
 - 3. DMX Downtown Mixed Use
 - 4. CMX Corridor Mixed Use
 - 5. BMX Business Mixed Use
 - 6. CR Regional Commercial
 - 7. FLX Flex Mixed Use

- C. “Industrial district” or “I district” means either ML Manufacturing, Light or MH Manufacturing, Heavy.

- D. Other “Non-residential district” means one or more of the following:

1. PSI Public/Semi-Public and Institutional
2. OS Open Space
3. SU Special Use

D. “Overlay district” means a district where standards regulating a particular use or type of development apply in addition the regulations of the underlying Base District. The City has established two Overlay districts to implement the General Plan:

1. MHP-O Mobilehome Park Overlay
2. CA-O Commercial Automotive Overlay
3. BP Blimp Port
4. CEM Cemetery
5. COL College
6. EMS Electronic Marquee Signage
7. ORL Organic Refuse Landfill

E. “Special districts” mean all PD Planned Development and SP Specific Plan Districts that were established by the City through adoption of a Specific Plan.

9113.2 Zoning Map

The boundaries and symbols shown on the Zoning Map shall be amended or revised only in accordance with Zone Code Amendments adopted pursuant to Part 5, Division TBD.

9113.3 Zoning District Boundary Determinations

Where uncertainty exists with respect to the boundaries of any of the district listed in Section 16.02.010 as shown on the zoning map or as otherwise established, the following rules shall apply:

- A. **Where Boundaries Approximately Follow Streets, Alleys, or Highways.** Where district boundaries are indicated as approximately following the centerline or street line of streets, the centerline or alley line of alleys, or the centerline or the right-of-way line of highways, such lines shall be construed to be such district boundaries.
- B. **Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines.** Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined using the scale shown on the zoning map.
- C. **Where Boundaries Approximately Follow Lot Lines.** Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the boundaries.
- D. **Where the Boundary Follows a Railroad Line.** Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the railroad line.
- E. **Where the Boundary Follows a Body of Water.** Where the boundary of a district follows a stream, lake or other body of water, the boundary line shall be construed to be at the limit of the jurisdiction of the city unless otherwise indicated.
- F. **Submerged Areas Not Included in District.** All areas within the corporate limits of the city which are under water and are not shown as included within any district shall be subject to all the

regulations of the district which immediately adjoins with water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

- G. **District Regulations Apply to Schools, Parks, etc.** Any areas shown on the zoning map as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.
- H. Where property has not been included in district.
1. In every case where property has not been specifically included within a district, the matter shall be brought to the Planning Commission on the application of the planning division for establishment of zoning at the time any development is proposed therefor or upon sooner discovery that the property is not included in a zoning district.
 2. Where territory is proposed to be annexed to the city, and it has not been previously pre-zoned, the territory shall be pre-zoned by the Planning Commission on application of the planning division prior to the proposed annexation.
 3. In establishing the appropriate zoning districts as provided in this subsection, the Planning Commission shall consider the following:
 - a. Consistency with the Carson General Plan,
 - b. Existing land use and structures,
 - c. Existing services and facilities, and
 - d. In pre-zoning territory proposed for annexation, the previous zoning if consistent with the general plan.
- I. **Vacation of public ways.** Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all regulations of the ex-tended districts.
- J. **Interpretations.** In case of any remaining uncertainty, the Director shall determine the location of the district boundary. The Director's decision may be appealed to the Planning Commission in accordance with the procedures in Part 5, Division TBD, Appeals. Notwithstanding the forgoing, if the district boundary uncertainty arises in the context of a discretionary permit application, then the location of the boundary shall be determined by the decision-making body for that discretionary permit application.

Division 4. Rules for Construction of Language and Interpretation

Division 4 is a new part of the Code that will establish and consolidate rules for language and interpretation, some of which now appear in various places in the current Code. The existing rules will be supplemented with additional standards where necessary to create a comprehensive guide to Code interpretation.

