



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** April 12, 2022

**SUBJECT:** Senate Bill 9 Regulations and Accessory Dwelling Unit Ordinance / Zoning Code Amendment

**APPLICANT:** City of Carson

**REQUEST:** Consider recommending to the City Council adoption of a proposed ordinance establishing regulations for housing developments and lot splits under Senate Bill 9 and amending regulations of accessory dwelling units in the City of Carson

### COMMISSION ACTION

AYE	NO		AYE	NO	
		<b>Chairperson Thomas</b>			<b>Monteclaro</b>
		<b>Vice Chair Palmer</b>			<b>D. Thomas</b>
		<b>Diaz</b>			<b>Rashad</b>
		<b>Guerra</b>			<b>Hernandez</b>
		<b>Huff</b>			<b>Alt. Docdocil</b> <b>Alt. Mfume</b> <b>Alt. Wilson</b>

***Item No. 6A***

## **I. Introduction**

Applicant  
City of Carson

Location  
Citywide

## **II. Project Description**

This item regards two proposed ordinances that would revise the City's zoning code to establish regulations in accordance with recent changes in state law.

Senate Bill No. 9 (SB 9) became effective on January 1, 2022. This bill requires the approval of up to two primary dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted. This is in addition to permitting accessory dwelling units (ADUs), in some cases. Additionally, SB 9 requires the approval of lot splits in single-family residential zones and allows up to two units to be built on each resulting parcel. SB 9 allows cities to establish objective standards to govern these units and lots splits, as long as they do not conflict with state law. The first proposed ordinance established regulations regarding developments and lots splits authorized by SB 9.

Due to a change in State law regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), the City of Carson Municipal Code (CMC) accessory living quarters and second dwelling unit standards have been rendered invalid. The second proposed ordinance amends CMC Title IX (Planning and Zoning) providing new local regulations regarding the construction of ADUs and JADUs. The changes include but are not limited to the zoning districts that allow ADUs and JADUs, maximum allowable size, height limitation, and parking requirements.

## **III. Background**

On March 15, 2022, the City Council adopted Urgency Ordinance No. 22-2204U, establishing objective standards for the regulation of lot splits and new units developed under SB 9. The City Council also directed staff to bring back a regular ordinance, specifically, an ordinance that would first receive a review by the Planning Commission before going to City Council. At the same meeting, the City Council also directed City staff to prepare updates to the City's regulations on accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). The City's ADU and JADU regulations are out of date and require updates to comply with recent changes to state law.

The SB 9 and ADU laws are related as they both result in additional residential density and create additional options for the development of residential property, especially in single-family zones. Consequently, the two proposed ordinances, one related to SB 9 and one related to ADUs, are being presented together so that the Planning Commission and eventually the City Council can consider them individually but also consider how they relate to one another.

## **IV. Analysis**

### **SB 9 Ordinance**

SB 9 has two primary effects on City land use regulations. First, it requires cities to permit up to two primary residences on each parcel in single-family residential zones, where

previously only one primary residence would be allowed. When combined with ADUs, this means that a parcel in a single-family residential zone could have up to 4 dwelling units, if it was not created through an SB 9 lot split.

Second, SB 9 requires cities to permit owners of single-family residential lots to split their lots in half and create two separate smaller parcels, even if the resulting lots are smaller than the minimum lot size otherwise allowed. New lots resulting from an SB 9 lot split may only have up to two units on them, inclusive of ADUs and JADUs.

Adoption of the proposed SB 9 ordinance would repeal Urgency Ordinance No. 22-2204U and replace its amendments with new amendments in the proposed ordinance.

State law establishes many requirements, but also allows cities to impose additional objective standards that do not conflict with state law. The following tables show the mandated state requirements and additional objective standards that City staff are proposing:

### SB 9 Lot Splits

State Requirements	
	1. Only allowed in single-family residential zones - RS zones
	2. Not allowed on parcels that are located in or on certain kinds of protected farmland; wetlands; high fire severity zones (subject to some exceptions); hazardous waste sites; earthquake fault zones; flood hazard areas; habitat for protected species; or land under a conservation easement
	3. Not allowed in historic districts
	4. City may deny a proposed SB 9 lot split if the building official makes a written finding based upon a preponderance of the evidence, that the proposed project would have a specific adverse impact (as defined) upon public health and safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact
	5. Resulting lots must be at least 40% of the size of the original lot <u>and</u> must be at least 1,200 square feet
	6. An urban lot split cannot be used to split a lot that was previously split by an urban lot split
	7. An urban lot split cannot require or allow the demolition or alteration of any of the following types of housing: <ul style="list-style-type: none"> <li>- Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.</li> <li>- Housing that is subject to any form of rent or price control through</li> </ul>

	a public entity's valid exercise of its police power. - Housing that has been occupied by a tenant in the last three years.
	8. Vacant lots are not eligible for urban lot split
	9. Lots resulting from urban lot splits can only be used for residential uses
	10. Owner of the property must sign an affidavit stating intent to occupy a unit on one of the resulting parcels as their primary residence for three years after approval of lot split
	11. Resulting lots must have access to right-of-way and must dedicate easements for utilities and public facilities
	12. Units built on resulting parcels cannot be rented for terms of less than 31 days (no short-term rentals)
	13. Resulting parcels may only have up to two units on them (including ADUs)
	14. Lot splits must comply with all requirements of the Subdivision Map Act and all other City standards for lot splits
	15. Urban lots splits will be ministerially approved without a public hearing
<b>Additional City Standards</b>	
	1. City will mail a courtesy notice to the owner(s) of each property immediately adjacent to the property where the proposed lot split will be located informing the owner(s) of the submitted application.
	2. Urban lot split cannot be used to split a vacant lot.
	3. The owner of the parcel to be divided must execute a deed restriction, which will be recorded on each of the resulting parcels, at the property owner's cost, and will limit the use of each parcel in accordance with the standards in the City's ordinance.
	4. Lots resulting from an urban lot split shall be at least 20 feet wide and have at least 20 feet of street frontage.

**SB 9 Units**

<b>State Requirements</b>	
	1. Only allowed in single-family residential zones - RS zones

	2. Not allowed on parcels that are located in or on certain kinds of protected farmland; wetlands; high fire severity zones (subject to some exceptions); hazardous waste sites; earthquake fault zones; flood hazard areas; habitat for protected species; or land under a conservation easement
	3. Not allowed in historic districts
	4. City may deny a proposed SB 9 development if the building official makes a written finding based upon a preponderance of the evidence, that the proposed project would have a specific adverse impact (as defined) upon public health and safety or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact
	5. An SB 9 development cannot require or allow the demolition or alteration of any of the following types of housing: <ul style="list-style-type: none"> <li>- Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.</li> <li>- Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.</li> <li>- Housing that has been occupied by a tenant in the last three years.</li> </ul>
	6. SB 9 developments will be ministerially approved without a public hearing.
	7. City can only impose up a 4 foot rear and side setback for SB 9 units
	8. City can only require one parking spot per SB 9 units, with some exceptions
	9. City cannot enforce standards that would prevent up to two primary units that are at least 800 square feet each
	10. Maximum of two primary units are allowed on property, plus ADUs
	11. SB 9 units cannot be rented for terms of less than 31 days (no short-term rentals)
<b>Additional City Standards</b>	
	1. City will mail a courtesy notice to the owner(s) of each property immediately adjacent to the property where the proposed SB 9 development will be located informing the owner(s) of the submitted application.

