



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: July 27, 2021

SUBJECT: Zone Text Amendment (ZTA) No. 188-2021

APPLICANT: City of Carson
701 E. Carson Street
Carson, CA 90710

PROPERTY INVOLVED: Citywide

REQUEST: Consider requested text changes and provide recommendation to City Council

COMMISSION ACTION

AYE	NO		AYE	NO	
X		Chairperson Thomas	X		Monteclaro
		Vice-Chair Palmer-AB	X		Thomas
X		Diaz	X		Rashad
X		Guerra			
X		Huff	X		Alt. Docdocil
			X		Alt. Hernandez
					Alt.

Motion Passes-9-0

Item No. 7A

EXHIBIT NO. 2

I. Introduction

Applicant
City of Carson

Property Owner
N/A

II. Project Description

Zone Text Amendment No. 188-2021 (the “ZTA”) is a series of proposed text changes to the Carson Zoning Ordinance (Chapter 1 {“Zoning”} of Article IX {“Planning and Zoning”} of the Carson Municipal Code [“CMC”] pursuant to CMC Section 9172.11.

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

III. Background

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

9111.3 Purpose

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

The City is currently undergoing a comprehensive General Plan Update and will follow-up with a comprehensive Zoning Code Update which is anticipated to take a year post-General Plan Update. In the interim, the ZTA will address inconsistencies in definitions, processes, and sections of the Zoning Code that are no longer relevant and will save time and money when preparing the comprehensive Zoning Code Update.

IV. Discussion

The proposed zone text amendments contained in this staff report have the potential to render some properties legal non-conforming. In this context, legal non-conforming means that although originally designed and built in keeping with the zoning ordinance of the time, the proposed amendments today may create situations where buildings and/or structures are no longer in keeping with the newly revised zoning ordinance. This is not uncommon in the course of a several decades as the zoning ordinance is a document that will often be amended to reflect changing safety standards by third party agencies and design preferences by an expanding municipality.

In order to allow such building, structures or uses to be “grandfathered” and not risk abatement (be forced to comply with current zoning standards), CMC Section 9182.41, Nonconformity Requiring Capital Expenditure to Conform, provides the following relief:

“Lawfully established site development, improvements, buildings and/or structures which become nonconforming with respect to site development regulations, and which cannot be made conforming without incurring a capital expenditure or loss, either shall be made conforming or allowed to continue as indicated in the following table, unless otherwise provided in this Chapter.”

For example, the table referenced in the Zoning Code section above allows the following:

Nonconformity		Requirement
A.	Building height, yard area, open space and/or encroachment therein. Wall, fence or hedge of excess height. Storage space.	Existing conditions allowed to continue indefinitely.

In short, if there is a cost to bring a legal nonconforming fence, wall, or hedge into compliance with the new zoning standards, the property owner may keep the nonconforming fence, wall or hedge indefinitely. The nonconforming allowance applies to all the development standards discussed below in Analysis (1 through 8), 9 and 10 are not applicable. All new development or intensification of use would be required to comply with new zoning standards; however, all legal nonconformities would be grandfathered.

This discussion anticipates concern that legal non-conforming development would be forced to comply with “amended” development standards and is meant to comprehensively address those concerns.

V. Analysis

This ZTA request applies to the following Zoning Code sections:

- 1) Section 9121.1 – Use Permitted in Residential Zones
- 2) Section 9126.11 – Site Development Standards
- 3) Section 9126.21 – Ground Coverage
- 4) Section 9126.24 – Side Yards
- 5) Section 9126.28 – Usable Open Space
- 6) Section 9126.29 – Encroachments Permitted in Required Yards and Open Spaces
- 7) Section 9126.3 – Fences, Walls and Hedges
- 8) Section 9163.1 – Walls
- 9) Section 9172.23 – Site Plan Review and Design Review
- 10) Sections 9191.252 & 9191.360 – Definitions

Each request will be discussed in numerical order with the exception of Definitions which will be discussed in their respective context. A summary of the proposed amendments can be found in Exhibit C.