Sections:

- 9114.1 Purpose**
- 9114.2 Rules for Construction of Language**
- 9114.3 Rules for Interpretation**

9114.1 Purpose

The purpose of this Division is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Division apply throughout this Title except where the context indicates a different meaning.

9114.2 Rules for Construction of Language

When interpreting the various portions of this Division, the following rules for construction shall apply:

- A. The following terms are generally used in this title as synonyms: permit, entitlement, approved use, and planning approval. Thus, "permit holder" refers to the holder of any of these items.
- B. When used in this title, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
- C. The present tense includes the past and future tenses, and the future tense includes the present. The singular number includes the plural number and the plural the singular, unless the natural construction of the word indicates otherwise.
- D. The words "includes" and "including" shall mean "including but not limited to," the words "shall," "must," "will," "is to," and "are to" are always mandatory.
- E. The particular controls the general.
- F. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.
 - 3. "Or" indicates that the connected words or provisions may apply singularly or in any combination.
 - 4. "Either . . . or" indicates that the connected words or provisions shall apply singularly but not in combination.
- G. In case of conflict between the text and a diagram or graphic, the text controls.
- H. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Carson, unless otherwise indicated. All references to public officials are to those of the City of Carson, and include designated deputies of such officials, unless otherwise indicated.

- I. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The time period shall end at the close of business on the last day of the period.
- J. The singular number and the plural are interchangeable.
- K. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

9114.3 Rules for Interpretation

The Director or the Director's designee shall make the interpretation for any definition not expressly identified in this Code or provide clarification and determination of these rules. The Director's determination is subject to appeal to the Planning Commission as provided for in Part 5, Division TBD.

Division 5. Rules for Measurement

This new Division explains how to perform calculations and measurements that are necessary to implement zoning regulations. Division 5 consolidates and, as necessary, revises existing requirements for measurement and calculation to ensure consistency and clarity (e.g. measuring heights, daylight planes, lot width and depth, setbacks, etc.). Some of these provisions are now found among the definitions in Part 9 but they need to be distinguished from definitions and also from the standards in Part 2.

Sections:

9115.1	Purpose
9115.2	General Provisions
9115.3	Fractions
9115.4	Determining Floor Area
9115.5	Determining Residential Density
9115.6	Determining Lot Area
9115.7	Determining Floor Area Ratio
9115.8	Determining Lot Coverage
9115.9	Determining Lot Frontage
9115.10	Determining Setbacks
9115.11	Measuring Distances
9115.12	Measuring Lot Width and Depth
9115.13	Determining Grade
9115.14	Determining Average Slope (Optional)
9115.15	Measuring Building Height
9115.16	Determining Number of Stories in a Building
9115.17	Measuring Height of Fences or Walls

9115.1 Purpose

The purpose of this Division is to explain how the various measurements to which this Code refers shall be calculated.

9115.2 General Provisions

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and provide sufficient detail, including relevant dimensions, to allow easy verification upon inspection by the Director.

9115.3 Fractions

Whenever this Code requires consideration of parking spaces, dwelling units, or other features of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

- A. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number, and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
- B. **Parking Spaces.** Provisions on how to calculate the quantity of parking spaces are de-tailed in Part 3, Division 5, Off-Street Parking and Loading.

9115.4 Determining Floor Area

The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure measured from the interior face of the exterior walls or, in the case of a shared wall, from the centerline of a wall separating the two buildings. Floor area is used to calculate Floor Area Ratio (FAR), determine parking requirements and all relevant impact fees, but the different types of floor area used to determine required parking for different uses, maximum FAR, and perform other calculations specific to different uses must be verified. Floor area is calculated in square feet.

A. Included in Floor Area.

Floor area includes unenclosed decks, balconies, porches, and platforms if used for commercial or restaurant activity. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent. Floor area also includes:

1. All habitable space as defined in the Building Code on all levels and mezzanines, interior balconies, lofts, and closets,
2. Restrooms, lounges, lobbies, kitchens, storage areas, and interior hallways and corridors,
3. Portions of basements that meet Building Code requirements for habitable space,
4. Enclosed and roofed porches and balconies,
5. Interior courtyards, atria, paseos, walkways, and corridors that are fully enclosed,
6. Storage and equipment spaces that are roofed and enclosed on all sides,
7. Covered parking at or above grade, and
8. Stairwells and elevator shafts counted once at floor level.