	2. SB 9 units can only be up to 800 square feet and 16 feet in height; units can only be built on a second story if required to allow two primary units on a lot or to allow both primary units to be at least 800 square feet
	3. New units must each have their own direct utility connection to the utility service provider for water, electric, and gas service
	4. City will require sewer capacity testing for all new units
	5. If development of SB 9 results in removal of mature tree, owner must replace removed tree with a new 24-inch box tree on site
	6. Design of second units must match primary unit
	7. SB 9 units may not be turned into condos or sold separately from other units on the property
	8. Owner must execute deed restriction limiting use of units as required by state law and City ordinance
	9. Owner must execute deed requiring that SB 9 units may only be rented to lower-income households at an affordable rent for 55 years

ADU Ordinance

As with SB 9, many of the standards for ADUs/JADUs are established by state law, but the state does allow cities to establish regulations that do not conflict with state law. The following table shows the mandated state requirements and additional standards that City staff are proposing:

**ADU/JADU Regulations**

<b>State Requirements</b>	
	1. ADUs are permitted in single-family, multifamily, and mixed-use zones, and on properties with single-family and multifamily units
	2. Must be approved ministerially without a public hearing
	3. Parcel with one or more single-family dwelling can have one ADU; parcel with a multifamily dwelling can have two ADUs (or more for parcels with more than 8 multifamily units)
	4. JADUs must be completely within a single-family dwelling
	5. City can only impose up a 4 foot rear and side setback for ADUs
	6. ADUs can be attached to, detached from, or built within other dwelling structures, or be created by converting non-habitable structures

	7. ADUs must have complete independent living facilities
	8. JADUs must have independent living facilities except that they can share a bathroom with the primary unit and only have an efficiency kitchen; they are limited to 500 square feet
	9. City cannot impose owner-occupancy requirements on ADUs, but if property has a JADU, owner must either live in JADU or primary dwelling
	10. ADUs and JADUs cannot be sold separately from other units on property (with one minor exception)
	11. Only one parking space can be required for ADUs (with some exceptions) and no additional parking can be required for JADUs
	12. A deed restriction must be recorded for a JADU requiring compliance with state law regulations
<b>Additional City Standards</b>	
	1. Limits detached ADUs to 1,200 square feet. Limits attached ADUs to 850 sf for studio/one-bedroom units and 1,000 sf for units with two or more bedrooms, or 50% of floor area in primary dwelling, whichever is less (but in no event less than less than 800 sf).
	2. Limits detached ADUs to 16 feet in height, allows ADUs to be constructed above detached garages to underlying zoning height.
	3. Design of ADUs must be similar to primary unit with respect to architectural style, roof pitch, color, and materials
	4. ADUs and JADUs cannot be used for short-term rentals (less than 31 days)
	5. Requires ADUs as well as JADUS to record a covenant on property giving future buyers notice of development standards and limitations imposed on ADUs

The proposed ADU ordinance also repeals and removes several provisions that are outdated and are rendered obsolete by the new regulations imposed in the ordinance.

If the ADU ordinance is adopted, the City will be required to submit the ordinance to the Department of Housing and Community Development for compliance with state law.

**V. Environmental Review**

The adoption of SB 9 regulations is not a “project” for purposes of the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n). Additionally, the adoption of an ordinance regarding second units

(ADUs) in a single-family or multifamily residential zone to implement the provisions of Government Code Sections 65852.2 and 65852.22 is exempt from CEQA review pursuant to Public Resources Code Section 21080.17. Therefore, the proposed ordinances do not require any environmental review under CEQA.

## **VI. Public Notice**

Public Notice of these proposed zoning ordinance amendments was advertised in the March 31, 2022 edition of the Daily Breeze. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

## **VII. Recommendation**

That the Planning Commission:

- **RECOMMEND APPROVAL** of ZTA 191-2022 to the City Council; and
- **ADOPT** Resolution No. 22-\_\_, entitled “A Resolution of the Planning Commission of the City of Carson recommending the City Council adopt Text Amendment no. 191-2022, an ordinance amending Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code, adopting regulations of developments and lot splits authorized by Senate Bill 9 and incorporating state mandated regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units”

## **VIII. Exhibits**

1. Draft Resolution
2. Draft SB 9 Ordinance
3. Draft ADU Ordinance

Prepared by: Stefanie Edmondson, AICP, Senior Planner

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 22-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL ADOPT TEXT AMENDMENT NO. 191-2022, AN ORDINANCE AMENDING CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, ADOPTING REGULATIONS OF DEVELOPMENTS AND LOT SPLITS AUTHORIZED BY SENATE BILL 9 AND INCORPORATING STATE MANDATED REGULATIONS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

**WHEREAS**, Senate Bill No. 9 (SB 9) became effective on January 1, 2022. This bill requires the approval of up to two primary dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted. This is in addition to permitting accessory dwelling units (ADUs), in some cases. Additionally, SB 9 requires the approval of lot splits in single-family residential zones and allows up to two units to be built on each resulting parcel. SB 9 allows cities to establish objective standards to govern these units and lots splits, as long as they do not conflict with state law; and

**WHEREAS**, the City’s regulations of accessory dwelling unit and junior accessory dwelling units must be updated in order to comply with recent changes in state law; and

**WHEREAS**, the Planning Commission has review two proposed ordinances, the first establishing regulations of development of lot splits under SB 9 and the second revising the City’s regulations of accessory dwelling units and junior accessory dwelling units (collectively, “the Text Amendments”); and

**WHEREAS**, on April 12, 2022, the Planning Commission held a duly noticed public hearing as required by law to consider the proposed Text Amendments.

**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) The proposed Text Amendments are consistent with the General Plan of the City of Carson and are internally consistent with the City’s municipal code.
- b) Due to changes in state law regarding accessory dwelling units (ADUs) and Junior accessory dwelling units (JADUs), certain provisions of the Carson Municipal Code

(CMC) related to accessory living quarters and second dwelling unit standards have been rendered inconsistent with state law.

- c) The proposed text amendment ordinance amends relevant provisions of Chapter 1 (Zoning) of Article 9 IX (Planning and Zoning) of the CMC to provide new and modified local regulations as required for consistency with state law regarding the construction of ADUs and JADUs while ensuring that the character of the City is preserved to the maximum extent permitted by state law and that the City’s regulation of ADUs and JADUs continues to promote the health, safety, and welfare of the community.
- d) Although state law does not require cities to adopt regulations regarding SB 9, it does allow cities to adopt objective standards to implement SB 9 so long as they do not conflict with state law. Adopting such standards will allow the City to make local control over SB 9 developments and lot splits to the maximum extent allowed by law while also providing additional housing opportunities for Carson residents.

**SECTION 3.** The Planning Commission finds that the adoption of SB 9 regulations is not a “project” for purposes of the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n). Additionally, the adoption of an ordinance regarding second units (ADUs) in a single-family or multifamily residential zone to implement the provisions of Government Code Sections 65852.2 and 65852.22 is exempt from CEQA review pursuant to Public Resources Code Section 21080.17. Therefore, the proposed ordinances do not require any environmental review under CEQA.

**SECTION 4.** The Planning Commission of the City of Carson, pursuant to the findings noted above, hereby recommends that the City Council approve the Text Amendments, which are attached hereto and incorporate herein.

**SECTION 5.** 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 12<sup>th</sup> day of April, 2022.

---

**CHAIRMAN**

**ATTEST:**

---

**SECRETARY**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON  
ESTABLISHING REGULATIONS FOR URBAN LOT SPLITS AND TWO-  
UNIT DEVELOPMENTS IN ACCORDANCE WITH SENATE BILL 9**

**WHEREAS**, the City Council adopted Urgency Ordinance No. 22-2204U on March 15, 2022, establishing objective standards and regulations regarding second units, two-unit developments, and urban lot splits authorized by SB 9; and

**WHEREAS**, out of an abundance of caution, the City Council now wishes to adopt similar regulations through the regular ordinance process, and also wishes to make certain revisions to the previously adopted SB 9 regulations; and

**WHEREAS**, the Planning Commission considered this ordinance at the Planning Commission meeting held on April 12, 2022, and made a recommendation to the City Council.

