

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 25-2889

**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
NO. 04-25, ADOPTION OF VARIOUS AMENDMENTS TO
THE TEXT OF THE CITY'S ZONING ORDINANCE
DELEGATING APPROVAL AUTHORITY FOR CERTAIN
DENSITY BONUS APPLICATIONS TO THE CITY'S
COMMUNITY DEVELOPMENT DIRECTOR WITH THE
CONCURRENCE OF THE CITY MANAGER**

WHEREAS, Carson Municipal Code (“CMC”) Section 93113.9(K)(2) provides, “A project with a Density Bonus Application, including a request for concessions, incentives or waivers, shall be reviewed for approval by the Planning Commission; provided, however, that if a development involves another permit or entitlement requiring City Council approval, then the Planning Commission may deny the development project or recommend its approval to the City Council.” This Section was recently enacted by the City in 2024 pursuant to Ordinance No. 24-2405, as part of the City’s new Phase 1 Zoning Code.

WHEREAS, Government Code Section 65915(f)(5), part of the State Density Bonus Law (“SDBL”), provides, “[t]he granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. Similarly, Government Code Section 65915(j)(1), also part of the SDBL, provides, “[t]he granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval.” Nothing in the SDBL requires requests for SDBL density bonuses, concessions, incentives or waivers, in and of themselves, to be reviewed or approved by a city’s city council or planning commission, as opposed to its administrative staff. The SDBL does not specify a particular city approval authority for such requests.

WHEREAS, the applicable City approval authority for a development project (e.g., City Council, Planning Commission, or administrative staff such as the Community Development Director or designee) depends on the required land use and zoning entitlements for the project and the approval authority designated for such entitlements under state law and the City’s zoning ordinance.

WHEREAS, in the absence of CMC Section 93113.9(K)(2), the applicable City approval authority for a development project that requests SDBL density bonuses, concessions, incentives or waivers, based on the required entitlements (or lack thereof) for the project, may be the City’s administrative staff (i.e., the Community Development Director or designee) the Planning Commission, or the City Council, depending on the development project that is being applied for and the entitlements that it requires. The normal process, and the City’s process prior to enactment

of CMC Section 93113.9(K)(2), was for the applicable City approval authority for the project to also review and make the determination on the request for SDBL density bonuses, concessions, incentives or waivers.

WHEREAS, CMC Section 93113.9(K)(2) creates an unnatural and unwieldy situation wherein the Planning Commission is to review a development project that requests SDBL density bonuses, concessions, incentives or waivers for approval even where City administrative staff would otherwise be the applicable City approval authority, or where no City discretionary approval is required for the project aside from any discretion possessed by the City to deny SDBL requests, which is dictated and strictly limited by the SDBL. Requiring the Planning Commission to serve as the approval authority for such projects serves little purpose and can cause inefficiency, project delays and wasted resources. Even with the Planning Commission serving as the approval authority rather than City administrative staff, a public hearing would not be required for such projects, and the City's level of decision-making discretion would not be increased. The Planning Commission believes CMC Section 93113.9(K)(2) was adopted in this form due to inadvertence and expects it will eventually be modified by a future City Council ordinance as part of the City's ongoing zoning code update process.

WHEREAS, allowing City administrative staff, rather than the Planning Commission, to review development project requests for SDBL concessions, incentives or waivers for approval where administrative staff is otherwise the applicable City approval authority for the project will help streamline review of residential development projects in the City and will advance and further improve the new Phase 1 Zoning Code's consistency with the stated goals and policies in the City's Housing Element, including but not limited Policy 2-3, "Improve the entitlement process to streamline and coordinate the processing of development permits, design review, and funding of housing projects."

WHEREAS, accordingly, the Planning Commission now sees fit and intends to delegate its approval authority for such projects to the Community Development Director or designee ("Director"), provided the Director obtains the concurrence of the City Manager in any decision made pursuant to this delegation of authority. This delegation of authority is not intended to, and will not, affect the level of discretion the City possesses to deny requests for density bonuses, concessions, incentives or waivers under the SDBL or the City's density bonus ordinance. Consistent with CMC 93113.9(L), decisions of the Director pursuant to this delegation of authority may be appealed to the Planning Commission as provided in CMC 9412.13.

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

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

SECTION 2. For any development project that includes a density bonus application pursuant to CMC 93113.9 and does not seek or require another permit or entitlement for which the Planning Commission or City Council is the applicable City approval authority, the Planning Commission hereby delegates its approval authority pursuant to CMC 93113.9(K)(2) to the Director (as defined in CMC 9112.3), provided the Director obtains the prior concurrence of the City Manager or his or her designee in any decision the Director makes pursuant to this delegation of authority.

SECTION 3. The Resolution shall remain in effect (i) for one year, (ii) until effectiveness of a further Planning Commission resolution superseding this Resolution, or (iii) until CMC Section 93113.9(K)(2) is amended to moot or obviate the delegation of authority made in this Resolution, whichever occurs first.

SECTION 4. This resolution shall take effect immediately upon its adoption.

SECTION 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED and ADOPTED this 10th day of June 2025.

DIANNE THOMAS
CHAIRPERSON

ATTEST:

LAURA GONZALEZ
SECRETARY