B. Excluded from Floor Area. Floor area does not include:

1. Stairways and stairwells (except at floor level),
2. Elevators and elevator equipment rooms and elevator shafts except at floor level,
3. Ramps to a subterranean or semi-subterranean parking structure or ramps between floors of a parking structure provided the ramp does not accommodate parking,
4. Loading spaces and docks used exclusively for loading and unloading,
5. Unenclosed decks, balconies, porches, and platforms not used for commercial or restaurant activity, and
6. Parking.
 - a. Structured parking areas located above finished grade where the vertical distance between finished grade and the floor of the parking level is five feet or less.
 - b. Sideloaded or detached garages. Sideloaded or detached garages not exceeding 400 square feet, located to the rear of residential structures, a minimum of 40 feet away from the front lot line, and accessed by a driveway.
 - c. Subterranean or underground parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is 5 feet or less and meet the following criteria:
 - i. The parking area is located below finished grade along at least one street frontage,
 - ii. The portions of the parking area located above finished grade are a result of the site's slope and cannot feasibly be fully subterranean due to geological or physical site constraints, and
 - iii. The facades of any of the visible portions of the parking area located above finished grade are designed and landscaped to meet all applicable provisions of the Zoning Code.

7. Attics except when approved for occupancy,
8. Mechanical equipment rooms, electrical rooms, telecommunication equipment rooms, and similar space located below grade,
9. Vehicular easements and easements for utility purposes, private streets and the pole portion of flag lots shall be excluded from the calculation of lot area.
10. If a street dedication is required, the calculation shall be based on the total area of the lot before the street dedication.

C. Commercial. In addition to above, the following rules apply when calculating commercial floor area:

1. Covered and uncovered courtyards, arcades, atria, paseos, walkways, and corridors that are located at or near the street level and are accessible to the public are excluded from the floor area provided they are not used as sales, display, storage, service, or production areas.
2. Unenclosed decks, balconies, porches, and platforms that are used for commercial or restaurant activity are included in the floor area.

D. Floor Area for Parking Determination. When calculating floor area for determining required parking, gross floor area is calculated as stated above. For retail establishments, floor area is the space between exterior walls that is devoted to the display and selling of merchandise including space occupied by counters, fixture and storage cabinets and shelves.

9115.5 Determining Residential Density

Residential density is expressed as the number of housing units per net acre of developable land, which is calculated as the total lot area excluding land that is constrained for development by existing and approved public rights-of-way such as public streets; creeks, existing easements, and environmentally sensitive lands including beaches, lagoons, wetlands, other permanent water bodies, riparian and other habitats.

9115.6 Determining Lot Area

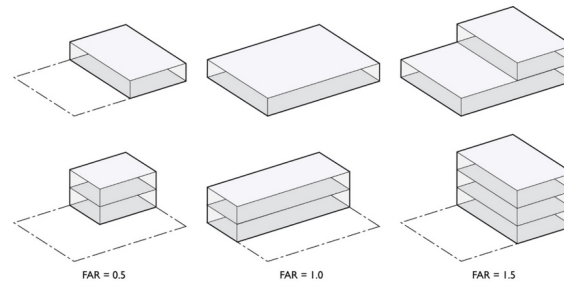
Gross lot area is the total area of a lot measured horizontally between bounding lot lines. Net lot area is used to calculate Floor Area Ratio (FAR), residential density, and perform other calculations specific to different uses. Net lot area does not include:

- A. Public streets, alleys, walkways, and other existing public rights-of-way,
- B. Proposed public rights-of-way such as alleys and streets and other necessary public sites, when approved for inclusion within a proposed development project,
- C. Flood plains, areas with a slope, and
- D. Other public or private easements where the owner of the site does not have the right to use the entire surface of land included in the easement.