**NOW THEREFORE**, the City Council of the City of Carson does hereby ordain as follows:

**SECTION 1. Recitals.** The above recitals are incorporated by reference.

**SECTION 2. CEQA.** The City Council finds and determines that the amendments to the Carson Municipal Code made herein are not a “project” for purposes of California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), and therefore do not require any environmental review under CEQA.

**SECTION 3.** Urgency Ordinance No. 22-2204U is hereby repealed in its entirety and all changes to the Carson Municipal Code made therein are hereby repealed.

**SECTION 4.** The “Permanent Residential Uses” portion of Section 9121.1 of the Carson Municipal Code is hereby amended as follows, with the remaining portions of this Section remaining unchanged except as otherwise stated in this ordinance (additions in ***bold italics***):

	<b>ZONES</b>		
	<b>RA</b>	<b>RS</b>	<b>RM</b>
<b>Permanent Residential Uses:</b>			
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.	L	L	L

	ZONES		
	RA	RS	RM
<i>Second primary unit, subject to CMC 9128.81 through 9128.89.</i>		<i>L</i>	
<i>Two-unit development, subject to CMC 9128.81 through 9128.89.</i>		<i>L</i>	
Mobile home (provided the mobile home is certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) and is located on a permanent foundation system pursuant to Section 18551 of the California Health and Safety Code. The Director shall ensure roofing material, roof overhang, and siding material will be architecturally compatible with surrounding residences).	L	L	L

**SECTION 5.** Section 9124 of the Carson Municipal Code is hereby revised to read as follows (additions in *bold italics*; deletions in ~~bold strikethrough~~):

**9124 Dwelling Units.**

Where no density designation (see CMC 9113.3) is included with the zoning symbol on the Zoning Map, one (1) dwelling unit is permitted on each lot, ~~except~~

as otherwise provided in ~~CMC 9125.5~~ *with the exception of accessory dwelling units and junior accessory dwelling units, as discussed in CMC 9122.1, and second primary units and two-unit developments, as discussed in CMC 9128.81 through 9128.89.* (For example, the zoning symbols RA and RS mean one (1) single-family dwelling is permitted on each lawfully established lot.)

Where a density designation (see CMC 9113.3) is included with the zoning symbol on the Zoning Map, the maximum number of dwelling units permitted on a lot or project area is the net lot area in acres multiplied by the density designation number. At least one (1) dwelling unit is permitted on each lawfully established lot. Any fractional amount equal to or greater than one-half (1/2) in the result shall permit an additional dwelling unit. (For example, the zoning symbol RM-18 permits eighteen (18) dwelling units per net acre. On a 1.2 acre site,  $1.2 \times 18 = 21.6$  or 22 dwelling units are permitted.) No density greater than twenty-five (25) dwelling units per net acre shall be permitted.

**SECTION 6.** Section 9125.2 of the Carson Municipal Code is hereby revised to read as follows (additions in *bold italics*; deletions in ~~bold strikethrough~~):

#### **9125.2 Minimum Lot Area.**

*With the exception of a lot created by an urban lot split (see CMC 9210.1 et seq.), no ~~No~~ lot shall be created which has a net area less than five thousand (5,000) square feet, or if a density designation applies, such larger area as may be required to permit one (1) dwelling unit.\**

Any existing lawfully established lot is deemed to have the required lot area.

No lot shall be reduced to less than the required lot area, except a portion of a lot may be acquired for public purposes provided the remainder is not less than eighty (80) percent of the required lot area or four thousand (4,000) square feet, whichever is greater.

\* See special requirement for mobile home parks in CMC 9128.2.

**SECTION 7.** Section 9125.3 of the Carson Municipal Code is hereby revised to read as follows (additions in *bold italics*; deletions in ~~bold strikethrough~~):

#### **9125.3 Street Frontage and Access.**

No lot shall be created unless it is capable of being provided with vehicular access directly from a public street or alley. *With the exception of a lot created by an urban lot split (see CMC 9210.1 et seq.), the* ~~The~~ street frontage shall be at least fifty (50) feet, except that for a lot with frontage on a cul-de-sac the frontage shall be at least forty (40) feet.

A new or additional use (other than a replacement for an existing dwelling accidentally destroyed) shall not be developed on an existing lot unless there is vehicular access from a public street or alley as required per CMC 9162.8(c). The

required vehicular access shall be either directly from a public street or alley or by means of a right-of-way on access.

**SECTION 8.** Section 9125.3 of the Carson Municipal Code is hereby revised to read as follows (additions in *bold italics*; deletions in ~~**bold strikethrough**~~):

**9125.4 Minimum Lot Width.**

No lot shall be created unless it has a width of at least fifty (50) feet for an interior lot or fifty-five (55) feet for a corner lot.

Any existing lawfully established lot is deemed to have the required width.

No lot shall be reduced to less than the required width, except a portion of a lot may be acquired for public purposes provided the lot width of the remainder is not less than forty (40) feet.

*This Section does not apply to lots created through an urban lot split.*

**SECTION 9.** A new subdivision of Division 8 of Part 2 of Chapter 1 of Article IX, entitled “Second Primary Units and Two-Unit Developments” is hereby added as follows: (additions in *bold italics*):

**Division 8. Special Requirements for Certain Uses**

Residential Condominiums

**§ 9128.11 Intent and Purpose.**

**§ 9128.12 Existing Residential Condominiums.**

**§ 9128.13 Application for Conditional Use Permit.**

**§ 9128.14 Development Policy.**

**§ 9128.15 Development Standards.**

**§ 9128.16 Development Criteria.**

**§ 9128.17 Declaration of Covenants – Conditions and Restrictions.**

Mobile Home Parks

**§ 9128.2 Mobile Home Parks.**

**§ 9128.21 Relocation Impact Report (RIR).**

Subdivision Directional Signs

**§ 9128.31 Regulation.**

**§ 9128.32 Application.**

§ 9128.33 Specifications.

§ 9128.34 Agreement and Deposit.

§ 9128.35 Time Limit.

Home Occupations

§ 9128.4 Home Occupations.

Multiple-Family Dwelling

§ 9128.51 Multiple-Family Dwelling.

§ 9128.52 Existing Multiple-Family Dwellings.

§ 9128.53 Application for Conditional Use Permit.

§ 9128.54 Development Standards.

§ 9128.55 Development Criteria.

Reserved

§ 9128.6 Reserved.

Single-Room Occupancy Housing

§ 9128.7 Single-Room Occupancy Housing.

