



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: June 8, 2021

SUBJECT: Zone Text Amendment (Text Change) No.188-2021
 City of Carson

APPLICANT: Consider Requested Text Changes and Provide
 REQUEST: Recommendation to City Council
 Citywide

PROPERTY INVOLVED:

COMMISSION ACTION

| AYE | NO | | AYE | NO | |
|-----|----|--------------------|-----|----|----------------------|
| | | Chairperson Thomas | | | Monteclaro |
| | | Vice Chair Palmer | | | D. Thomas |
| | | Diaz | | | Rashad |
| | | Guerra | | | |
| | | Huff | | | Alt. Alt. Alt. |

Item No. 6A

I. Introduction

Applicant
City of Carson

Location
Citywide

II. Project Description

Zone Text Amendment No. 21-188 (the “ZTA”) is a series of proposed text changes to the Carson Zoning Ordinance (Chapter 1 [“Zoning”] of Article IX [“Planning and Zoning”] of the Carson Municipal Code [“CMC”]) pursuant to CMC Section 9172.11.

The Zoning Ordinance (or Zoning Code) requires periodic updates to ensure the effective implementation of the goals, objectives, and policies of the General Plan. In this instance, ensuring that residential development standards preserve and protect existing neighborhood(s) character while allowing a more efficient processing of residential development applications.

III. Background

The General Plan is the City’s long-range policy document that looks at the future of the community. The Zoning Code is the local law that spells out the immediate, allowable uses for each piece of property with the City. The purpose of the Zoning Code is to implement the policies of the General Plan. CMC Section 9111.3 states the purpose for the Zoning Code (as a chapter of the larger CMC).

9111.3 Purpose.

The purpose of this Chapter is to serve the public health, safety, comfort, convenience and general welfare by establishing land use districts designed to obtain the physical, environmental, economic and social advantages resulting from planned use of land in accordance with the General Plan, and by establishing those regulations for the development and use of land and improvements within the various districts which will ensure that the growth and development of the City of Carson shall be orderly, attractive and efficient for the maximum benefit of its citizens.

The City is currently undergoing a comprehensive General Plan Update and will follow-up immediately with a Zoning Code update. In the interim, the ZTA will address inconsistencies in definitions, processes, and sections of Code that are no longer relevant in today’s environment.

IV. Analysis

This ZTA request applies to the following Code Sections:

- Section 9121.1 – Use Permitted (in Residential Zones)
- Section 9126.11 – Site Development Standards
- Section 9126.21 – Ground Coverage
- Section 9126.24 – Side Yards
- Section 9126.28 – Usable Open Space
- Section 9126.3 – Fences, Walls and Hedges
- Section 9172.23 – Site Plan Review and Design Review
- Sections 9191.252 & 9191.360 – Definitions

Section 9121.1 – Use Permitted (in Residential Zones)

Currently, the Uses Permitted Table for the Residential, Single-Family¹ (RS), Residential, Multiple Dwelling² (RM), and Residential Agricultural³ (RA), differentiate the processing of residential development by the width of the parcel. If a parcel is 50' wide or greater, residential development is automatically permitted "by right." However, if a parcel is 50' or less, residential development is subject to Site Plan Review and Design Review and requires discretionary review by the Planning Commission. The ZTA request is to eliminate the latter requirement thereby permitting residential development in parcels measuring less than 50' wide by right. Proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in ***bold, italics, underlined***:

Division 1. Uses Permitted.
9121.1 Uses Permitted

Uses permitted in residential zones as shown on the following table:

ZONES

| | RA | RS | RM |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| Permanent Residential Uses | | | |
| Single-family dwellings on lots 50 feet wide or greater. | X | X | X |
| Single-family dwellings on lots less than 50 feet wide are subject to CMC 9126.9 and 9172.23. | ⊥ <i><u>X</u></i> | ⊥ <i><u>X</u></i> | ⊥ <i><u>X</u></i> |

Section 9126.11 – Site Development Standards

Section 9126.11 is currently in a "Reserved" status; therefore, the City has previously reserved the opportunity to add development standards. A frequent Code question is what size structure is allowed on a particular parcel. The current practice involves using a series of development standards such as setbacks, yards and open spaces, and allowed yard encroachments that together create the development envelope for properties. Without codified minimum and a maximum structure size it's difficult to maintain predictable development patterns and implement the goals and policies of the General Plan. In addition, as Structure Size was not previously defined in Chapter 9, Section 9190, Definitions, the definition of Floor Area Ratio (FAR) has been amended to reflect the methodology for calculating FAR. Proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in ***bold, italics, underlined***:

"9126.11 (Reserved). Structure Size; Floor Area Ratio.

