

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 25-2885

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CARSON CITY COUNCIL MAKE A FINDING OF APPLICABILITY OF CEQA GUIDELINES SECTION 15061(b)(3) AND APPROVE CODE AMENDMENT NO. ZCC 02-25, AN ORDINANCE TO MAKE VARIOUS MODIFICATIONS TO THE CITY'S ZONING CODE TO ENSURE COMPLIANCE WITH THE STATE HOUSING ELEMENT LAW, INCLUDING GOVERNMENT CODE SECTIONS 65583(c)(1) and 65583.2(h)-(i), AND CONSISTENCY WITH THE CITY'S 2021-2029 HOUSING ELEMENT

WHEREAS, on September 6, 2022, following a Planning Commission recommendation and duly noticed public hearings, the City Council adopted Resolution No. 22-193, adopting an addendum to a previously approved mitigated negative declaration and approving General Plan Amendment No. 22-01, a Subsequent Draft Revision to the City's Housing Element (a part of the City's General Plan) for the 2021-2029 planning period. The September 6, 2022 version of the adopted Housing Element was an update to a version of the Housing Element for the 2021-2029 planning period that the City Council had adopted in or about February of 2022, and contained revisions from said prior version that were made in response to comments from the California Department of Housing and Community Development ("HCD") in the course of its review for compliance with State Housing Element Law requirements. Pursuant to a City Council delegation of authority set forth in Resolution No. 22-193, additional minor modifications were made via Community Development Director approval in response to further comments of HCD.

WHEREAS, in November of 2022, the final modified version of the 2021-2029 Housing Element was submitted for HCD review and was approved by HCD as meeting the requirements of the State Housing Element Law via a letter dated November 8, 2022. However, because said approval was given after October 15, 2023, HCD indicated the City must complete certain rezoning action for a determination of full compliance. Specifically, the HCD letter stated, "[t]he adopted housing element meets the statutory requirements of State Housing Element Law (Gov. Code, Article 10.6). However, the housing element cannot be found in full compliance until the City has completed necessary rezones to address the shortfall of sites to accommodate the Regional Housing Needs Allocation (RHNA) pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021)." The final, approved version of the 2021-2029 Housing Element is available at <https://www.carson2040.com/>, where it was published in November of 2022 ("Housing Element").

WHEREAS, Program 5 in Section 6.2 of the Housing Element provides that the City will undertake an update to its Zoning Ordinance to overcome governmental constraints to development in Carson, and that amendments to facilitate housing production would include the items listed in said Program 5, including (among other things) rezoning sites identified in the

Housing Element's housing sites inventory to permit anticipated allowable densities per the 2040 General Plan and to ensure compliance with all by-right requirements provided in Government Code Section 65583.2(h)-(i).

WHEREAS, on April 4, 2023, following a Planning Commission recommendation and duly noticed public hearings, the City Council, by adoption of Resolution No. 23-062, approved and certified a Final Environmental Impact Report ("Carson 2040 General Plan EIR") and adopted General Plan Amendment No. 115-23, a comprehensive update and amendment to all elements of the Carson 2040 General Plan with the exception of the previously-approved Housing Element (referred to collectively with the Housing Element herein as the "Carson 2040 General Plan"). Multiple elements of the Carson 2040 General Plan contemplated or necessitated an update to the Carson Zoning Ordinance (Chapter 1 of Article IX of the Carson Municipal Code), including the Land Use Element, which established a new land use framework and classifications for the City, as the City's Zoning Ordinance is required by State law to be consistent with the City's General Plan. The Carson 2040 General Plan and the Carson 2040 General Plan EIR are available at <https://www.carson2040.com/> and are incorporated herein by reference.

WHEREAS, pursuant to adoption of the Carson 2040 General Plan, on March 19, 2024, the City adopted Zoning Text Amendment ("ZTA") No. 195-23 (the "Phase 1 Code") and Zone Change ("ZC") No. 190-23 to effectuate Phase 1 of a comprehensive residential/mixed-use update and amendment to the Carson Zoning Ordinance and Zoning Map (collectively, the "Phase 1 Update").