*Second Primary Units and Two-Unit Developments*

§ 9128.81 *Purpose.*

§ 9128.82 *Ministerial Review; Standard for Denial; Courtesy Notice.*

§ 9128.83 *Requirements.*

§ 9128.84 *Development Standards.*

§ 9128.85 *Total Number of Units.*

§ 9128.86 *Design Standards.*

§ 9128.87 *Rental Term.*

§ 9128.88 *Deed Restriction; Affordable Rent Requirement.*

**SECTION 10.** Sections 9128.81 through Section 9128.89 are hereby added to the Carson Municipal Code and shall read as follows (additions in *bold italics*):

***9128.81 Purpose.***

*The purpose of Sections 9128.81 through 9128.89 is to establish procedures and standards for the approval and creation of second primary units and two-unit developments in accordance with the requirements of Government Code Section 65852.21.*

***9128.82 Ministerial Review; Standard for Denial; Courtesy Notice.***

- A. Notwithstanding any other provision of this code, an application for a second primary unit or a two-unit development shall be considered ministerially, without discretionary review or a hearing, and shall be approved if it meets all of the requirements in Sections 9128.81 through 9128.89.***
- B. An application for a second primary unit or a two-unit development shall be reviewed by the Director.***
- C. The decision of the Director may be appealed in accordance with Section 9173.4.***
- D. Notwithstanding subsection A, the city may deny an application for a second primary unit or two-unit development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed second primary unit or two-unit development would have a specific, adverse impact, as defined in subsection (d)(2) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.***
- E. At least seven days prior to making a determination on an application for a second primary unit or two-unit development, the Director shall mail a courtesy notice to the owner(s) of each property immediately adjacent to the property where the proposed development will be located informing the owner(s) of the submitted application.***

***9128.83 Requirements.***

***Proposed second primary units and two-unit developments:***

- A. Shall be located in an RS zoning district;***
- B. Shall be located on a parcel that meets all the requirements of subsections (a)(6)(B) through (A)(6)(K), inclusive, of Government Code Section 65913.4;***
- C. Shall not require or allow the demolition or alteration of any of the following types of housing:***

1. *Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.*
  2. *Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.*
  3. *Housing that has been occupied by a tenant in the last three years;*
- D. Shall not require or allow the demolition of more than 25 percent of the existing exterior structure walls on the parcel if the parcel has been occupied by a tenant in the last three years;*
- E. Shall not be located on a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application;*
- F. Shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.*

**9128.84 Development Standards.**

*A second primary unit, and both of the units in a two-unit development, shall comply with all of the following development standards:*

- A. Configuration. A second primary unit may be attached to or detached from the primary dwelling unit on the parcel, subject to subsections C and D of Section 9128.83.*
- B. Size. A second primary unit, and both of the units in a two-unit development, shall be no larger than 800 square feet in floor area each.*
- C. Height. A second primary unit, and both of the units in a two-unit development, shall be no taller than 16 feet in height from ground level and shall be one-story. The units shall not be located on the second story of a structure unless locating a unit on the second story is the only way to physically allow the construction of a second primary unit or two-unit development on a parcel, or to physically allow either the second primary unit or both units of a two-unit development to be at least 800 square feet*

*in floor area. The units shall not be located on the third or any higher story of a structure.*

**D. Setbacks.** *No setback beyond the existing setback shall be required for an existing permitted structure or for a unit constructed in the same location and to the same dimensions as an existing permitted structure. In all other circumstances, second primary units, and both units of a two-unit development, shall be set back at least 4 feet from the side and rear lot lines.*

**E. Parking.**

**1.** *One new off-street parking space is required for a second primary unit and one new off-street parking space per unit is required for each unit of a two-unit development. Such parking spaces shall be in addition to all other existing parking spaces on the parcel.*

**2.** *Notwithstanding subsection E.1, no parking spaces are required for a second primary unit or a two-unit development if either:*

**a.** *The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subsection (b) of Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3; or*

**b.** *There is a car share vehicle located within one block of the parcel.*

**F. Separate Entrances.** *A second primary unit, and both of the units in a two-unit development, shall have a separate entrance.*

**G. Wastewater.**

**1.** *Prior to issuance of a building permit for a second primary unit or either unit of a two-unit development, a video of the sewer lines that will be connected to the unit(s), or another appropriate sewer capacity test, may be required to show there are no sewer line constraints, as determined by the city engineer. Any sewer line constraints shall be resolved to ensure adequate sewer capacity for all units on the parcel, as determined by the city engineer, prior to issuance of a building permit.*

**2.** *Prior to issuance of a building permit for a second primary unit or either unit of a two-unit development that will be connected to an onsite wastewater treatment system, the applicant shall provide*

*documentation of a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years. If the city engineer finds that the onsite wastewater treatment system is inadequate to serve the proposed units, the system shall be repaired, replaced, or otherwise modified to ensure adequate capacity for all units on the parcel, as determined by the city engineer, prior to issuance of a building permit.*

- H. Utilities. *Second primary units, and both of the units in a two-unit development must each have their own direct utility connection to the utility service provider for water, electric, and gas service.*
- I. Tree Replacement. *If the construction of a second primary unit or two-unit development will result in the removal of one or more trees with a trunk diameter of six (6) inches or greater either on private property or in the public right-of-way, then, as a condition of obtaining a certificate of occupancy, the owner shall plant one new 24-inch box tree for each tree removed. Trees planted in the public right-of-way shall be a species approved by the City's public works director.*
- J. Additional Development Standards. *Second primary units, and each unit of a two-unit development, shall comply with all development standards that would be applicable to a primary dwelling unit on the same parcel, except where such standard conflict with the requirements of Sections 9128.81 through 9128.89, in which case Sections 9128.81 through 9128.89 shall govern.*
- K. Limitation on Enforcement of Development Standards. *With the exceptions of the setback requirements in subsection D and the requirement to comply with all building codes, the city shall not enforce any development standard to the extent that it would have the effect of physically precluding the construction of a second primary unit or two-unit development on a parcel, or would physically preclude either the second primary unit or both units of a two-unit development from being at least 800 square feet in floor area.*

**9128.85 Total Number of Units.**

- A. *Sections 9128.81 through 9128.89 do not authorize or require the approval of more than two primary dwelling units on a single parcel. For purposes of this subsection, "primary dwelling units" means dwelling units other than accessory dwelling units or junior accessory dwelling units.*
- B. *Notwithstanding any other provision in Sections 9128.81 through 9128.89, the approval of second primary units and two-unit developments*

*on a parcel that was created through an urban lot split shall be limited as described in Section 9210.7.*

**9128.86 Design Standards.**

- A. Second primary units, and each unit of a two-unit development, shall comply with all objective design standards that would be applicable to a primary dwelling unit on the same parcel.*
- B. The architectural design and detailing, roof material, exterior color, and finish materials of a second primary unit shall be the same as those of the primary dwelling unit. Both units of a two-unit development shall have identical roof material, exterior color, and finish materials.*

**9128.87 Rental Term; Separate Conveyance.**

- A. Second primary units and the units in a two-unit development shall not be rented for a term of less than thirty-one (31) consecutive days.*
- B. A second primary unit may not be turned into a condominium or otherwise sold separately from the other primary unit on the parcel. The units in a two-unit development may not be turned into condominiums or otherwise sold separately from one another.*

**9128.88 Deed Restriction; Affordable Rent Requirement.**

*As a condition of approval of, and prior to the issuance of a building permit for, a second primary unit or two-unit development, the property owner shall execute a deed restriction, in a form approved by the city attorney, which shall be recorded on the property and shall include the following requirements:*

- A. The second primary unit or two-unit development shall only be used and developed in accordance with the requirements in Sections 9128.81 through 9128.89, including but not limited to the development standards in Section 9128.84 and the limitations in Sections 9128.85 and 9128.87; and*
- B. Second primary units, and both units of a two-unit development, if rented, shall only be rented at an affordable rent for very-low-income households, as defined in Health and Safety Code Section 50053, and shall only be rented to very-low-income households, as defined in Health and Safety Code Section 50105, for a minimum of 55 years.*

*Violation of the deed restriction shall be considered a violation of this code and may be enforced in a manner that this code may be enforced.*

**SECTION 11.** A new subsection 13 is hereby added to Section A (Residential) of the Table in Section 9162.21, and shall read as follows (additions in ***bold italics***):

<b>13. Second primary units and two-unit developments</b>	<b>See Section 9128.84.E.</b>
---	-------------------------------

**SECTION 12.** Section 9191.544 is hereby added to the Carson Municipal Code and shall read as follows (additions in ***bold italics***):