9115.7 Determining Floor Area Ratio

Floor area ratio (FAR) means the ratio of the floor area of all principal and accessory buildings on a site, excluding the areas described above, to the area of the lot. To calculate the FAR, floor area is divided by lot area, typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

FIGURE 9115.7: DETERMINING FLOOR AREA RATIO



9115.8 Determining Lot Coverage

Lot coverage is the ratio of the ratio of the total footprint area of all structures on a lot to the lot area, typically expressed as a percentage. Areas directly below projections identified in Part 3, Division 1, Section TBD, Projections into Required Setback Areas, or directly below the following buildings and building features shall be excluded from the footprint area for purposes of determining parcel coverage:

- A. Areas directly below a fully enclosed second-story cantilever shall be considered part of the ground floor footprint area for purposes of calculating ground floor parcel coverage,
- B. Areas in any single-story portion of the building that exceed the height of the second story shall be considered part of the second-story footprint area for purposes of calculating second-story parcel coverage,
- C. Eaves, awnings, canopies, sunshades, sills, cornices, belt courses, or other similar solid architectural features not within minimum setback areas project up to the same distances as permitted pursuant to Part 3-A, Section 9311.6,
- D. Greenhouse windows, bay windows, or similar architectural features not within minimum setback areas projecting to the same dimensions as permitted pursuant to Part 3-A, Section 9311.6,
- E. First-story roofed front porches of principal buildings that are open on at least the front and one side elevation not within minimum setback areas,
- F. Upper-story setback areas that are open to the sky or covered by a roof structure that is at least 50 percent open to the sky,
- G. First-story outdoor areas open on at least two sides that are covered or below a permitted upper-story outdoor space,
- H. Projecting upper-story outdoor space not within minimum setback areas open on at least two contiguous sides and open to the sky or covered by a roof structure that is at least 50 percent open to the sky,
- I. Accessory dwelling units and junior accessory dwelling units established in accordance with Part 3-B, Division 10, Accessory Dwelling Units,
- J. Within the LDR and LMX Districts, areas directly below a fully enclosed second-story cantilever that total no more than 3 percent of the lot area, and
- K. Within the LDR and LMX Districts, accessory structures that are open to the sky or covered by a roof structure that is at least 50 percent open to the sky.

9115.9 Determining Lot Frontage

Lot frontage refers to that part of a lot abutting a street and determines the applicability of setback, access, and other requirements. The front lot line is the shortest line abutting a street line. The front yard on different types of lots is typically defined by the primary orientation and includes the following:

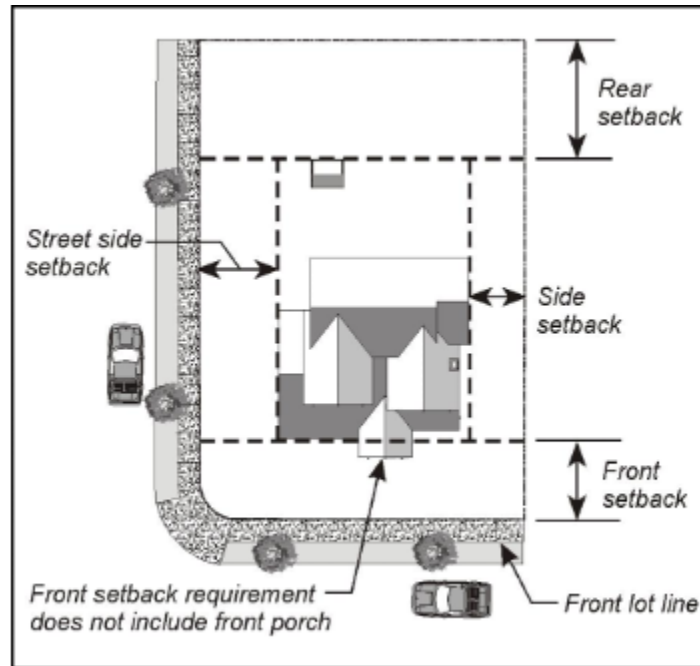
- A. Corner lot. The front of a lot bounded by two or more intersecting streets is the narrowest dimension of the lot with street frontage.
- B. Double frontage lot. When a lot that is not a corner lot has a pair of opposite lot lines along two more or less parallel public streets, both street lines shall be deemed front lot lines. Where buildings exist on the lot, frontage may be established by the orientation of the buildings, or if the building orientation does not clearly indicate lot frontage, by the location of the principal entrance.
- C. Flag lot. The front of a flag lot is the side from which access is taken.