1) Section 9121.1 – Uses Permitted in Residential Zones

Currently, the Uses Permitted Table for Residential Zones differentiates the processing of residential development by the width of a parcel whether it's zoned Residential Agricultural (RA), Residential Single-Family (RS), or Residential Multiple Dwelling. If a parcel is 50 feet wide or greater, residential development is automatically permitted "by right." However, if a parcel is 50 feet or less, residential development is subject to a Site Plan Review and Design Review and requires a discretionary review by the Planning Commission. This ZTA request is to eliminate the latter requirement thereby permitting residential development on parcels measuring less than 50 feet wide as a by right land use in order to reduce the time and costs of an application for a single-family residence. Proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in ***bold, italics and underlined***:

Division 1. 9121.1 Uses Permitted

ZONES

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

2) Section 9126.11 – Site Development Standards

Section 9126.11 is currently in a "Reserved" status; therefore, the City has previously reserved the opportunity to add development standards. A frequent Zoning Code question is what size structure can be built on particular parcel. The current practice involves using a series of development standards such as setbacks, yards and open space, with allowable yard encroachments that together create the development envelope for properties. Without codified minimum and a maximum structure size it's difficult to maintain predictable development patterns and implement the goals and policies of the General Plan. In addition, as Structure Size was not previously defined in Chapter 9, Section 9190, Definitions, the definition of Floor Area Ratio (FAR), Section 9191.252, has been amended to reflect the methodology for calculating FAR. Proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in ***bold, italics and underlined***:

Section 9126.11 (~~Reserved~~). ***Structure Size, Floor Area Ratio.***
The minimum size for a single-family dwelling shall be no less than 800 square feet, and the maximum size for all structures on a single lot shall be determined by Floor Area Ratio (FAR) (as set forth in this

section) and Lot Coverage (as set forth in CMC 9126.21). The maximum FAR in a single-family zone shall not exceed .50.¹
“9191.252 Floor Area Ratio (FAR).

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

3) Section 9126.21 Ground Coverage

Section 9126.21 is currently labeled as Ground Coverage and is only applicable to the RM zone. This ZTA request is to apply the development standard to all residential zones. Ground Cover is an outdated term the present term for this development standard is Lot Coverage. In addition, as the term Ground Cover was not previously defined in Chapter 9, Section 9190, Definitions, a definition of Lot Coverage is proposed to be added to Section 9191.360. Proposed Amendments are shown below in ~~strike through~~ and changes shown in **bold, italics and underline**.

9126.21 ~~Ground~~ **Lot** Coverage.

In the **RA, RS, and** RM zones, the ~~ground area~~ **lot coverage** included within the exterior walls and/or supporting columns of all roofed structures shall not exceed **.40 or** forty (~~40~~) percent of the net lot area, except when a parking structure or subterranean parking is proposed, the ~~ground coverage~~ **lot area** shall not exceed **.70** or seventy (~~70~~) percent of the lot area.

“9191.360 Lot Coverage

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

4) Section 9126.24 Side Yard

Section 9126.24 Side Yard is the minimum side yard side setback from the property line to the proposed residential structure. Occasionally, residents submit applications for a residential addition on narrow (but long) parcels with an addition proposed to the rear of the residence. In some instances, the side yard setbacks do not conform to current Zoning Code requirements such that the proposed addition is forced to create an L-

¹ The following text will be added to development standards for Structure Size, Lot Coverage and Usable Open Space in Ordinance 188-2021, in order to comply with Gov't Code Section 65852.2, **“Notwithstanding the foregoing, application of the FAR limitation set forth above shall not preclude the creation of an accessory dwelling unit to the extent required by Gov't Code Section 65852.2(c)(2)(C) and any provision of the Zoning Ordinance applicable to accessory dwelling units as defined in Gov't Code Section 65852.2(j)(1), as may be amended.”**

shaped jog to conform to the required setback creating a strange transition within the structure and impacting the aesthetic appeal of the residence. There is currently no remedy for this condition. The proposed ZTA allows a non-conforming setback to be maintained subject to the review and approval of the Community Development Director and Building Official, but at no time less than a three-foot side yard setback. Proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in ***bold, italics and underline***.

9126.24 Side Yard

Each lot shall have a side yard width as follows:

Use	Minimum Side Yard Width
Single-Family Dwellings	<p>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.</p> <p><i><u>Additions to single-family dwellings with non-conforming side yard setbacks can maintain non-conforming side yard setback subject to Director and Building Official approval, at no time less than 3 feet.</u></i></p> <p>Where the side of a lot abuts a street, the required side yard shall be twice the width required above.</p>
Multiple-Family Dwellings and Residential Condominiums	<p>6 feet for lots smaller than 30 feet wide. 20 percent of the lot width for lots 30 feet to 50 feet.</p>

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.

5) Section 9126.28 – Usable Open Space

Section 9126.8 Usable Open Space for single-family developments currently requires “at least one hundred thirty (130) square feet for each zero and one (1) bedroom unit and at least one hundred fifty (150) square feet for each two (2) or more bedroom unit.” This development standard is problematic when lot coverage and structure size are regulated by a percentage of lot area.

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

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

The proposed ZTA clarifies the development standard for lots developed with single-family dwelling units to provide usable open space of at least or fifteen (15) percent. Proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in ***bold, italics and underline***.

9126.28 Usable Open Space.

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

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

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

6) Section 9126.29 – Encroachments Permitted in Required Yards and Open Spaces

Section 9126.29 consists of a Table entitled Encroachments Permitted in Required Yards and Open Spaces and refers to various Sections where encroachments are permitted. For example the column for the Rear Yard encroachments (Section 9126.25) states that fifty (50) percent of the building may encroach into the required rear yard if fifty (50) percent remains as open space. This development standard conflicts with the floor area ratio and open space development standards. The ZTA removes that conflict. Proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in ***bold, italics and underline***.

	Section No. Reference	9126.25
Type of Encroachment	Type of Yard	Rear Yard
		50% of area – required to remain open 50% of area – required to remain open

7) Section 9126.3 – Fences, Walls and Hedges

Fence, wall and hedge development standards are listed in Section 9126.3 and are also found in Section 9126.29 within the table entitled “Encroachments permitted in Required Yards and Open Spaces.” Below is an excerpt from the table:

Type of Encroachment	Future Right of Way	Parking Setback (between street or alley or garage door or parking space)	Front yard
Fences, Walls, and Hedges	Same as permitted in overlapping front, side, or rear yard if driveway gate is provided.	Same as permitted in overlapping front, side, or rear yard if driveway gate is provided.	Height above finished grade not more than 3 feet 6 inches or as provided as condition of tract or parcel map approval or as required by other laws.

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

9126.3 Fences, Walls and Hedges

A fence, wall or hedge shall not exceed a height of six (6) feet above the finished grade at each point along the fence, wall or hedge. Where there is a difference between grades on the two (2) sides of the fence, wall or hedge, the higher grade shall be used. **In a required front yard and any abutting future right-of-way area no portion of a fence, wall or hedge shall be in excess of three and one-half (3 ½) feet in height.**

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

8) Section 9163.1 – Walls

Section 9163.1 is currently in a “Reserved” status; therefore, the City has previously reserved the opportunity to add development standards. Currently, there is only one development standard in the Part 6 General Development Standards for walls which is Section 9163.2 relating to noise-absorbing walls. However, as shown above, development standards for walls and fencing can be found throughout the Zoning Code. For example, Section 9148.9 (3), regulating fencing (and walls) for Truck Terminal and Truck Yard Facilities as follows:

3. Fencing

- a. Fencing materials shall consist of decorative masonry walls, such as split face, stucco block or slump stone, and shall be approved by the Development Services Group Planning Division.

- b. Decorative wrought iron gates with opaque screening shall be installed at all access points visible from the public right-of-way.
- c. Fence height shall comply with CMC 9146.3.
- d. Chain-link fencing and barbed or concertina wire shall be prohibited where visible from public right-of-way.

Another example is found in Section 9138(D), Commercial, Automotive (CA) Development Standards as follows:

D. Minimum Site Development Standards.

- 10. Walls/Fencing. Walls constructed on an interior lot line or at the rear of a required landscape setback of the CAD shall be in keeping with the regulations contained herein.
 - a. Interior lot line walls shall not exceed eight (8) feet in height and rear walls shall not exceed twelve (12) feet in height. Use of barbed, razor or similar wire is prohibited.
 - b. All service, storage and trash areas shall be screened from view from any public street by a wall. Trash enclosures shall be constructed to the City of Carson enclosure standards on file in the Planning Division.
 - c. All walls shall be decorative, consisting of splitface masonry, slumpstone, stuccoed block, stone, wrought iron, or a combination thereof.
 - d. Chain-link fencing is prohibited.

In an effort to eliminate redundancy and provide clarity, the proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in ***bold, italics and underline***.

Division 3. ***Fences and*** Walls

Section 9163.1 (Reserved). ***Fences and Walls***

Fences and walls along the City's major and secondary highways (as defined in the Municipal Code² and General Plan) shall have the following minimum development standards.

- a. ***Fencing materials shall consist of decorative masonry walls, such as splitface masonry, slumpstone, stuccoed block, stone, wrought iron, or a combination thereof and shall be approved by the Planning Division.***

² Section 9205.4 Major and Secondary Highways – Widths. Major highways shall have a width of one hundred (100) feet and eighty-four (84) feet between curbs and secondary highways shall have a width of eighty (80) feet and sixty-four (64) feet between curbs, unless a different width is indicated in the General Plan, or where it is necessary to match existing highway widths which differ as determined by the Advisory Agency.

- b. **Decorative wrought iron gates with opaque screening shall be installed at all access points visible from the public right-of-way.**
- c. **Use of barbed, razor or similar wire and chain-link fencing is prohibited in any area visible from the public.**

9) Section 9172.23 – Site Plan Review and Design Review

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

Section 9172.23 (2) requires the Building official to establish the construction valuation using as a guide, the Marshall Valuation Service compiled by the Marshall and Swift Publication Company. The most recent Marshall Valuation Service data was compiled in 2018. Given this recent construction valuation data and the fact that construction costs have grown steadily in the last ten plus years, the City Building Official recommends the City's baseline for Site Plan Review be raised to a construction valuation of \$200,000 (Exhibit D). Proposed Amendments are shown below with deletions shown in ~~strikethrough~~ and changes shown in **bold, italics, underlined**:

9172.23 Site Plan and Design Review.

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

- A. Submittal. An application shall be filed in accordance with CMC 9173.1. Prior to accepting an application, the Director may require that a conference be held with the project designer.
- B. Approval Authority.
 - 1. An application for approval of a Development Plan shall be submitted to the Commission for determination in any case involving any of the following:
 - a. Any construction of a new building or structure having an estimated valuation of ~~\$50,000~~ **\$200,000** or more.
 - b. Any expansion, addition, alteration or repair to an existing structure, or other construction if the estimated cost of the work is ~~\$50,000~~ **\$200,000** or more and the work involves changes in exterior architectural design, landscaping design or parking facilities.
 - c. Any conversion of a residential structure to a commercial use if

the estimated cost of the work is less than ~~\$50,000~~ **\$200,000**.

- d. Any major wireless telecommunications facility and minor wireless telecommunications facility located within one hundred (100) feet of a residential zone.
2. The Director shall have the authority to approve a Development Plan for work involving the following:
 - a. Any construction of a new building or structure having an estimated valuation less than ~~\$50,000~~ **\$200,000**.
 - b. Any expansion, addition, alteration or repair to the exterior of an existing structure, or other construction, except for any conversion of a residential structure to a commercial use, if the estimated cost of the work is less than ~~\$50,000~~ **\$200,000** and the work involves changes in exterior architectural design, landscaping design or parking facilities.
 - c. Any construction involving only interior modifications to an existing building, regardless of the estimated valuation of the work.
 - d. Signs.
 - e. Solar energy equipment installation.
 - f. Fences, walls and hedges.

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

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

VI. Environmental Review

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

VII. Public Notice

Notice of public hearing was posted on July 14, 2021 and published in the July 15, 2021 edition of the Daily Breeze. The agenda was posted at City Hall no less than 72 hours prior to the Planning Commission meeting.

VIII. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 21-___, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMEND THAT THE CITY COUNCIL ADOPT TEXT AMENDMENT NO. 188-2021, AMENDING SECTIONS 9121.1, 9126.11, 9126.21, 9126.24, 9126.28, 9126.29, 9126.3, 9163.1, 9172.23, 9191.252 AND 9191.360 AMENDING DEVELOPMENT STANDARDS AND PROCEDURES FOR SITE PLAN REVIEW AND DESIGN REVIEW"

IX. Exhibits

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

Prepared by: Stefanie Edmondson, Senior Planner