**9191.544 Second Primary Unit.**

***Shall mean a second residential dwelling unit, other than an accessory dwelling unit or junior accessory dwelling unit, on a parcel with one and only one existing residential unit that is not an accessory dwelling unit or junior accessory dwelling unit.***

**SECTION 13.** Section 9191.700 is hereby added to the Carson Municipal Code and shall read as follows (additions in ***bold italics***):

**9191.700 Two-Unit Development.**

***Shall mean the simultaneous development of two new residential dwelling units on a parcel with no existing primary residential dwelling units.***

**SECTION 14.** Section 9202.35 of the Carson Municipal Code is hereby repealed and replaced with the following (additions in ***bold italics***):

**9202.35 Urban Lot Split.**

***The division of a single parcel into two separate parcels in compliance with the provisions of Part 10 of Chapter 2 of Article IX of this Code.***

**SECTION 15.** Section 9202.36 of the Carson Municipal Code is hereby repealed and replaced with the following (additions in ***bold italics***):

**9202.36 Zoning Ordinance.**

***The Carson Zoning Ordinance.***

**SECTION 16.** Part 10 of Chapter 2 of Article IX is hereby added to the Carson Municipal Code and shall read as follows (additions in ***bold italics***):

***PART 10. URBAN LOT SPLITS***

**9210.1 Purpose.**

***The purpose of this Part is to establish procedures and standards for urban lot splits in accordance with the requirements of Government Code Section 66411.7.***

**9210.2 Permitted Applicants.**

*Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or as a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.*

**9210.3 Ministerial Review; Standard For Denial; Courtesy Notice.**

- A. *Notwithstanding any other provision of this code, an application for an urban lot split shall be considered ministerially, without discretionary review or a hearing, and shall be approved if it meets all of the requirements of this Part.***
- B. *An application for an urban lot split shall be approved or denied by the Director.***
- C. *The decision of the Director may be appealed in accordance with Section 9173.4.***
- D. *Notwithstanding subsection A, the city may deny an application for an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed urban lot split would have a specific, adverse impact, as defined in subsection (d)(2) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.***
- E. *At least seven days prior to making a determination on an application for an urban lot split, the Director shall mail a courtesy notice to the owner(s) of each property immediately adjacent to the property where the proposed lot split will be located informing the owner(s) of the submitted application.***

**9210.4 Parcel Requirements.**

***The parcel that is proposed for subdivision through an urban lot split:***

- A. *Shall be located in an RS zoning district;***
- B. *Shall have at least one residential dwelling unit located on it on the date that the urban lot split is approved;***

- C. *Shall only have residential uses located on it on the date the urban lot split is approved;***
- D. *Shall satisfy all the requirements of subsections (a)(6)(B) through (a)(6)(K), inclusive, of Government Code Section 65913.4;***
- E. *Shall not be located within a historic district or on property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance;***
- F. *Shall not have been created through a previous urban lot split; and***
- G. *Shall not be adjacent to a parcel that was previously subdivided through an urban lot split by the owner of the parcel on which the urban lot split is proposed or any person acting in concert with the owner.***

**9210.5 *Additional Requirements.***

- A. *An urban lot split shall subdivide an existing parcel to create no more than two new parcels of approximately equal lot area, provided that:***
  - 1. *Neither resulting parcel shall be smaller than 40 percent of the lot area of the original parcel proposed for subdivision;***
  - 2. *Neither resulting parcel shall be smaller than 1,200 square feet; and***
  - 3. *Each resulting lot shall be at least 20 feet wide and shall have at least 20 feet of street frontage.***
- B. *An urban lot split shall not result in the creation of a parcel with more than two existing units, as defined in Section 9210.7.***
- C. *An urban lot split shall not require or allow the demolition or alteration of any of the following types of housing:***
  - 1. *Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.***
  - 2. *Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.***

3. *A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.*
  4. *Housing that has been occupied by a tenant in the last three years.*
- D.** *As a condition of approval for an urban lot split, the owner of the parcel being split shall sign an affidavit, in a form approved by the city attorney, stating that:*
1. *The proposed urban lot split will not violate the requirements of subsection C of this section;*
  2. *Neither the owner, nor any person acting in concert with the owner, has previously subdivided an adjacent parcel using an urban lot split; and*
  3. *The owner intends to occupy a residential dwelling unit on one of the parcels created by the urban lot split as their primary residence for a minimum of three years from the date of the approval of the urban lot split. This subsection D.3 shall not apply if the owner of the parcel is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.*
- E.** *As a condition of approval of an urban lot split, the owner shall dedicate all easements over the resulting parcels required for the provision of public services and facilities, as determined by the Director.*
- F.** *Each parcel resulting from an urban lot split shall have access to or adjoin the public right-of-way, and, if necessary, provide the other parcel with access to the right-of-way through an easement.*
- G.** *The city shall not require as a condition of approval of an urban lot split:*
1. *Dedications of rights-of-way or the construction of offsite improvements; or*
  2. *The correction of nonconforming zoning conditions existing on the parcel that will be divided.*

**H. An urban lot split:**

- 1. Shall conform with all the requirements of the Subdivision Map Act; and**
- 2. Shall conform with all the requirements applicable to lot split under this code, except for those requirements that conflict with the requirements of this Part, in which case the provisions of this Part shall control.**

**9210.6 Limitations Applicable To New Parcels.**

- A. Parcels created by an urban lot split shall only be used for residential uses, notwithstanding the fact that other uses may be permitted in the zoning district in which the parcels are located.**
- B. Residential units constructed on parcels created by an urban lot split shall not be rented for a term of less than thirty-one (31) consecutive days.**
- C. A parcel created through an urban lot split may not be further subdivided by a subsequent urban lot split.**
- D. Separate conveyance of the lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibilities between the owners of the two lots.**

**9210.7 Limitation On Number Of Units.**

**Notwithstanding any other provision of this code, no more than two units are permitted on any parcel created by an urban lot split. For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit or units created pursuant to Sections 9128.81 through 9128.89, an accessory dwelling unit, or a junior accessory dwelling unit. For a diagram of possible configurations of units on a parcel created by an urban lot split, see Section 9128.89.**

**9210.8 Deed Restriction.**

**As a condition of approval of an urban lot split, the owner of the parcel to be divided shall execute a deed restriction, in a form approved by the city attorney, which shall be recorded on each of the resulting parcels and shall limit the use**

*of each parcel in accordance with the standards of this chapter, including but not limited to the requirements in Sections 9210.6 and 9210.7. Violation of the deed restriction shall be considered a violation of this code and may be enforced in a manner that this code may be enforced.*

**SECTION 17. Severability.** If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**SECTION 18. Effective Date.** This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption.

**SECTION 19. Certification.** 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** at a regular meeting of the City Council on this \_\_\_\_\_, 2022.

\_\_\_\_\_  
Lula Davis-Holmes, Mayor

ATTEST:

\_\_\_\_\_  
Dr. Khaleah Bradshaw, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sunny K. Soltani, City Attorney

**ORDINANCE NO. 22-\_\_**

**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, REVISING THE CITY’S REGULATIONS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

**WHEREAS**, Article IX of the Carson Municipal Code establishes regulations of accessory dwelling units; and

**WHEREAS**, the City desires to amend its accessory dwelling unit regulations as necessary to bring them into compliance with Government Code Sections 65852.2 and 65852.22 while retaining local control to the maximum extent permitted under these state law provisions; and

**WHEREAS**, the Planning Commission considered this ordinance at the Planning Commission meeting held on April 12, 2022 and made a recommendation to the City Council.

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

**SECTION 1. Recitals.** The recitals set forth above are all true and correct and are incorporated herein by this reference.

