



CARSON PLANNING COMMISSION STAFF REPORT

DATE: June 10, 2025
FROM: Community Development Department – Planning Division
BY: McKina Alexander – A/Planning Manager
SUBJECT: Delegation of approval authority for certain Density Bonus applications to the City's Community Development Director with the concurrence of the City Manager

PROJECT/APPLICANT INFORMATION

Project Summary: Consideration of a Resolution delegating the Planning Commission's approval authority for certain Density Bonus applications to the City's Community Development Director with the concurrence of the City Manager

Project Location: Citywide

Zoning: Not Applicable/Citywide

Project Applicant: City of Carson

I. OVERVIEW

A. Introduction and Background

Carson Municipal Code (CMC) Section 93113.9(K)(2) states, "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 which is available for review at www.carson2040.com [Carson 2040 General Plan Update](#) ("Phase 1 Code").

The State Density Bonus Law, Government Code Section 65915 ("SDBL"), does not require requests for SDBL density bonuses, concessions, incentives or waivers 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.

CMC Section 93113.9(K)(2) creates an impractical situation by requiring Planning Commission review of all development projects seeking approval of SDBL density bonuses, concessions, incentives or waivers, even when City administrative staff would otherwise be the applicable

City approval authority for the project. This adds unnecessary review and associated burdens and delays in the entitlement process. Having the Planning Commission serve as the approval authority over SDBL requests for projects that do not otherwise require Planning Commission or City Council approval does not increase the City's decision-making discretion over SDBL requests, as that is dictated and strictly limited by the SBDL. Furthermore, a public hearing is not required for Planning Commission consideration of such SDBL requests under CMC 93113.9(K)(2).

B. Project Description

The proposed Resolution for consideration of the Planning Commission is to delegate its approval authority over density bonus applications pursuant to CMC 93113.9 for projects that do not seek or require another permit or entitlement for which the Planning Commission or City Council is the applicable City approval authority (i.e., projects for which the Director would otherwise be the applicable City approval authority). If approved, the Planning Commission would delegate its approval authority pursuant to CMC 93113.9(K)(2) for such applications to the Director (as defined in CMC 9112.3 to mean the Community Development Director or his or her designee), 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.

The proposed Resolution would 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. Staff anticipates that CMC Section 93113.9(K)(2) may eventually be amended, as part of the Phase 2 Code update or otherwise, to correct this issue, but if it is not, the Planning Commission would need to revisit it within one year or the proposed delegation of authority would expire.

II. ANALYSIS

A. Proposed Resolution No. 25-2889

- The recitals/findings of the proposed resolution discuss how, as stated above, requiring the Planning Commission to act as the approval authority for SDBL projects that would otherwise be subject to Director approval adds little value and may lead to inefficiencies, delays, and unnecessary use of resources in the entitlement process. Even with the Commission's involvement, no public hearing is required for consideration of SDBL requests, and the City's decision-making discretion remains equally limited under State law regardless of whether the Commission or the Director is conducting the review. CMC Section 93113.9(K)(2) was likely included in its present form in the Phase 1 Code through inadvertence, and it is anticipated to be revised through a future zoning code amendment/update that will be presented to the Planning Commission and the City Council.

- The recitals/findings also note that 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 already the designated City approval authority for the project will help streamline the review process for residential development projects in the City. This proposed approach and delegation is consistent with the goals and provisions of the Phase 1 Code and better aligns with the Housing Element, including Policy 2-3, which encourages a more efficient and coordinated review process for housing projects. Policy 2-3 is to “improve the entitlement process to streamline and coordinate the processing of development permits, design review, and funding of housing projects.” It is also the approach that was adhered to by the City (as set forth in CMC 9412) prior to the Phase 1 Code update.
- The proposed resolution points out that delegating approval authority for such projects to the Community Development Director or designee, with the concurrence of the City Manager in any decision made pursuant to the delegation of authority, will not change the level of discretion the City has to deny requests for density bonuses, concessions, incentives or waivers under the SDBL or the City’s density bonus ordinance, as noted above. The proposed resolution also provides that consistent with CMC 93113.9(L), any decision made by the Director under this delegation of authority may be appealed to the Planning Commission as outlined in CMC 9412.13.
- The proposed resolution provides that it would be in effect for one year, unless prior to that it is superseded by a new Planning Commission resolution (either extending or terminating the delegation of authority) or CMC Section 93113.9(K)(2) is amended in a way that makes the delegation of authority no longer necessary—whichever occurs first.

B. Environmental Analysis

Consideration of Resolution No. 25-2889 is exempt from 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 activity in question may have a significant effect on the environment.

C. Public Hearing Notice

Not applicable.

III. CONCLUSION AND RECOMMENDATION

Adopting the proposed resolution delegating the Planning Commission’s approval authority for certain SDBL projects to the Community Development Director or designee with the concurrence of the City Manager will “improve the entitlement process to streamline and

coordinate the processing of development permits, design review, and funding of housing projects.” (Housing Element Policy 2-3)

Staff recommends that the Planning Commission:

ADOPT RESOLUTION NO. 25-2889, ENTITLED “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.”

ATTACHMENTS

- 1) Planning Commission Resolution No. 25-2889

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