WHEREAS, following adoption of the Phase 1 Update, City staff provided it to HCD for review and a determination of full compliance as referenced in HCD's November 8, 2022, letter. Following review and discussions with City staff, HCD advised City staff, in a letter dated April 7, 2025, and associated emails, that the amendments to the Phase 1 Code that are set forth in the Ordinance attached hereto as Exhibit "A" (hereinafter, the "Ordinance") satisfy the requirements of, and are necessary in order for the City to comply with, Government Code Sections 65583(c)(1) and 65583.2(h)-(i) and accordingly, upon the City's adoption of the Ordinance and its transmittal to HCD, HCD will grant the City a full, unconditional certification of substantial compliance with State Housing Element Law.

WHEREAS, the changes set forth in the Ordinance will serve to promote the public health, safety and welfare, in that they will facilitate development and availability of affordable housing in Carson consistent with State law and the Housing Element in response to the statewide housing crisis.

WHEREAS, on May 13, 2025, the Planning Commission conducted a duly noticed public hearing as required by law to consider the Ordinance, and having done so, now sees fit and intends to recommend that the Ordinance be adopted by the City Council.

WHEREAS, all of the legal prerequisites to adoption of this Resolution have occurred.

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

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and the same are incorporated herein by reference as findings of fact based on the entire administrative record.

SECTION 2. The Planning Commission hereby initiates consideration of Code Amendment ZCC No. 02-25, an amendment to the text of the Phase 1 Code, pursuant to CMC Section 94114.2(A)(2).

SECTION 3. The Planning Commission hereby further finds as follows:

- A. The proposed Phase 1 Code amendment set forth in the Ordinance is consistent with the applicable requirements of State and Federal law.
- B. The proposed Phase 1 Code amendment set forth in the Ordinance is consistent with the policies of the City's General Plan and all applicable specific plans and will not substantially impair achieving the plan's objectives.
- C. The proposed Phase 1 Code amendment set forth in the Ordinance is consistent with the purpose of the Zoning Code to promote the growth of the City in an orderly manner and to promote and protect the public health, safety and general welfare.
- D. The Ordinance is recommended because, without limitation of the foregoing, HCD has informed City staff that the proposed amendments to the Phase 1 Code which are set forth in the Ordinance satisfy the requirements of, and are necessary in order for the City to comply with, Government Code Sections 65583(c)(1) and 65583.2(h)-(i) and that accordingly, upon the City's adoption of this Ordinance and its transmittal to HCD, HCD will grant the City a full, unconditional certification of substantial compliance with State Housing Element Law.

SECTION 4. Based on its independent review of the analysis set forth in the staff report and incorporated herein by this reference as a finding of fact, and the administrative record as a whole, pursuant to CEQA Guidelines Section 15061(b)(3), the Planning Commission, in the exercise of its independent judgment, hereby recommends that the City Council find that the adoption of the proposed ordinance attached hereto as Exhibit "A" is exempt from review under the California Environmental Quality Act (CEQA) under the "common sense" exemption in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of the proposed ordinance may have a significant effect on the environment.

SECTION 5. Based on the foregoing, the Planning Commission hereby recommends City Council approval of Code Amendment ZCC No. 02-25 via adoption of the ordinance attached as Exhibit "A" hereto, entitled Ordinance No. 25-2510, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTIONS 9211.3 (DEVELOPMENT REGULATIONS) AND 9211.4 (SUPPLEMENTAL REGULATIONS) OF DIVISION 1 (RESIDENTIAL DISTRICTS) AND