**SECTION 2. CEQA.** The City Council finds and determines that the adoption of an ordinance regarding second units (ADUs) in a single-family or multifamily residential zone to implement the provisions of Government Code Sections 65852.2 and 65852.22 is exempt from CEQA review pursuant to Public Resources Code Section 21080.17. Therefore, this ordinance does not require any environmental review under CEQA.

**SECTION 3.** The “Permanent Residential Uses” portion of Section 9121.1 of the Carson Municipal Code is hereby amended to add a new entry under “Mobile home,” as follows, with the remaining portions of this Section remaining unchanged (additions in bold, italics, underlined):

	<b>ZONES</b>		
	<b>RA</b>	<b>RS</b>	<b>RM</b>
<b>Permanent Residential Uses:</b>			
Mobile home (provided the mobile home is certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et	<b>L</b>	<b>L</b>	<b>L</b>

	ZONES		
	RA	RS	RM
seq.) and is located on a permanent foundation system pursuant to Section 18551 of the California Health and Safety Code. The Director shall ensure roofing material, roof overhang, and siding material will be architecturally compatible with surrounding residences.).			
<b><u>Accessory dwelling units and junior accessory dwelling units. (See CMC 9122.1.)</u></b>	<u>L</u>	<u>L</u>	<u>L</u>

**SECTION 4.** Section 9122.1 of the Carson Municipal Code is hereby repealed and replaced with the following:

**“9122.1 Accessory Dwelling Units.**

A. Purpose and Intent. The purpose of this section is to comply with Government Code Sections 65852.2 and 65852.22, which set standards for the development of accessory dwelling units and junior accessory dwelling units, and to implement the General Plan Housing Element, by increasing the supply of smaller and affordable housing units while ensuring that they remain compatible with existing neighborhoods.

B. Conformance. An accessory dwelling unit or junior accessory dwelling unit that conforms to the requirements in this section, subject to the Director’s determination, shall not be:

1. Deemed to be inconsistent with the General Plan or zoning district designation for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located; or
2. Deemed to exceed the allowable density for the lot on which the accessory dwelling unit or junior accessory dwelling unit is located.

C. Permitting Procedures.

1. Any application for an accessory dwelling unit or junior accessory dwelling unit that meets the requirements of this section shall be approved ministerially without discretionary review or public hearing.

2. Applications for accessory dwelling units and junior accessory dwelling units shall be processed within sixty (60) days from the date the city receives a complete application if there is an existing single-family or multifamily dwelling on the lot. If the application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the application for the accessory dwelling unit or the junior accessory dwelling unit until the city acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

3. Approval of a permit for the creation of an accessory dwelling unit or junior accessory dwelling unit shall not be conditioned on the correction of nonconforming conditions on the subject property. However, this does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.

D. Maximum Number of Units Allowed. The following is the maximum number of accessory dwelling units and/or junior accessory dwelling units allowed on any lot. Unless specified below, only one category may be used per lot.

1. ADU or JADU within Proposed or Existing Single-Unit Dwelling or Accessory Structure. One accessory dwelling unit and one junior accessory dwelling unit are permitted on a lot with one or more proposed or existing single-unit dwellings, if all of the following apply:

a. The accessory dwelling unit or junior accessory dwelling unit is proposed:

i. Within the space of a proposed or existing single-unit dwelling (including an attached garage); or

ii. The accessory dwelling unit is proposed within the space of an existing accessory structure, plus an addition beyond the physical dimensions of the accessory structure of up to one hundred fifty (150) square feet, but only if the expansion is limited to accommodating ingress and egress.

b. The accessory dwelling unit or junior accessory dwelling unit will have independent exterior access from the single-unit dwelling.

c. Side and rear setbacks comply with applicable provisions of Article III (Public Safety) and Article VIII (Building Regulations - Sewage and Waste) of this Code.

d. The junior accessory dwelling unit complies with the requirements in Government Code Section 65852.22.

2. Detached/Attached ADU on Lot with Single-Unit Dwelling. One detached or one attached, new-construction accessory dwelling unit is permitted on a lot with one or more proposed or existing single-unit dwellings. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection (D)(1) of this section.

3. Conversion of Existing Multi-Unit Dwelling. Multiple accessory dwelling units are permitted on lots with existing multi-unit dwellings subject to the following:

a. The number of accessory dwelling units shall not exceed twenty-five (25) percent of the existing multi-unit dwellings on the lot. To calculate the number of allowable accessory dwelling units, the following shall apply:

i. Fractions shall be rounded down to the next lower number of dwelling units, except that at least one accessory dwelling unit shall be allowed; and

ii. For the purposes of this section, multi-unit developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

b. The portion of the existing multi-unit dwelling that is to be converted is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages. However, amenities within common areas such as recreation rooms, outdoor space or any space previously designed to meet common area requirements shall not be converted to accessory dwelling units.

4. Detached on Multi-Unit Lot. Up to two detached, new-construction accessory dwelling units may be permitted on a lot that has an existing multi-unit dwelling. For the purposes of this section, multi-unit developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

5. Notwithstanding any other provision in this section, the number of accessory dwelling units and junior accessory dwelling units permitted on a parcel that was created through an urban lot split shall be limited as described in Section 9210.7.

E. Development Standards. Except as modified by this subsection, accessory dwelling units and junior accessory dwelling units shall conform to all requirements of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions of Article IX (Planning and Zoning), including but not limited to height, setback, site coverage, and residential development standards and design criteria.

1. Minimum Lot Area. There shall be no minimum lot area required to establish an accessory dwelling unit and/or junior accessory dwelling unit.

2. Setback Requirements. Accessory dwelling units and junior accessory dwelling units shall comply with the setback requirements applicable to the zoning district, except as noted below:

a. For conversion of existing enclosed floor area, garage, or carport, no additional setback is required, beyond the existing provided setback.

b. For replacement of an existing enclosed structure, garage, or carport, no setback is required beyond the existing setback. This provision shall only apply to accessory dwelling units and junior accessory dwelling units that are replacing existing structures within the same footprint and do not exceed the existing structure's dimensions.

c. Newly constructed accessory dwelling units shall provide a minimum setback of four feet from all side property lines and rear property lines.

3. Building Height. Detached accessory dwelling units shall not exceed one story and a height of sixteen (16) feet. Notwithstanding the foregoing, an accessory dwelling unit constructed above a detached garage shall not exceed two stories (garage with one story above) and the maximum allowable height of the underlying zoning district.

4. Unit Size.

a. The maximum size of a detached accessory dwelling unit is one thousand two hundred (1,200) square feet.

b. The maximum size of an attached accessory dwelling unit is eight hundred fifty (850) square feet for a studio or one-bedroom unit and one thousand (1,000) square feet for a unit with more than one bedroom, or fifty (50) percent of the floor area of the existing primary dwelling, whichever is smaller.

c. The size limitations set forth in subparagraphs (E)(4)(a) and (E)(4)(b) above shall not apply to accessory dwelling units that are converted as part

of a proposed or existing space of a principal residence or existing accessory structure.

d. Application of other development standards may further limit the size of the accessory dwelling unit beyond the limits established in subparagraph (e)(4)(a), but in no case shall open space, site coverage, or floor area ratio requirements, including the requirement in subparagraph (E)(4)(b), reduce the permitted size of a detached or attached accessory dwelling unit to less than eight hundred (800) square feet.

e. The maximum size of a junior accessory dwelling unit shall be five hundred (500) square feet.

f. The minimum size of an accessory dwelling unit or junior accessory dwelling unit shall be at least that of an efficiency unit, as defined in Health and Safety Code Section 17958.1.

5. Design. Accessory dwelling units and junior accessory dwelling units shall be similar to the principal dwelling with respect to architectural style, roof pitch, color, and materials.