¹ **RS – Residential, Single-Family.** This zone is created for the establishment, expansion and preservation of residential areas which are to be developed with single-family detached dwellings and such other activities considered harmonious with such low-density residential development.

² **RM – Residential, Multiple Dwelling.** This zone is created for the establishment, expansion and preservation of residential areas which are to be developed with multiple dwellings or combinations of single-family and multiple dwellings, and such other activities considered harmonious with such medium and high-density residential development.

³ **RA – Residential Agricultural.** This zone is created for single-family residential uses together with compatible crop cultivation and related agricultural activities on land which is not yet fully utilized for residential purposes.

The minimum size for a single-family dwelling shall be no less than 800 square feet, and the maximum size for all structures on a single lot shall be determined by Floor Area Ratio (FAR) (as set forth in this section) and Lot Coverage (as set forth in CMC 9126.21). The maximum FAR in a single-family zone shall not exceed .50. Notwithstanding the foregoing, application of the FAR limitation set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov't Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov't Code Section 65852.2(j)(1), as may be amended.

“9191.252 Floor Area Ratio (FAR).

Shall mean the gross floor area of all buildings on a lot divided by the net lot area, expressed as a decimal number. For example, a 5,000 square foot building on a 5,000 square foot lot has a floor area ratio of 1.00 or 100 percent, while the same building on a 10,000 square foot lot would have a floor area ratio of .50 or 50 percent. The FAR, in conjunction with lot coverage is used in calculating the maximum building area on a lot.

Section 9126.21 Ground Coverage

Section 9126.21 is currently labeled as Ground Coverage and is only applicable to the RM zone. The ZTA request is to apply the development standard to all residential zones. Ground Coverage is also an older term, the more current term for this development standard is Lot Coverage. In addition, as the term Ground Cover was not previously defined in Chapter 9, Section 9190, Definitions, a definition of Lot Coverage has been added as Section 9191.360. Proposed Amendments are shown below with deletions shown in ~~strike through~~ and changes shown in **bold, italics, underlined**:

“9126.21 Ground Lot Coverage.

In the **RA, RS** and RM Zones, the ground area **lot coverage** included within the exterior walls and/or supporting columns of all roofed structures shall not exceed **.40 or** forty (~~40~~) percent of the net total lot area, except when a parking structure or subterranean parking is proposed, the ground area **lot coverage** shall not exceed **.70 or** seventy (~~70~~) percent of the net lot area. **Notwithstanding the foregoing, application of the lot coverage limitations set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov't Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov't Code Section 65852.2(j)(1), as may be amended.**

“9191.360 Lot Coverage.

Lot Coverage is the portion of a lot covered by all building(s) and/or structure(s) on a lot divided by the size of the lot, expressed as a decimal number. The lot coverage is used in calculating the intensity of use of a parcel for a development project. For example, a footprint of 1,000 sf. on a 5,000 sf. lot results in lot coverage of .20 or 20% (1,000sf / 5,000sf = .20)."

Section 9126.24 Side Yards

Section 9126.24 Side Yard is the minimum side yard side setback from the property line to the proposed residential structure. On occasion, residents submit applications for an addition to an existing residence and have a non-conforming lot width but have extensive space to the rear of the structure. With a non-conforming lot size, the addition is forced to create an L-shaped jog to conform to a required setback creating a strange transition within the structure. There is currently no remedy for this condition. The proposed ZTA allows an instance where the non-conforming setback could be maintained subject to the review and approval of the Community Development Director and Building Official. Proposed Amendments are shown below with deletions shown in ~~strike through~~ and changes shown in **bold, italics, underlined**:

9126.24 Side Yards.

Each lot shall have a side yard width as follows:

| Use | Minimum Side Yard Width |
|-------------------------|---|
| Single-Family Dwellings | 3 feet for lots smaller than thirty feet wide. 10 percent of the lot width for lots 30 to 50 feet wide. 5 feet for lots wider than 50 feet. |

Additions to single-family dwellings with a non-conforming side yard can maintain non-conforming side yard subject to Director and Building and Safety approvals.

~~Where the side of a lot abuts a street, the required side yard shall be twice the width required above.~~

| | |
|--|---|
| Multiple-Family Dwellings and Residential Condominiums | 6 feet for lots smaller than 30 feet wide. 20 percent of the lot width for lots 30 to 50 feet wide. 10 feet for |
|--|---|

lots wider than 50 feet.

The above provisions may be waived, in connection with approval of a tract or parcel map, to permit the location of buildings at approximately one (1) inch from side lot lines provided compensating additional side yard space is provided on the opposite side of each lot and special noise absorbing walls are provided along the side lot line as specified in CMC 9163.2.

Required side yards shall not be occupied except as provided in CMC 9126.29.”