9115.10 Determining Setbacks

A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear lot line. The following regulations for determining yards apply when a lot abuts a proposed street or alley. For non-rectilinear parcels, setbacks shall be determined in accordance with the standards for measuring parcel width and depth in Section 9115.11, Measuring Lot Width and Depth.

- A. **Yards abutting planned street expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.
- B. **Yards on alleys.**
 - 1. If a side lot line abuts any alley, the yard shall be considered an interior side yard rather than a corner side yard.
 - 2. In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley may be considered as part of the required yard.
- C. **Measuring setbacks or yards.** Setbacks shall be measured as the distance between the nearest lot line and the closest point on the exterior of a building or structure, excluding porches or stoops, along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky unless an easement encroachment has been authorized or exceptions have been made, subject to compliance with the Building Code.
- D. **Unknown property lines.** Where the property line of a developed lot is not known, setbacks may be measured from the back of a sidewalk that meets existing Public Works requirements.

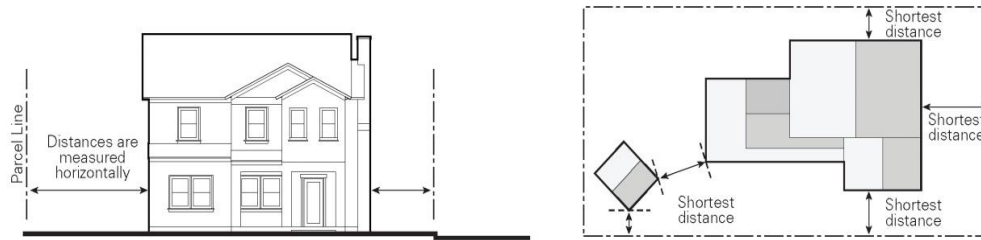
FIGURE 9115.10: DETERMINING SETBACKS



9115.11 Measuring Distances

- A. Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects. Notwithstanding the above, measurements for non-rectilinear lots shall be made in accordance with Section 9115.11.
- B. Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- C. Measurements Involving a Structure.** Measurements of distance to a structure are measured to the closest exterior wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
- D. Measurement of Vehicle Queuing or Travel Areas.** The minimum travel distance for vehicles, such as garage entrance setbacks, is measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
- E. Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project.