SECTIONS 9212.3 (DEVELOPMENT REGULATIONS) AND 9212.4 (SUPPLEMENTAL REGULATIONS) OF DIVISION 2 (MIXED-USE DISTRICTS) OF PART 2 (BASE, OVERLAY AND SPECIAL DISTRICTS) OF THE NEW CARSON ZONING CODE (CHAPTER 1 [ZONING] OF ARTICLE IX [PLANNING AND ZONING] OF THE CARSON MUNICIPAL CODE), TO MAKE VARIOUS MODIFICATIONS TO ENSURE COMPLIANCE WITH THE STATE HOUSING ELEMENT LAW, INCLUDING GOVERNMENT CODE SECTIONS 65583(c)(1) and 65583.2(h)-(i), AND CONSISTENCY WITH THE CITY’S 2021-2029 HOUSING ELEMENT.” The Planning Commission further recommends that, upon City Council adoption, the Ordinance be immediately transmitted to HCD.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution and transmit a copy of this Resolution to the City Council via the City Clerk.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF MAY 2025.

DIANNE THOMAS
CHAIRPERSON

ATTEST:

SECRETARY

ORDINANCE NO. 25-2510

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTIONS 9211.3 (DEVELOPMENT REGULATIONS) AND 9211.4 (SUPPLEMENTAL REGULATIONS) OF DIVISION 1 (RESIDENTIAL DISTRICTS) AND SECTIONS 9212.3 (DEVELOPMENT REGULATIONS) AND 9212.4 (SUPPLEMENTAL REGULATIONS) OF DIVISION 2 (MIXED-USE DISTRICTS) OF PART 2 (BASE, OVERLAY AND SPECIAL DISTRICTS) OF THE NEW CARSON ZONING CODE (CHAPTER 1 [ZONING] OF ARTICLE IX [PLANNING AND ZONING] OF THE CARSON MUNICIPAL CODE), TO MAKE VARIOUS MODIFICATIONS TO ENSURE COMPLIANCE WITH THE STATE HOUSING ELEMENT LAW, INCLUDING GOVERNMENT CODE SECTIONS 65583(c)(1) and 65583.2(h)-(i), AND CONSISTENCY WITH THE CITY'S 2021-2029 HOUSING ELEMENT

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WHEREAS, in November of 2022, the final modified version of the 2021-2029 Housing Element was submitted for HCD review and was approved by HCD as meeting the requirements of the State Housing Element Law via a letter dated November 8, 2022. However, because said approval was given after October 15, 2023, HCD indicated the City must complete certain rezoning action for a determination of full compliance. Specifically, the HCD letter stated, "[t]he adopted housing element meets the statutory requirements of State Housing Element Law (Gov. Code, Article 10.6). However, the housing element cannot be found in full compliance until the City has completed necessary rezones to address the shortfall of sites to accommodate the Regional Housing Needs Allocation (RHNA) pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021)." The final, approved version of the 2021-2029 Housing Element is available at <https://www.carson2040.com/>, where it was published in November of 2022 ("Housing Element").

WHEREAS, Program 5 in Section 6.2 of the Housing Element provides that the City will undertake an update to its Zoning Ordinance to overcome governmental constraints to development in Carson, and that amendments to facilitate housing production would include the items listed in said Program 5, including (among other things) rezoning sites identified in the Housing Element's housing sites inventory to permit anticipated allowable densities per the 2040 General Plan and to ensure compliance with all by-right requirements provided in Government Code Section 65583.2(h)-(i).

WHEREAS, on April 4, 2023, following a Planning Commission recommendation and duly noticed public hearings, the City Council, by adoption of Resolution No. 23-062, approved and certified a Final Environmental Impact Report (“Carson 2040 General Plan EIR”) and adopted General Plan Amendment No. 115-23, a comprehensive update and amendment to all elements of the Carson 2040 General Plan with the exception of the previously-approved Housing Element (referred to collectively with the Housing Element herein as the “Carson 2040 General Plan”). Multiple elements of the Carson 2040 General Plan contemplated or necessitated an update to the Carson Zoning Ordinance (Chapter 1 of Article IX of the Carson Municipal Code), including the Land Use Element, which established a new land use framework and classifications for the City, as the City’s Zoning Ordinance is required by State law to be consistent with the City’s General Plan. The Carson 2040 General Plan and the Carson 2040 General Plan EIR are available at <https://www.carson2040.com/> and are incorporated herein by reference.