Section 9126.28 Usable Open Space

Section 9126.28 Usable Open Space for single-family developments currently requires “at least one hundred thirty (130) square feet for each zero and one (1) bedroom unit and at least one hundred fifty (150) square feet for each two (2) or more bedroom unit.” This development standard is problematic when lot coverage and structure size are regulated by a percentage of the lot area.

The following Code section is the Usable Open Space requirement for condominiums and multi-family development proposals and is required as a percentage rather than square footage and is consistent with other development standards.

“In each condominium or multiple-family dwelling project, there shall be usable open space of at least thirty (30) percent of the net project areas for projects of one (1) acre or less, and at least forty (40) percent of the net project for projects greater than one (1) acre.” Proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in ***bold, italics, underlined***:

“9126.28 Usable Open Space.

On each lot developed with single-family dwelling units, there shall be ~~usable open space of at least~~ ***.15 or fifteen percent*** ~~one hundred thirty (130) square feet for each zero and one (1) bedroom unit and at least one hundred fifty (150) square feet for each two (2) or more bedroom unit.~~

In each condominium or multiple-family dwelling project, there shall be usable open space of at least thirty (30) percent of the net project areas for projects of one (1) acre or less, and at least forty (40) percent of the net project for projects greater than one (1) acre.

Required open space shall not be occupied except as provided in CMC 9126.29.

Notwithstanding the foregoing, application of the open space limitations set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov’t Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov’t Code Section 65852.2(j)(1), as may be amended.”

Section 9126.3 Fences, Walls and Hedges

Fence, wall and hedge standards are listed in Section 9126.3 and can also be found in Section 9126.29 (Encroachments) within a Table entitled “Encroachments Permitted in Required Yards and Open Spaces.” Below is an excerpt of that Table.9126.3 Fences, Walls and Hedges

| Type of Encroachment | Future Right of Way | Parking Setback (between street or alley or garage door or parking space) | Front Yard |
|---------------------------|--|---|--|
| Fences, Walls, and Hedges | Same as permitted in overlapping front, side, or rear yard if driveway gate is provided. | Same as permitted in overlapping front, side, or rear yard if driveway gate is provided | Height above finished grade not more than 3-1/2', or as provided as condition of tract or parcel map approval, or as required by other laws. |

In an effort to eliminate redundancy and provide clarity, the proposed Amendments are shown below with deletions shown in ~~strike through~~ and changes shown in **bold, italics, underlined**:

“9126.3 Fences, Walls and Hedges.

A fence, wall or hedge shall not exceed a height of six (6) feet above the finished grade at each point along the fence, wall or hedge. Where there is a difference between the grades on the two (2) sides of the fence, wall or hedge, the higher grade shall be used. **In a required front yard and any abutting future right-of-way area, no portion of a fence, wall or hedge shall be in excess of three and one-half (3-1/2) feet in height. The use of chain-link fencing is prohibited in any residential zone.**

The height limitation of this Section shall not apply in any case where it is in conflict with any other City ordinance or State law or regulation.”

Section 9172.23 Site Plan Review and Design Review

Per Section 9172.23, the Community Development Director has the authority to approve any development plan having an estimated valuation less than \$50,000. Conversely, any development plan valued in excess of \$50,000 requires Planning Commission review and approval. The \$50,000 valuation was established by CMC Ordinance No. 93-1021 on November 16, 1993. The prior valuation of \$25,000 valuation was established by CMC Ordinance No. 84-699 on September 17, 1984. It has been 27 years since the valuation threshold was last updated.

Section 9172.23 (2) requires the Building official to establish the construction valuation using as a guide, the Marshall Valuation Service compiled by the Marshall and Swift Publication Company. The most recent Marshall Valuation Service data was compiled in 2018. Given this recent construction valuation data and the fact that construction costs have grown steadily in the last ten plus years, the City Building Official recommends the City’s baseline for Site Plan Review be raised to a construction valuation of \$100,000. Proposed Amendments are shown below with deletions shown in ~~strike through~~ and changes shown in **bold, italics, underlined**:

9172.23 Site Plan and Design Review.

When Site Plan and Design Review is required pursuant to the provisions of this Chapter, a development plan shall be submitted and approved according to the following procedures before any grading permit, electrical permit, plumbing permit or building permit is issued, or sign installed, which involves significant exterior changes in the opinion of the Director:

A. Submittal. An application shall be filed in accordance with CMC 9173.1. Prior to accepting an application, the Director may require that a conference be held with the project designer.

