

ORDINANCE NO. 24-2405

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, MAKING A DETERMINATION OF APPLICABILITY OF CEQA GUIDELINES SECTION 15168(c)(2) AND APPROVING ZONING TEXT AMENDMENT NO. 195-23 AND ZONE CHANGE NO. 190-23 FOR A PHASE 1 COMPREHENSIVE RESIDENTIAL AND MIXED-USE UPDATE AND AMENDMENT TO THE CARSON ZONING ORDINANCE AND ZONING MAP

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 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 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

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(referred to collectively with the Housing Element herein as the “Carson 2040 General Plan”), including the following elements: Land Use and Revitalization; Circulation; Community Character and Design; Recreation and Active Lifestyle; Community Health and Environmental Justice; Community Services, Education and Safety; Open Space and Environment Conservation; Noise; Economic Development; and Housing. Multiple elements of the Carson 2040 General Plan contemplate or necessitate an update to the Carson Zoning Ordinance (Chapter 1 of Article IX of the Carson Municipal Code), including the Land Use Element, which establishes 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, the City has initiated Zoning Text Amendment (“ZTA”) No. 195-23 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. More specifically, ZTA No. 195-23 will establish the permitted uses, development standards, and procedures applicable to development in the residential and residential/commercial mixed-use zoning districts of the new Carson Zoning Ordinance (specifically, the new Low Density Residential, Low-Medium Mix Residential, Medium Density Residential, High Density Residential, Corridor Mixed-Use, and Downtown Mixed-Use Zoning Districts and the Mobilehome Park Overlay District) and to residential development in the Flex District housing sites identified in the Housing Element sites inventory, to the extent provided in Exhibit “B” attached hereto, with current Carson Zoning Ordinance provisions remaining in effect as to other, non-residential development. ZC No. 190-23 will effect a zone change for the properties in said new residential and mixed-use zoning districts, and for the Flex District housing sites inventory properties to the extent necessary to carry out Program 5 of the Housing Element and gain full HCD certification, as shown/provided in Exhibit “C” attached hereto.

WHEREAS, these changes are intended to make the Carson Zoning Ordinance and Zoning Map consistent with the Carson 2040 General Plan, applicable state laws and City Charter provisions, and contemporary planning practices and standards, to the extent of the Phase 1 update. The comprehensive Zoning Ordinance and Zoning Map update/amendment pertaining to non-residential zoning districts (aside from the Flex District housing sites) and to matters so notated and/or left blank in Exhibits “B”-“C” attached hereto is being deferred to a Phase 2, which will be heard at a later date to be determined following a separate notice of public hearing, and the existing Carson Zoning Ordinance and Zoning Map provisions related thereto will remain in effect following adoption of Phase 1 until such time as Phase 2 is adopted. Development in such purely industrial and commercial zones involves distinct land use and planning issues, considerations and circumstances warranting separation from the housing-oriented focus of Phase 1, and is intended to be separated from the proposed Phase 1 action accordingly. Phase 1 can be implemented independently of, and does not rely upon or commit the City to adoption of, Phase 2 or any portion thereof.

WHEREAS, the Planning Commission, upon giving the required notice, did on the 31st day of January, 2024, conduct a duly noticed public hearing as required by law to consider said proposed action. Following the hearing, the Planning Commission adopted Planning Commission Resolution No. 24-2862, recommending that the City Council make a determination of

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applicability of CEQA Guidelines Section 15168(c)(2) and approve Zoning Text Amendment No. 195-23 and Zone Change No. 190-23.

WHEREAS, the City Council, upon giving the required notice, did on the 6th day of March, 2024, conduct a duly noticed public hearing as required by law to consider said proposed action and the Planning Commission’s recommendation thereon.

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

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.

SECTION 2. FINDINGS. The City Council hereby finds as follows:

A. The proposed Phase I update is consistent with the Carson 2040 General Plan and all applicable specific plans.

B. The proposed Phase I update will, among other things:

1. Effectuate the rezoning required pursuant to the City’s Housing Element and satisfy the above-referenced programs and commitments made by the City in adopting its Housing Element, including satisfying Program 5 and completing the necessary rezones to address the shortfall of sites to accommodate the City’s Regional Housing Needs Allocation (RHNA) pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), thereby enabling and entitling the City to obtain full HCD certification of compliance with State Housing Law;

2. Make the City’s Zoning Ordinance consistent with the Carson 2040 General Plan to the extent of the scope of the Phase I update, including with respect to the land use framework and classifications set forth in the Land Use Element, thereby enabling the City to comply with State law requiring consistency of the Zoning Ordinance with the General Plan and facilitating clarity and certainty for the City and the public in regards to processing of pending development projects;

3. Promote the compatibility of adjacent and neighboring land uses for the general public welfare;

4. Modernize the City’s planning and land use standards and practices and bring them up to date with applicable provisions of current State law and the City’s Charter; and

5. Carry through certain key parts of the City’s current Zoning Ordinance, such as current CMC Section 9128.21 (“Relocation Impact Reports”) and the provisions of Ordinance No. 23-2303 regarding the Mobilehome Overlay District, without any substantive amendment.