6. Required Facilities.

a. Accessory dwelling units shall include complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, including a kitchen and bathroom.

b. Junior accessory dwelling units shall include living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking, including an efficiency kitchen, as defined in Government Code Section 65852.22(a), as may be amended. Junior accessory dwelling units may include separate sanitation facilities or may share sanitation facilities with the primary residence.

7. Fire Sprinklers. Accessory dwelling units and junior accessory dwelling units shall not require fire sprinklers if fire sprinklers are not required for the principal residence.

8. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit or junior accessory dwelling unit. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

9. Parking. Parking shall comply with the requirements of Section 9162.1 (Parking Spaces Required) except as modified below:

- a. No additional parking shall be required for junior accessory dwelling units.
- b. A maximum of one parking space shall be required for each accessory dwelling unit.
- c. When additional parking is required, the parking may be provided as tandem parking and/or located on an existing driveway; however, in no case shall parking be allowed in a rear setback abutting an alley or within the front setback, unless the driveway in the front setback has a minimum depth of twenty (20) feet.
- d. No additional parking shall be required for:
  - i. Accessory dwelling units that are part of the proposed or existing principal residence or accessory structure;
  - ii. Accessory dwelling units located within one-half mile walking distance of a public transit. For the purposes of this section, “public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public;
  - iii. Accessory dwelling units located within an architecturally and historically significant historic district;
  - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
  - v. When there is a car-share vehicle located within one block of the accessory dwelling unit.
- e. No Replacement Parking Necessary for ADUs. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit at the same location or converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. However, off-street parking spaces shall be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of a junior accessory dwelling unit or is converted to a junior accessory dwelling unit.

10. Separate Entrance. Junior accessory dwelling units and accessory dwelling units located within a primary residence or attached to a primary residence shall include an entrance that is separate from the main entrance to the primary residence.

F. Utility Connection Required. All accessory dwelling units and junior accessory dwelling units shall connect to public utilities (or their equivalent), including water, electric, and sewer services. The City shall not require a separate utility connection between an accessory dwelling unit or junior accessory dwelling unit and the utility, or impose a related connection fee or capacity charge, for units located entirely within a primary dwelling, unless the accessory dwelling unit or junior accessory dwelling unit was constructed with a new single-family home.

G. Additional Requirements for All Accessory Dwelling Units and Junior Accessory Dwelling Units.

1. No Separate Conveyance. An accessory dwelling unit or junior accessory dwelling unit may be rented, but, except as provided in Government Code Section 65852.26, no accessory dwelling unit or junior accessory dwelling unit may be sold or otherwise conveyed separately from the lot and the principal dwelling (in the case of a single-unit dwelling) or from the lot and all the dwellings (in the case of a multi-unit dwelling).

2. Short-Term Lodging. Accessory dwelling units and junior accessory dwelling units shall not be rented for periods of thirty (30) days or less.

3. Owner Occupancy for Junior Accessory Dwelling Units. A natural person with legal or equitable title to the lot must reside in either the principal dwelling unit or the junior accessory dwelling unit as the person's legal domicile and permanent residence. However, this owner occupancy requirement shall not apply to any junior accessory dwelling unit owned by a governmental agency, land trust, or housing organization.

H. Deed Restriction and Recordation Required. Prior to the issuance of a building and/or grading permit for an accessory dwelling unit or junior accessory dwelling unit, the property owner shall execute a deed restriction, the form and content of which is satisfactory to the City Attorney. The City will record the deed restriction on the property with the County Recorder's Office, and the property owner shall pay all recording costs. The deed restriction shall notify future owners of the prohibition on separate conveyance, the restriction on short-term rentals, the approved size and attributes of the unit, and the owner occupancy requirements, if applicable. For junior accessory dwelling units, the deed restriction shall also include a restriction on the size and attributes of the unit that conforms with Government Code Section 65852.22. The deed restriction shall run with the land and remain in effect so long as the accessory dwelling unit and/or junior accessory dwelling unit exists on the lot.

I. Historic Resources. Accessory dwelling units and junior accessory dwelling units proposed on residential or mixed-use properties that are determined to be historic shall be approved ministerially, in conformance with California Government Code Sections 65852.2 and 65852.22. However, any accessory dwelling unit or junior accessory dwelling unit that is listed on the California Register of Historic Resources shall meet all Secretary of the Interior Standards, as applicable.”

**SECTION 5.** Section 9122.2 of the Carson Municipal Code is hereby repealed and replaced with the following:

**“9122.2 Outbuilding and Outdoor Uses.**

Accessory structures (outdoor buildings) shall not exceed five hundred (500) square feet of lot coverage. Accessory structures (outdoor buildings) exceeding five hundred (500) square feet of lot coverage shall be subject to a conditional use permit. This section does not apply to accessory dwelling units.”

**SECTION 6.** Section 9122.8 of the Carson Municipal Code is hereby repealed, and shall be replaced with the following:

**“9122.8 Reserved.”**

**SECTION 7.** Section 9125.5 of the Carson Municipal Code is hereby repealed.

**SECTION 8.** Section 9125.6 of the Carson Municipal Code is hereby repealed.

**SECTION 9.** Section 9126.24 of the Carson Municipal Code is hereby amended as follows (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 Setback
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.  Where the side of a lot abuts a street, the required side yard shall be twice the width required above.
Multi-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.
<i>Accessory Dwelling Units /</i>	<b><i>4 feet, unless the unit is a conversion of an</i></b>

<u><i>Junior Accessory Dwelling Units</i></u>	<u><i>existing legal structure with a setback of less than 4 feet. (See CMC 9122.1.)</i></u>
<u><i>Second Primary Units and Two-Unit Developments</i></u>	<u><i>4 feet, unless the unit is a conversion of an existing legal structure with a setback of less than 4 feet. (See CMC 9128.84.)</i></u>

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 10.** Section 9126.25 of the Carson Municipal Code is hereby amended as follows (added text shown in bold, italics, underlined; deleted text shown in strikethrough font):

“Each lot shall have a rear yard with a minimum depth of fifteen (15) feet or fifteen (15) percent of the lot depth, whichever is less-, *with the exception of accessory dwelling units, which shall be developed consistent with the standards in Section 9122.1, and second primary units and two-unit developments, which shall be developed consistent with the standards in Section 9128.84.*

~~A required rear yard shall not be occupied except as provided in CMC 9126.29.”~~

**SECTION 11.** Section 9126.26 of the Carson Municipal Code is hereby amended as follows (added text shown in bold, italics, underlined):

“On each lot there shall be a passageway at least ten (10) feet in width extending from a street frontage to at least one (1) entrance to each dwelling unit and rooming unit, or where such units have access to a hallway within a building, the passageway shall extend to at least one (1) entrance to such hallway.

*Passageway requirements for an accessory dwelling unit and junior accessory dwelling unit shall be consistent with the standards in Section 9122.1.*

A required passageway shall not be occupied except as provided in Section 9126.29.”

**SECTION 12.** Section 9126.27 of the Carson Municipal Code is hereby amended as follows (added text shown in bold, italics, underlined; deleted text shown in strikethrough font):

**“9126.27 Space Between Buildings.**

The minimum spacing between single-family dwellings, or single-family dwellings and multiple-family dwellings, is the sum of the yard setbacks, depending upon orientation, as required by Division 6 of this Part.