B. Approval Authority.

1. An application for approval of a Development Plan shall be submitted to the Commission for determination in any case involving any of the following:

a. Any construction of a new building or structure having an estimated valuation of ~~\$50,000~~ **\$100,000** or more.

b. Any expansion, addition, alteration or repair to an existing structure, or other construction if the estimated cost of the work is ~~\$50,000~~ **\$100,000** or more and the work involves changes in exterior architectural design, landscaping design or parking facilities.

c. Any conversion of a residential structure to a commercial use if the estimated cost of the work is less than ~~\$50,000~~ **\$100,000**.

d. Any major wireless telecommunications facility and minor wireless telecommunications facility located within one hundred (100) feet of a residential zone.

2. The Director shall have the authority to approve a Development Plan for work involving any of the following:

a. Any construction of a new building or structure having an estimated valuation less than ~~\$50,000~~ **\$100,000**.

b. Any expansion, addition, alteration or repair to the exterior of an existing structure, or other construction, except for any conversion of a residential structure to a commercial use, if the estimated cost of the work is less than ~~\$50,000~~ **\$100,000** and the work involves changes in exterior architectural design, landscaping design or parking facilities.

c. Any construction involving only interior modifications to an existing building, regardless of the estimated valuation of the work.

d. Signs.

e. Solar energy equipment installation.

f. Fences, walls and hedges.

Staff has prepared the ZTA amendments to resolve several discrepancies in the Code that require correction and/or update to effectively and consistently apply the Code and to improve the Code's implementation of the goals, objectives, and policies of the General Plan. It is the intent of the ZTA to clarify local development standards while being in the appropriate context with the City of Carson's residential neighborhoods.

The attached resolution (Exhibit A) and draft ordinance (Exhibit B) include proposed changes to the sections of the Zoning Code identified throughout this report. A summary of the proposed amendments is included as Attachment C.

Environmental Review

The City Council has determined that adoption of this Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

V. Public Notice

The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting (CMC 9172.11(C)).

VI. Recommendation

That the Planning Commission:

- **RECOMMEND APPROVAL** of ZTA 21-188 to the City Council; and **ADOPT** Resolution No. 21-____, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMEND THAT THE CITY COUNCIL ADOPT TEXT AMENDMENT NO. XX-XX, AMENDING SECTIONS 9121.1, 9126.11, 9126.21, 9126.24, 9126.28, 9126.3, 9172.23, 9191.252 AND 9191.360 AMENDING DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONES AND PROCEDURES FOR SITE PLAN REVIEW AND DESIGN REVIEW”

VII. Exhibits

1. Draft Resolution
2. Draft Ordinance
3. Summary of Proposed Amendments
4. Letter from Building Official

Prepared by: Stefanie Edmondson, Senior Planner

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 21-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL ADOPT ZONE TEXT AMENDMENT NO. 21-188, AN ORDINANCE AMENDING CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, AMENDING SECTIONS 9121.1, 9126.11, 9126.21, 9126.24, 9126.28, 9126.3, 9172.23, 9191.252, 9191.360 AMENDING DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONES AND PROCEDURES FOR SITE PLAN REVIEW AND DESIGN REVIEW

WHEREAS, the California Constitution, in Article XI, Section 7, grants local governments the authority under their police powers to regulate land use; and

WHEREAS, the City desires to amend the provisions of Article IX (Planning and Zoning) of the Carson Municipal Code (CMC) as necessary to ensure that residential development standards preserve and protect existing neighborhood(s) character while allowing a more efficient processing of residential development applications; and

WHEREAS, on June 8, 2021, the Planning Commission held a duly noticed public hearing as required by law to consider the proposed Zoning Text Amendment Ordinance No. 21-188.

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

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and incorporates them herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) It is necessary to periodically update the Zoning Ordinance to improve the welfare of the community with the changing times.
- b) Zone Text Amendment (ZTA) No. 21-188 complies with the City's General Plan and is consistent with the requirements and intent of Article IX, Chapter 1, Section 9172.11 (Text Change) of the Carson Municipal Code.
- c) The Planning Commission has considered the Request in accordance with CMC Section 9172.11(A). The ZTA request consists of the following:
 - To amend CMC Section 9121.1 Uses Permitted Table for Residential Single-Family (RS), Residential, Multiple Dwelling (RM), and Residential Agricultural

(RA). Currently, the Uses Permitted Table differentiates the processing of residential development by the width of the parcel. If a parcel is 50' wide or greater, residential development is automatically permitted "by right." However, if a parcel is 50' or less, residential development is subject to Site Plan Review and Design Review and requires discretionary review by the Planning Commission. The ZTA request is to eliminate the latter requirement thereby permitting residential development in parcels measuring less than 50' wide as a by right land use in order to reduce the time and costs of an application for a single-family residence.