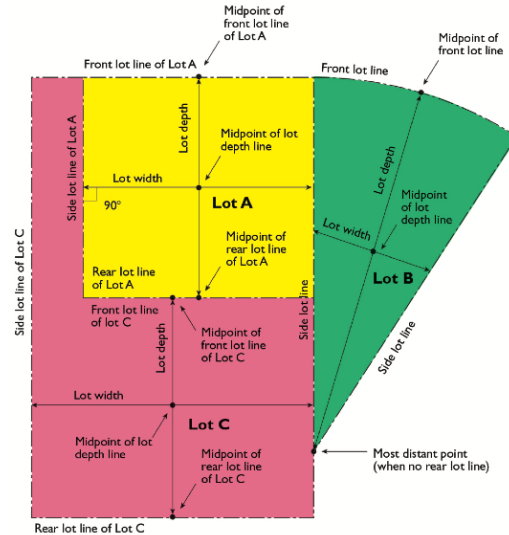
FIGURE 9115.11: MEASURING DISTANCES



9115.12 Measuring Lot Width and Depth

- A. **Rectilinear Lots.** Lot width shall be determined by measuring the distance between side lot lines. The measurement shall be determined by the length of a straight line drawn at right angles to the side lot lines and parallel with both the front and rear lot lines.
- B. **Non-rectilinear Lots.** A series of measurements based on the location of the side lot lines shall be required to determine varying lot widths at any given locations on the lot. Once the side and rear lot lines of a non-rectilinear lot are established (see definitions of "side lot line" and "rear lot line"), a series of measurements shall be made parallel to the front lot line.
- C. **Lot Depth.** The longest perpendicular length between a front and rear lot line or an imaginary extension of a rear lot line as necessary for non-rectilinear lot.

FIGURE 9115.12: MEASURING LOT WIDTH AND DEPTH

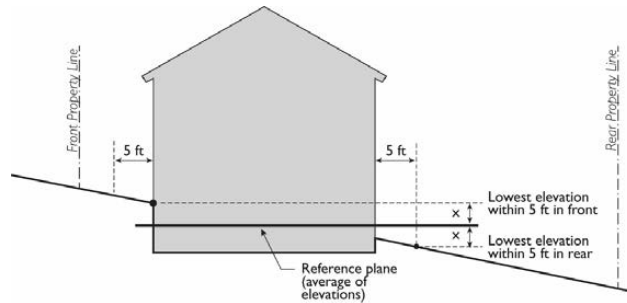


9115.13 Determining Grade

Grade is the location of the ground surface and is further defined in Part 5, Division 2, Definitions. For purposes of this Title, the grade of a building site used to determine building height shall be determined by one or more of the following:

- A. **Average grade.** A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.
- B. **Existing grade.** The existing elevation of the ground at any point on a lot prior to grading for development. Existing grade may also be referred to as natural grade.
- C. **Finished grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building after the lot is graded or development is completed.
- D. **Grade plane.** A reference plane representing the average level of finished grade building adjoining the building at exterior walls as defined in the California Building Code. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than five feet from the building, between the building and a point five feet from the building.

FIGURE 9115.13: MEASURING FROM GRADE PLANE (OPTIONAL)



9115.14 Determining Average Slope (Optional)

The average slope of a parcel is calculated using the formula $S = 100(I)(L)/A$, where:

S = Average slope (in percent)

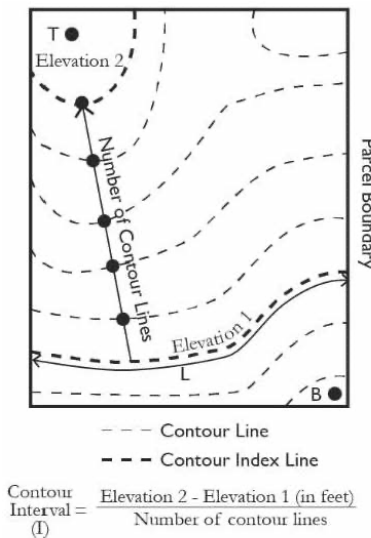
I = Contour interval (in feet)

L = Total length of all contour lines on the parcel (in feet)

A = Area of subject parcel (in square feet)

run = horizontal distance between the top and bottom elevations

FIGURE 9115.14: DETERMINING AVERAGE SLOPE (OPTIONAL)



9115.15 Measuring Building Height

- A. On lots with a grade change of 10 percent or more between the front and rear property lines, building height is measured from the "grade plane" as determined in the following sub-section and