WHEREAS, pursuant to adoption of the Carson 2040 General Plan, on March 19, 2024, the City adopted Zoning Text Amendment (“ZTA”) No. 195-23 (the “Phase 1 Code”) and Zone Change (“ZC”) No. 190-23 to effectuate Phase 1 of a comprehensive residential/mixed-use update and amendment to the Carson Zoning Ordinance and Zoning Map (collectively, the “Phase 1 Update”).

WHEREAS, following adoption of the Phase 1 Update, City staff provided it to HCD for review and a determination of full compliance as referenced in HCD’s November 8, 2022, letter. Following review and discussions with City staff, HCD advised City staff, in a letter dated April 7, 2025, and associated emails, that the amendments to the Phase 1 Code that are set forth in this Ordinance satisfy the requirements of, and are necessary in order for the City to comply with, Government Code Sections 65583(c)(1) and 65583.2(h)-(i) and accordingly, upon the City’s adoption of this Ordinance and its transmittal to HCD, HCD will grant the City a full, unconditional certification of substantial compliance with State Housing Element Law.

WHEREAS, the changes set forth in this Ordinance will serve to promote the public health, safety and welfare, in that they will facilitate development and availability of affordable housing in Carson consistent with State law and the Housing Element in response to the statewide housing crisis.

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

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

SECTION 2. CEQA. This Ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 3. AMENDMENTS. The Phase 1 Code is hereby amended as follows (added text is indicated in ***bold italics***, deleted text in ~~strike through font~~):

A. Limitation 2 to Table 9211.3 (Development Regulations – Residential Zones) in Section 9211.3 (Development Regulations) of Division 1 (Residential Districts) of Part 2 (Base, Overlay and Special Districts) is amended as follows:

“2. Up to 20% increase with additional active ground floor commercial or community benefits per Part 4, Division 8. ***For residential development on any site that is identified in the Housing Sites Inventory (Table C-17) in the City’s 2021-2029 Housing Element to accommodate the City’s very low- or low-income housing need and that is subject to Government Code Section 65583.2(h)-(i) (which based on the Sites Inventory in place as of the date of adoption of Ordinance No. 25-2510, does not include any site in the MDR zone), minimum density is 20 units per net acre.***”

B. A new subsection (B) is hereby added to Section 9211.4 (Supplemental Regulations) of Division 1 (Residential Districts) of Part 2 (Base, Overlay and Special Districts) to read in its entirety as follows:

“B. Interim Development Impact Fee Reduction for Certain Developments. Notwithstanding any provision of Article XI (Interim Development Impact Fees) of the Carson Municipal Code to the contrary, a multifamily residential development that meets all the following criteria is eligible for a five percent (5%) reduction in the amount of interim development impact fees which would otherwise be due and payable (pursuant to said Article XI) for the development as a whole:

(i) at least 20 percent of the units in the development are affordable to “lower income households,” as that term is defined in California Health & Safety Code Section 50079.5; and

(ii) the development is located on a site that is that is identified in the Housing Sites Inventory (Table C-17) in the City’s 2021-2029 Housing Element to accommodate the City’s very low- or low-income housing need and that is subject to Government Code Section 65583.2(h)-(i).

The manner of applying for, processing and approving fee reductions pursuant to this subsection (B) shall be governed by administrative regulations promulgated by the Director. The regulations shall conform as closely as possible to the provisions applicable to fee credits for demolition set forth in Carson Municipal Code Section 11800, but the lack of demolition or a required demolition permit for a project shall not preclude eligibility for the fee reduction pursuant to this subsection (B), and eligibility for the fee reduction pursuant to this subsection (B) shall be additional

to, rather than exclusive of, eligibility for any fee credits and reimbursements pursuant to Chapter 8 of said Article XI and any exemptions pursuant to Chapter 7 of said Article XI.”