- Section 9126.11 is currently in a "Reserved" status; therefore, the City has previously reserved the opportunity to add development standards. A frequent Code question is what size structure is allowed on a particular parcel. The current practice involves using a series of development standards such as setbacks, yards and open spaces, and allowed yard encroachments that together create the development envelope for properties. Without codified minimum and a maximum structure size it's difficult to maintain predictable development patterns and implement the goals and policies of the General Plan. In addition, as Structure Size was not previously defined in Chapter 9, Section 9190, Definitions, the definition of Floor Area Ratio (FAR), Section 9191.252, has been amended to reflect the methodology for calculating FAR.
- Section 9126.21 is currently labeled as Ground Coverage and is only applicable to the RM zone. The ZTA request is to apply the development standard to all residential zones. Ground Cover is also an older term, the more current term for this development standard is Lot Coverage. In addition, as the term Ground Cover was not previously defined in Chapter 9, Section 9190, Definitions, a definition of Lot Coverage has been added as Section 9191.360.
- Section 9126.24 Side Yard is the minimum side yard side setback from the property line to the proposed residential structure. On occasion, residents submit applications for an addition to an existing residence and have a non-conforming lot width but have extensive space to the rear of the structure. With a non-conforming lot size, the addition is forced to create an L-shaped jog to conform to a required setback creating a strange transition within the structure. There is currently no remedy for this condition. The proposed ZTA allows a non-conforming setback to be maintained subject to the review and approval of the Community Development Director and Building Official.
- Section 9126.28 Usable Open Space for single-family developments currently requires "at least one hundred thirty (130) square feet for each zero and one (1) bedroom unit and at least one hundred fifty (150) square feet for each two (2) or more bedroom unit." This development standard is problematic when lot coverage and structure size are regulated by a percentage of the lot area. The proposed ZTA would clarify the development standard for lots developed with single-family dwelling units to provide usable open space of at-least .15 or fifteen percent.
- Fence, wall and hedge standards are listed in Section 9126.3 and can also be found in Section 9126.29 (Encroachments). In an effort to eliminate redundancy and provide clarity, the proposed ZTA clearly states that front yard fences, walls

and hedges not exceed three and one-half (3-1/2) feet in height. The ZTA also clarifies that the use of chain-link fencing is prohibited in any residential zone.

- Per Section 9172.23, the Community Development Director has the authority to approve any development plan having an estimated valuation less than \$50,000. Conversely, any development plan valued in excess of \$50,000 requires Planning Commission review and approval. The \$50,000 valuation was established by CMC Ordinance No. 93-1021 on November 16, 1993. The prior valuation of \$25,000 valuation was established by CMC Ordinance No. 84-699 on September 17, 1984. It has been 27 years since the valuation threshold was last updated.

Section 9172.23 (2) requires the Building official to establish the construction valuation using as a guide, the Marshall Valuation Service compiled by the Marshall and Swift Publication Company. The most recent Marshall Valuation Service data was compiled in 2018. Given this recent construction valuation data and the fact that construction costs have grown steadily in the last ten plus years, the City Building Official recommends the City's baseline for Site Plan Review be raised to a construction valuation of \$100,000. The proposed ZTA changes the development valuation for Site Plan Review to \$100,000.

- In accordance with Gov't Code Section 65852.2(c)(2)(C), the proposed amendments to development standards for floor area ratio, lot coverage, or open space contain caveats providing that they shall not preclude the creation of an accessory dwelling unit (as that term is defined in Gov't Code Section 65852.2(j)(1)) that meets the criteria set forth in Gov't Code Section 65852.2(c)(2)(C) and any City ordinance enacted pursuant thereto.
- d) The proposed ZTA ordinance amends relevant provisions of Chapter 1 (Zoning) of Article 9 IX (Planning and Zoning) of the CMC to resolve discrepancies, provide clarity in development standards while being in the appropriate context with the City of Carson's residential neighborhoods.

SECTION 3. The Planning Commission finds that California Environmental Quality Act (CEQA) does not apply to the City's consideration or approval/adoption of Text Amendment No. 21-188. The Planning Commission has determined that adoption of this Ordinance does not constitute a "project" within the meaning of CEQA, because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" from CEQA's definition of "project." Furthermore, even if the proposed zone text amendment were a "project," it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, hereby recommend that the City Council approve Zone Text Amendment No. 21-188, attached hereto and incorporated by reference as Exhibit 2, an Ordinance of the City Council amending Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the CMC,

amending Sections 9121.1, 9126.11, 9126.21, 9126.24, 9126.28, 9126.3, 9172.23, 9191.252 and 9191.360 amending development standards for residential zones and procedures for Site Plan Review and Design Review.

SECTION 5. This decision of the Planning Commission shall become effective and final 15 days from the date of the action, in accordance with Section 9173.33 of the City's Zoning Ordinance, unless an appeal is filed in accordance with Section 9173.4 of the City's Zoning Ordinance.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of the Resolution, and shall transmit it to the City Council.