- is the maximum vertical distance measured from the "grade plane" to the roof ridge or the top of the parapet.
- B. The height of a residential addition is measured from the average level of that portion of the lot covered by the addition.
- C. On lots with a grade change of 10 percent or more between the front and rear property lines, building height is measured from the "grade plane" as determined in the following sub-section and is the maximum vertical distance measured from the "grade plane" to the roof ridge or the top of the parapet.
- D. The height of a residential addition is measured from the average level of that portion of the lot covered by the addition.
- E. The average height of a roof is measured as follows:
1. For sloped, hipped, or gabled roofs, the average height of the roof is measured to the highest point between the ridge and where the eave meets the plate,
 2. For a roof with parapet walls, to the top of the parapet wall,
 3. For a gambrel roof, the average height of the roof is the distance between the ridge and the point where the uppermost change in the roof's slope occurs,
 4. For a mansard roof, the average height is measured to the floor of the roof deck,
 5. For a shed roof, average height is measured to the roof ridge.
 6. Dormers, as defined in Part 5, Division 2, shall not be included in the average height calculation.
- F. Where the height limits of the applicable zoning district require measurement to the top plate, the height shall be measured from the lowest elevation of the existing grade at the exterior wall of the structure to the top plate of the elevation.
- G. If a single structure crosses a zoning or height district boundary (e.g., where one structure is in two or more different zoning or height districts), the maximum height shall be measured separately for each portion of the structure in order to ensure compliance with the zoning or height district in which it is located.
- H. **Exceptions.** The height of the following shall not be included when calculating building height:
1. Spire, belfry, cupola, dome, or other similar feature that does not contain conditioned space and is not intended for human occupancy, or public utility facilities, which by design or function must exceed the established height limits.
 2. The following may exceed the established height limit of the district provided they do not exceed the maximum height by more than 6 feet:
 - a. Chimney, flue, or vent stack,
 - b. Rooftop deck, patio, shade structure,
 - c. Flag pole,
 - d. Vegetation or railings associated with a rooftop garden or landscaping,
 - e. Skylights, and
 - f. Solar panels, wind turbines and rainwater collection systems.
 7. The following may exceed specified height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25 percent of the roof

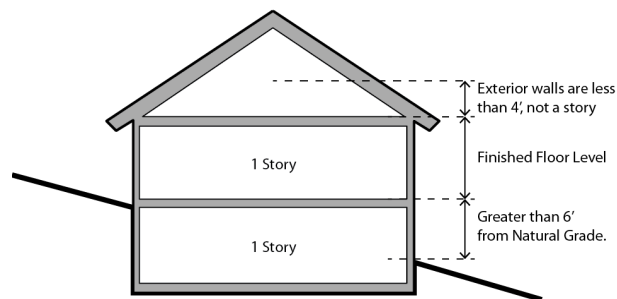
area, and are set back at least 10 feet from the edge of the roof. Mechanical equipment sheds may be subjected to additional screening requirements.

- a. Amateur communications tower,
- b. Elevator or stairway access to roof,
- c. Greenhouse associated with a rooftop garden, and
- d. Mechanical equipment sheds.

9115.16 Determining the Number of Stories in a Building

- A. A building story is that portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
- B. If the finished floor level directly above a basement or cellar is more than six feet above natural grade for more than 50 percent of the total perimeter, such basement or cellar shall be considered a story.
- C. A partial story under a gable, hip, or gambrel roof shall be considered a story when its top wall plates, on at least two opposite exterior walls, are four feet or more above the floor of such story.

FIGURE 9115.16: DETERMINING STORIES



9115.17 Measuring Height of Fences or Walls

The height of a fence, wall or other screening shall be measured above the actual adjoining level of finished grade as defined in Part 5, Division 2, except that where there is a difference in elevation on opposite sides of such fence, wall or other screening, the height shall be measured from the highest elevation within a 3-foot radius on either side of the fence or other screening.

- A. **Measuring height of fences on retaining walls.** The height of a fence that is on top of a retaining wall is measured from the highest finished grade point within a three-foot radius of any point on such fence to the highest point of the fence on the highest side of the wall. Any fence or railing required to comply with minimum height in applicable Building Code requirements is permitted.
- B. **Measured in a continuum.** The height shall be measured in a continuum at each point along the wall or fence.

FIGURE 9115.17: MEASURING HEIGHT OF FENCES OR WALLS