The spacing between main residential buildings within multiple-family dwelling projects or residential condominium projects shall be at least ten (10) feet, except where a parking space is proposed therein, in which case there shall be at least fifteen (15) feet between main buildings. Where an individual unit fronts on an interior courtyard, the separation from an adjacent main residential building shall be a minimum of twenty (20) feet. When main residential buildings are proposed to be separated by less than twenty (20) feet, the buildings shall not have windows, balconies, or patios directly opposing each other except for windows which open into stairwells or are located within vaulted ceiling areas where the height of the bottom of the window is no less than six (6) feet from the floor. When a project is designed with windows, balconies or patios that are part of an individual unit and the separation between the buildings is less than fifteen (15) feet, the Commission shall evaluate the project to ensure that adequate light, air, ventilation, and privacy of all the residential units is provided and may require additional spacing up to twenty (20) feet to ensure the provisions of these elements, and allow for separation of building masses and higher quality of design.

Between any combination of main residential building, ~~accessory living quarters~~, recreation building or two (2) story accessory building, there shall be a separation of at least ten (10) feet.

Between a main residential building and any one (1) story accessory building, there shall be a separation of at least six (6) feet. **Notwithstanding the foregoing, accessory dwelling units and junior accessory dwelling units shall be consistent with the standards in Section 9122.1.**

A required space between buildings shall not be occupied except as provided in CMC 9126.29.”

**SECTION 13.** The “Main Building” and “Accessory Buildings” rows of the table set forth in Section 9126.29 of the Carson Municipal Code are hereby deleted and replaced with the following:

**Encroachments Permitted in Required Yards and Open Spaces\***

Type of Encroachment	Section No. Reference	9126.22	9126.221	9126.23	9126.24		9126.25		9126.26	9126.27	9126.28
	Type of Yard	Future Right-of-Way Areas	Parking Setback (between street or alley & garage door or parking space)	Front Yard	Less than 60' from front lot line	60' or more from front lot line	50% of area – building encroachment permit	50% of area required to remain open	Passageway	Space Between Buildings (on same lot)	Usable Open Space

Main Building	Addition to single-family dwelling (except an addition of an ADU)						Permitted for single-family use only. One-story, 16' max. height. Not less than 5' from rear lot line. Maintain required side yard. Not less than 4' from side property line.				
Accessory Buildings	Accessory dwelling unit						One-story, 16' max. height. Not less than 4' from rear lot line. Maintain required side yard. Not less than 4' from side property line.				
	Other accessory buildings & structures – one-story, 15' max. height						Permitted. If less than 3' from interior lot line, building wall to be at 1" from lot line, no wall openings facing adjoining property, and prevent drainage onto adjoining property.				

**SECTION 14.** The “Residential Uses” portion of Section 9131.1 of the Carson Municipal Code is hereby amended to add a new entry beneath “Transitional housing,” as follows, with the remaining portions of this Section remaining unchanged (additions in bold, italics, underlined):

	<b>ZONES</b>					
	<b>CN</b>	<b>CR</b>	<b>CG</b>	<b>CA</b>	<b>MU-CS</b>	<b>MU-SB</b>
Transitional housing					X	X
<b><u>Accessory dwelling units and junior accessory dwelling units. (See CMC 9122.1.)</u></b>	<b><u>L</u></b>	<b><u>L</u></b>	<b><u>L</u></b>		<b><u>L</u></b>	<b><u>L</u></b>

**SECTION 15.** Section 9162.21 of the Carson Municipal Code is hereby amended to revise subsection A.13 of the table (i.e., item no. 13 under the subsection A, “residential”) as follows (added text shown in bold, italics, underlined; deleted text shown in strikethrough font):

The required number of off-street automobile spaces for each use shall not be less than set forth in the following table:

Use	Off-Street Parking Required
<b>A. Residential:</b>	Any existing, lawfully established and maintained residential use is deemed to have the required parking.

Use	Off-Street Parking Required
13. <u><i>Accessory dwelling unit.</i></u> Second Dwelling Unit	<u><i>1 off-street parking space unless the property meets the exceptions listed in CMC 9122.1(E)(9).</i></u>
(a) Studio	<del>1 uncovered off-street parking space outside of front yard setback area.</del> <del>1 space within either a garage or carport. Minimum interior dimension for a one car garage shall be 10 feet wide by 20 feet long and 9 feet wide by 20 feet long for a one car carport</del>
(b) 1 bedroom	<del>2 spaces within a garage</del>
(c) 2 bedrooms of unit size exceeding 700 square feet	

**SECTION 16.** Section 9162.27 of the Carson Municipal Code is hereby amended as follows (added text shown in bold, italics, underlined; deleted text shown in strikethrough font):

**“9126.27 Conversion of Parking Spaces Serving a Dwelling.**

Any garage, carport or parking space required for a dwelling may be converted to additional living area or any other permitted nonparking use; provided, that at least the same type of parking shelter or area and number of spaces as lawfully exist at the time of such conversion are provided elsewhere on the lot and adequate access is provided thereto. Nothing in this Section shall be construed or applied so as to require parking shelters or areas or number of spaces in excess of the requirements of this Division. ***This section shall not apply when a garage, carport or parking space is converted to an accessory dwelling unit or junior accessory dwelling unit, in which case CMC 9122.1(E)(9)(e) shall govern.***”

**SECTION 17.** Section 9162.28 of the Carson Municipal Code is hereby repealed and replaced with the following:

**“9162.28 Reserved.”**

**SECTION 18.** Section 9182.22 of the Carson Municipal Code is hereby amended to delete the “second dwelling unit” row (the twentieth use listed) from the table in subsection (A), as shown below (deleted text shown in strikethrough font):

**9182.22 Termination of Existing Nonconforming Use.**

A. The time period indicated in the following table measured from the date of becoming a nonconforming use:

Use	Allowable Life
<del>Second dwelling unit.</del>	<del>5 years</del>

**SECTION 19.** Section 9182.3 of the Carson Municipal Code is hereby repealed.

**SECTION 20.** Section 9182.41 of the Carson Municipal Code is hereby amended at row/subsection (F) of the table as shown below (deleted text shown in strikethrough font):

**9182.41 Nonconformity Requiring Capital Expenditure to Conform.**

Nonconformity	Requirement
F. Parking for a dwelling, including number of spaces and type of enclosure.	Allowed to continue indefinitely, <del>except that an addition to a dwelling may be made without making the parking conforming provided the number of dwelling units is not increased and the addition does not occupy the only available space on the lot which could be used to meet the parking requirement.</del>

**SECTION 21.** Section 9191.011 is hereby added to the Carson Municipal Code and shall read as follows:

**9191.011 Accessory Dwelling Unit.**

Shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. An accessory dwelling unit includes (1) an efficiency unit, as defined in Health and Safety Code Section 17958.1, and (2) a manufactured home, as defined in Health and Safety Code Section 18007. This definition shall be interpreted to be consistent with the definition for “accessory dwelling unit” in Government Code Section 65852.2, as may be amended.

**SECTION 22.** Section 9191.012 is hereby added to the Carson Municipal Code and shall read as follows:

**9191.012 Accessory Dwelling Unit, Junior.**

Shall mean a residential dwelling unit that is no more than five hundred square feet in size and is contained within a single-family residence. This definition shall be interpreted as consistent with the definition for “junior accessory dwelling unit” in Government Code Section 65852.22, as may be amended.

**SECTION 23.** Section 9191.208, the definition of “Dwelling, Second Unit,” is hereby repealed.

**SECTION 24.** 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 25.** This ordinance shall be in full force and effect thirty (30) days after its adoption.

**SECTION 26.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted and codified in the manner required by law.

**SECTION 27. Submission to Department of Housing and Community Development.** Pursuant to Government Code section 65852.2(h), a copy of this ordinance shall be submitted to the Department of Housing and Community Development within 60 days after adoption.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Lula Davis-Holmes

ATTEST:

\_\_\_\_\_  
Dr. Khaleah Bradshaw, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney Sunny K. Soltani