PASSED, APPROVED and ADOPTED this 8th day of June, 2021.

CHAIRMAN

ATTEST:

SECRETARY

ORDINANCE NO. 21-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, MODIFYING DEVELOPMENT STANDARDS FOR THE RESIDENTIAL ZONES AND PROCEDURES FOR SITE PLAN REVIEW AND DESIGN REVIEW

WHEREAS, the California Constitution, in Article XI, Section 7 grants local governments the authority under their police powers to regulate land use; and

WHEREAS, the City desires to amend the provisions of Article IX (Planning and Zoning) of the Carson Municipal Code (the “Zoning Ordinance”) in order to correct, clarify and/or update several unintended discrepancies in the Zoning Ordinance to allow effective and consistent application of the Zoning Ordinance, and improve the efficiency of processing of residential development applications; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 8, 2021, and Planning Commission Resolution No. 21-__ was adopted, recommending that the City Council adopt the proposed Zoning Ordinance text amendment; and

WHEREAS, the City Council conducted a duly noticed public hearing on the proposed Zoning Ordinance text amendment. Notice of the City Council hearing to consider the proposed Zoning Ordinance text amendment was given in accordance with Government Code Section 65854 and Carson Municipal Code Section 9173.22.

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

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

SECTION 2. CEQA. The City Council has determined that adoption of this Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed zone text amendment, in and of itself, will have a significant effect on the environment.

SECTION 3. Section 9121.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows at the second row of the table under “Permanent Residential Uses” (deleted text shown in ~~strikethrough~~, added text shown shown in **bold, italics, underlined**):

9121.1 Uses Permitted

Uses are permitted in the residential zones as indicated in the following table:

| USES PERMITTED IN INDUSTRIAL ZONES | |
|---|--|
| Legend | |
| X. | Automatically permitted use. |
| L. | Automatically permitted use provided special limitations and requirements are satisfied as noted herein, in Division 8 of this Part and in Division 8 of Part 3. |
| D. | Use permitted subject to the approval of the Director. |
| LD. | Use permitted provided special limitations and requirements are satisfied as noted herein, in Division 8 of Part 2, and subject to the approval of the Director. |
| C. | Use permitted upon approval of a conditional use permit. |
| CC. | Use permitted upon approval of the City Council as prescribed under other provisions of the Carson Municipal Code. |
| | All residential projects that include affordable and/or senior citizen households, as defined in CMC 9126.91, shall be subject to the requirements contained in CMC 9172.23 (Site Plan and Design Review) except temporary uses set forth in this Section. |

ZONES

| | RA | RS | RM |
|------------------------------------|------------------------------|------------------------------|------------------------------|
| Permanent Residential Uses: | | | |
| Single-family dwellings on lots | ⊖ <u>X</u> | ⊖ <u>X</u> | ⊖ <u>X</u> |

| | | | |
|---|--|--|--|
| less than 50 feet wide— are subject to CMC 9126.9 and 9172.23. | | | |
|---|--|--|--|

SECTION 4. Section 9126.11 (Reserved) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby replaced in its entirety with the following:

“9126.11 Structure Size; Floor Area Ratio.

The minimum size for a single-family dwelling shall be no less than 800 square feet, and the maximum size for all structures on a single lot shall be determined by Floor Area Ratio (FAR) (as set forth in this section) and Lot Coverage (as set forth in CMC 9126.21). The maximum FAR in a single-family zone shall not exceed .50. Notwithstanding the foregoing, application of the FAR limitation set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov’t Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov’t Code Section 65852.2(j)(1), as may be amended.”

SECTION 5. Section 9126.21 (Ground Coverage) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (deleted text shown in ~~striketrough~~, added text shown in ***bold, italics, underlined***):

“9126.21 ~~Ground~~ Lot Coverage.

In the ***RA, RS*** and RM Zones, the ~~ground-area~~ ***lot coverage*** included within the exterior walls and/or supporting columns of all roofed structures shall not exceed ***.40 or*** forty (40) percent of the ~~net~~ total lot area, except when a parking structure or subterranean parking is proposed, the ~~ground-area~~ ***lot coverage*** shall not exceed ***.70 or*** seventy (70) percent of the ~~net~~ lot area. ***Notwithstanding the foregoing, application of the lot coverage limitations set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov’t Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov’t Code Section 65852.2(j)(1), as may be amended.***”

SECTION 6. Section 9126.24 (Side Yards) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (deleted text shown in ~~striketrough~~, added text shown in ***bold, italics, underlined***):

“9126.24 Side Yards.