C. Note 3 to Table 9212.3 (Development Regulations – Mixed Use Districts) in Section 9212.3 (Development Regulations) of Division 2 (Mixed-Use Districts) of Part 2 (Base, Overlay and Special Districts) is amended as follows:

“3. Up to 40% additional residential density with more ~~than~~ ~~that~~ 0.2 FAR new or replaced ground floor active commercial. ***For residential development on any site that is identified in the Housing Sites Inventory (Table C-17) in the City’s 2021-2029 Housing Element to accommodate the City’s very low- or low-income housing need and that is subject to Government Code Section 65583.2(h)-(i), minimum density is 20 units per net acre.***”

D. Note 4 to Table 9212.3 (Development Regulations – Mixed Use Districts) in Section 9212.3 (Development Regulations) of Division 2 (Mixed-Use Districts) of Part 2 (Base, Overlay and Special Districts) is amended as follows:

“4. Residential only permitted on sites included in the 2021-2029 Housing Element Sites Inventory and sites identified in Figure 9212.2, Flex District Housing Element Sites; ***For residential development on any such site that is identified in the Sites Inventory to accommodate the City’s very low- or low-income housing need and that is subject to Government Code Section 65583.2(h)-(i), minimum density is 20 units per net acre.*** Sites in adopted Specific Plan Areas must comply with regulations in the Specific Plan.”

E. A new Note 6 is hereby added to Table 9212.3 (Development Regulations – Mixed Use Districts) of Division 2 (Mixed-Use Districts) of Part 2 (Base, Overlay and Special Districts) to read in its entirety as follows, and a corresponding superscript reference to this new Note 6 shall be added in the “Maximum Floor Area (FAR)” row of said table:

“6. For mixed-use development on any site having a zoning designation of CMX, DMX or FLX that is identified in the Housing Sites Inventory (Table C-17) in the City’s 2021-2029 Housing Element to accommodate the City’s very low- or low-income housing need and that is subject to Government Code Section 65583.2(h)-(i), residential use shall occupy at least two-thirds (2/3) of the total floor area of the mixed-use development.”

F. A new subsection (R) is hereby added to Section 9212.4 (Supplemental Regulations) of Division 2 (Mixed-Use Districts) of Part 2 (Base, Overlay and Special Districts) to read in its entirety as follows:

“R. Interim Development Impact Fee Reduction for Certain Developments. Notwithstanding any provision of Article XI (Interim Development Impact Fees) of the Carson Municipal Code to the contrary, a multifamily residential development that meets all the following criteria is eligible for a five percent (5%) reduction in the amount of interim development impact fees which would otherwise be due and payable (pursuant to said Article XI) for the development as a whole:

(i) at least 20 percent of the units in the development are affordable to “lower income households,” as that term is defined in California Health & Safety Code Section 50079.5; and

(ii) the development is located on a site that is that is identified in the Housing Sites Inventory (Table C-17) in the City’s 2021-2029 Housing Element to accommodate the City’s very low- or low-income housing need and that is subject to Government Code Section 65583.2(h)-(i).

The manner of applying for, processing and approving fee reductions pursuant to this subsection (R) shall be governed by administrative regulations promulgated by the Director. The regulations shall conform as closely as possible to the provisions applicable to fee credits for demolition set forth in Carson Municipal Code Section 11800, but the lack of demolition or a required demolition permit for a project shall not preclude eligibility for the fee reduction pursuant to this subsection (R), and eligibility for the fee reduction pursuant to this subsection (R) shall be additional to, rather than exclusive of, eligibility for any fee credits and reimbursements pursuant to Chapter 8 of said Article XI and any exemptions pursuant to Chapter 7 of said Article XI.”

SECTION 4. SEVERABILITY. 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 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published and codified in the manner required by law.

[signatures on the following page]

PASSED, APPROVED and ADOPTED by a vote of the City Council at a regular meeting of the City Council on this ____ day of _____, 2025.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney