

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 21-2713

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL ADOPT ZONE TEXT AMENDMENT NO. 188-2021, AN ORDINANCE AMENDING CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, 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

WHEREAS, the California Constitution, in Article XI, Section 7, grants local governments the authority under their police powers to regulate land use; and

WHEREAS, the City desires to amend the provisions of Article IX (Planning and Zoning) of the Carson Municipal Code (CMC) as necessary to ensure that development standards preserve and protect existing neighborhood(s) character while allowing a more efficient processing of residential development applications; and

WHEREAS, on July 27th, 2021, the Planning Commission held a duly noticed public hearing as required by law to consider the proposed Zoning Text Amendment Ordinance No. 188-2021.

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) It is necessary to periodically update the Zoning Ordinance to improve the welfare of the community with the changing times.
- b) Zone Text Amendment (ZTA) No. 188-2021 complies with the City's General Plan and is consistent with the requirements and intent of Article IX, Chapter 1, Section 9172.11 (Text Change) of the Carson Municipal Code.
- c) The Planning Commission has considered the Request in accordance with CMC Section 9172.11(A). The ZTA request consists of the following:
 - To amend CMC Section 9121.1 Uses Permitted Table for Residential Single-Family (RS), Residential, Multiple Dwelling (RM), and Residential Agricultural (RA). 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. The 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.

- 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 is allowed on a particular parcel. The current practice involves using a series of development standards such as setbacks, yards and open spaces, and allowed 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.
- Section 9126.21 is currently labeled as Ground Coverage and is only applicable to the RM zone. The ZTA request is to apply the development standard to all residential zones. Ground Cover is also 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 has been added as Section 9191.360.
- 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-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 ZTA request 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.
- Section 9126.28 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 the lot area. The 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.

- 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.
- Fence, wall and hedge standards are listed in Section 9126.3 and can also be found in Section 9126.29 (Encroachments). In an effort to eliminate redundancy and provide clarity, the ZTA request clearly states that front yard fences, walls and hedges not exceed three and one-half (3-1/2) feet in height.
- 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 Standard for walls which is Section 9163.2 relating to noise-absorbing walls. Development standards for walls and fencing can be found throughout the Zoning Code (Section 9126.3, Section 9126.29 Encroachments), Section 9148.9(3) Truck Terminal and Truck Yard Facilities, as well as Section 9138(D), Commercial, Automotive). In an effort to eliminate redundancy and provide clarity, the ZTA amends Part 6 General Development Standards for Walls to include Fences and establishes minimum development standards for fences and wall along major and secondary highways throughout the City.
- 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. The proposed ZTA changes the development valuation for Site Plan Review to \$200,000.
- In accordance with Gov’t Code Section 65852.2(c)(2)(C), the proposed amendments to development standards for floor area ratio, lot coverage, or open space contain caveats providing that they shall not preclude the creation of an accessory dwelling unit (as that term is defined in Gov’t Code Section

65852.2(j)(1)) that meets the criteria set forth in Gov't Code Section 65852.2(c)(2)(C) and any City ordinance enacted pursuant thereto.

- d) The proposed ZTA ordinance amends relevant provisions of Chapter 1 (Zoning) of Article 9 IX (Planning and Zoning) of the CMC to resolve discrepancies, provide clarity in development standards while being in the appropriate context with the City of Carson's neighborhoods.

SECTION 3. The Planning Commission finds that California Environmental Quality Act (CEQA) does not apply to the City's consideration or approval/adoption of Text Amendment No. 21-188. The Planning Commission has determined that adoption of this Ordinance does not constitute a "project" within the meaning of 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.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, hereby recommend that the City Council approve Zone Text Amendment No. 188-2021, attached hereto and incorporated by reference as Exhibit 2, an Ordinance of the City Council amending Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the CMC, 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.

SECTION 5. This decision of the Planning Commission shall become effective and final 15 days from the date of the action, in accordance with Section 9173.33 of the City's Zoning Ordinance, unless an appeal is filed in accordance with Section 9173.4 of the City's Zoning Ordinance.

SECTION 6. 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 27th day of July, 2021.

Chair Charles Thomas (Covid Signature)

CHAIRMAN

ATTEST:

Lucille Sandoval

SECRETARY