Each lot shall have a side yard width as follows:

| Use | Minimum Side Yard Width |
|-------------------------|---|
| Single-Family Dwellings | 3 feet for lots smaller than thirty feet wide. 10 percent of the lot width for lots 30 to 50 feet wide. 5 feet for lots wider than 50 feet. |

Additions to single-family dwellings with a non-conforming side yard can maintain non-conforming side yard subject to Director and Building and Safety approvals.

~~Where the side of a lot abuts a street, the required side yard shall be twice the width required above.~~

| | |
|--|--|
| Multiple-Family Dwellings and Residential Condominiums | 6 feet for lots smaller than 30 feet wide. 20 percent of the lot width for lots 30 to 50 feet wide. 10 feet for lots wider than 50 feet. |
|--|--|

The above provisions may be waived, in connection with approval of a tract or parcel map, to permit the location of buildings at approximately one (1) inch from side lot lines provided compensating additional side yard space is provided on the opposite side of each lot and special noise absorbing walls are provided along the side lot line as specified in CMC 9163.2.

Required side yards shall not be occupied except as provided in CMC 9126.29.”

SECTION 7. Section 9126.28 (Usable Open Space) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (deleted text shown in ~~strikethrough~~, added text shown in **.15 or fifteen percent**):

“9126.28 Usable Open Space.

On each lot developed with single-family dwelling units, there shall be usable open space of at least **.15 or fifteen percent** ~~one hundred thirty (130) square feet for each~~

~~zero and one (1) bedroom unit and at least one hundred fifty (150) square feet for each two (2) or more bedroom unit.~~

In each condominium or multiple-family dwelling project, there shall be usable open space of at least thirty (30) percent of the net project areas for projects of one (1) acre or less, and at least forty (40) percent of the net project for projects greater than one (1) acre.

Required open space shall not be occupied except as provided in CMC 9126.29.

Notwithstanding the foregoing, application of the open space limitations set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov't Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov't Code Section 65852.2(j)(1), as may be amended.

SECTION 8. Section 9126.3 (Fences, Walls and Hedges) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (added text shown in **bold, italics, underlined**):

“9126.3 Fences, Walls and Hedges.

A fence, wall or hedge shall not exceed a height of six (6) feet above the finished grade at each point along the fence, wall or hedge. Where there is a difference between the grades on the two (2) sides of the fence, wall or hedge, the higher grade shall be used. **In a required front yard and any abutting future right-of-way area, no portion of a fence, wall or hedge shall be in excess of three and one-half (3-1/2) feet in height. The use of chain-link fencing is prohibited in any residential zone.**

The height limitation of this Section shall not apply in any case where it is in conflict with any other City ordinance or State law or regulation.”

SECTION 9. Subsection B (Approval Authority) of Section 9172.23 (Site Plan and Design Review) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (deleted text shown in ~~strikethrough~~, added text shown in **bold, italics, underlined**):

“B. Approval Authority.

1. An application for approval of a Development Plan shall be submitted to the Commission for determination in any case involving any of the following:
 - a. Any construction of a new building or structure having an estimated valuation of ~~\$50,000~~ **\$100,000** or more.
 - b. Any expansion, addition, alteration or repair to an existing structure, or other construction if the estimated cost of the work is ~~\$50,000~~ **\$100,000** or more and the work involves changes in exterior architectural design, landscaping design or parking facilities.

- c. Any conversion of a residential structure to a commercial use if the estimated cost of the work is less than \$50,000 **\$100,000**.
 - d. Any major wireless telecommunications facility and minor wireless telecommunications facility located within one hundred (100) feet of a residential zone.
2. The Director shall have the authority to approve a Development Plan for work involving any of the following:
- a. Any construction of a new building or structure having an estimated valuation less than \$50,000 **\$100,000**.
 - b. Any expansion, addition, alteration or repair to the exterior of an existing structure, or other construction, except for any conversion of a residential structure to a commercial use, if the estimated cost of the work is less than \$50,000 **\$100,000** and the work involves changes in exterior architectural design, landscaping design or parking facilities.
 - c. Any construction involving only interior modifications to an existing building, regardless of the estimated valuation of the work.
 - d. Signs.
 - e. Solar energy equipment installation.
 - f. Fences, walls and hedges.”

SECTION 10. Section 9191.236 (Floor Area Ratio) of Part 9 (Definitions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows (added text shown shown in **bold, italics, underlined**):

“9191.252 Floor Area Ratio (FAR).

Shall mean the gross floor area of all buildings on a lot divided by the net lot area, **expressed as a decimal number. For example, a 5,000 square foot building on a 5,000 square foot lot has a floor area ratio of 1.00 or 100 percent, while the same building on a 10,000 square foot lot would have a floor area ratio of .50 or 50 percent. The FAR, in conjunction with lot coverage is used in calculating the maximum building area on a lot.**”

SECTION 11. A new Section 9191.236 (Lot Coverage) is hereby added to Part 9 (Definitions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code and shall read in its entirety as follows:

“9191.360 Lot Coverage.

Lot Coverage is the portion of a lot covered by all building(s) and/or structure(s) on a lot divided by the size of the lot, expressed as a decimal number. The lot coverage is used in calculating the intensity of use of a parcel for a development project. For example, a footprint of 1,000 sf. on a 5,000 sf. lot results in lot coverage of .20 or 20% (1,000sf/ 5,000sf = .20).”

SECTION 12. If any section, subsection, sentence, clause, phrase, or portion 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 City Council hereby declares that it would have adopted this ordinance and each

section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 13. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 14. 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.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2021.

Mayor Lula Davis-Holmes

ATTEST:

Joy Simarago, Deputy City Clerk

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani

EXHIBIT 3

TABLE – SUMMARY OF PROPOSED AMENDMENTS

| Section | Discussion |
|--|---|
| Uses Permitted Section 9121.1 | <i>Table Amended</i> The requirement for Site Plan Review (Planning Commission hearing) for a proposed single-family dwellings on lots less than 50 feet in width is revised to an “Automatically Permitted Use” |
| Site Development Standards Section 9126.11 | <i>New section added</i> Structure Size. The minimum size for a single-family dwelling shall be no less than 800 square feet and the maximum size for structures on a single lot shall be determined by Floor Area Ratio (FAR) and Lot Coverage (see Definitions § 9191.252 and § 9191.360). The maximum in a single-family zone shall not exceed .50 FAR. |
| Ground Coverage Section 9126.21 | <i>Standardized Development Standard</i> Changed Ground Coverage to Lot Coverage and included the other residential zones to standardize the development standard. See definitions – Lot Coverage |
| Side Yards Section 9126.24 | <i>Standardized Development Standard</i> Additions to single-family dwellings with a non-conforming side yard can maintain non-conforming side yard subject to Director and Building and Safety approvals. |
| Usable Open Space Section 9126.28 | <i>Reworded to Open Space</i> Eliminated Usable as this development standard is associated with multi-family. The open space requirement as a percentage of the lot is what was intended for single-family residential development. See definitions – Open Space |
| Fences, Walls and Hedges Section 9126.3 | <i>Clarified Development Standard</i> Front yard fences, walls or hedges cannot exceed three and half feet (3 ½) feet in height. Chain link fencing is prohibited in any residential zone. |
| Site Plan Review and Design Review Section 9172.23 | <i>Updated Valuation per Code Requirements</i> Valuation had not been updated for 27 years. |
| Definitions Section 9191.252 | <i>Amended definition of Floor Area Ratio</i> Added information for calculation purposes |
| Definitions Section 9167.9 | <i>New definition of Lot Coverage added</i> Ground coverage was not defined, so new definition clarifies |

County of Los Angeles
Department of Public Works
City of Carson District office
701 East Carson Street
Carson, CA 90745-2224
www.dpw.lacounty.gov

December 21st, 2020

Saied Naaseh
Community Development Director
City of Carson
701 East Carson Street
Carson, CA 90745

Re: Recommended Change to Construction Valuation for Development Projects

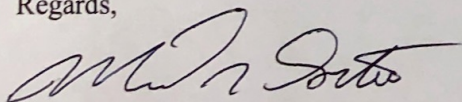
Dear Mr. Naaseh:

Pursuant to City of Carson Municipal (CMC) Code Section 9172.23, Site Plan and Design Review, any construction of a new building or structure "projects" having an estimated value less than \$50,000 are reviewed and approved by the Community Development Director and projects having an estimated value greater than \$50,000 are elevated to the Planning Commission for their review and approval. The \$50,000 valuation was established via CMC Ordinance No. 93-1021 on November 16, 1993. The prior valuation of \$25,000 valuation was established via CMC Ordinance No. 84-699 on September 17, 1984. It would be prudent to revisit the valuation threshold given that it has been 27 years since it was last updated.

CMC Section 9172.23 (2) requires the Building Official to establish the construction valuation using as a guide, the Marshall Valuation Service compiled by the Marshall and Swift Publication Company. The most recent Marshall Valuation Service data was compiled in 2018. Given this recent construction valuation data and the fact that construction costs have grown steadily in the last ten plus years, I recommend that the City's baseline for Site Plan Review be raised to a construction valuation of \$100,000. This would be in-line with current construction costs and a more representative valuation threshold for projects needing Planning Commission review and approval.

Please feel free to contact me for further discussion, I'm available as needed.

Regards,



Michael Dorta
Senior Civil Engineer/Building Official