SECTION 3. CEQA. Based on its independent review of the analysis set forth in Exhibit “A,” attached hereto and incorporated herein by this reference as a finding of fact (the “ESA Report”), and the administrative record as a whole, pursuant to CEQA Guidelines Section 15168(c)(2), the City Council, in the exercise of its independent judgment, hereby finds that pursuant to CEQA Guidelines Section 15162, no subsequent EIR would be required for the proposed activity (i.e., the proposed Phase 1 update), and the proposed activity is within the scope of the Carson 2040 General Plan EIR, and that the City (as lead agency, acting via the City Council) can therefore approve the proposed activity as being within the scope of the project covered by the Carson 2040 General Plan EIR, and no new environmental document is required for approval of the proposed activity.

Specifically, pursuant to CEQA Guidelines Section 15162, the City Council finds, on the basis of substantial evidence in light of the whole record, that: (1) no substantial changes are proposed in the project which will require major revisions of the Carson 2040 General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the Carson 2040 General Plan EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Carson 2040 General Plan EIR was certified as complete, that shows any of the following: (A) The project will have one or more significant effects not discussed in the Carson 2040 General Plan EIR; (B) Significant effects previously examined will be substantially more severe than shown in the Carson 2040 General Plan EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the Carson 2040 General Plan EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Accordingly, the City Council, based on its independent review of the ESA Study and the administrative record as a whole and in the exercise of its independent judgment, finds that pursuant to CEQA Guidelines Section 15162, no subsequent EIR would be required for the proposed activity and that, pursuant to CEQA Guidelines Section 15168(c)(2), the proposed activity is within the scope of the Carson 2040 General Plan EIR, and accordingly determines, pursuant to CEQA Guidelines Section 15168(c)(2), that the City can approve the proposed activity as being within the scope of the project covered by the Carson 2040 General Plan EIR and no new environmental document is required, and directs staff to file a notice of such determination as required by law.

SECTION 4. APPROVAL OF ZTA NO. 195-23 AND ZC NO. 190-23. Based on the foregoing findings, the City Council hereby takes the following actions:

A. Approves Zoning Text Amendment (ZTA) No. 195-23, a text amendment pursuant to CMC Section 9172.11, by adopting the provisions of the new/updated Carson Zoning Ordinance set forth in Exhibit “B” hereto establishing the permitted uses, development standards, and procedures applicable to development in the residential and residential/commercial mixed-use zoning districts of the new Carson Zoning Code (including the Mobilehome Overlay District, which is being carried through the update without substantive amendment, as well as the Low Density Residential, Low-Medium Mix Residential, Medium Density Residential, High Density Residential, Corridor Mixed-Use, and Downtown Mixed-Use Zoning Districts), and to residential development in the Flex District housing sites identified in the Housing Element sites inventory (collectively, the “Residential Zones”), except as follows:

1. Provisions which (i) are left blank or with only a placeholder, (ii) are labeled with a “Phase 2” notation, and/or (iii) by their terms would apply to regulate land uses or development in non-Residential Zones, to the extent they would so apply, shall be deemed excluded from this action, with current Carson Zoning Ordinance provisions remaining in effect as to such matters. Any cross-references to such excluded provisions shall be deemed to instead refer to relevant provisions of the current Carson Zoning Ordinance; and

2. The provisions of Exhibit “B” shall be modified as follows:

i. The “P²” designations for the LDR and LMX zones in the “Produce Store” and Grocery Store” rows of Table 9211.2 shall be changed to “P/L2” to appropriately reference the relevant limitation at the end of the table.

ii. The “CUP³” and “MCUP³” designations for the MDR and HDR zones in the “Community Assembly – Large (5,000 sf or more)” row of Table 9211.2 shall be changed to “CUP/L3” and “MCUP/L3,” respectively, to appropriately reference the relevant limitation at the end of the table.

iii. The “X” designations for the DMX and CMX zones in the “Adult Business” rows of Table 9212.2 shall be changed to “- -” to clarify that these uses will continue to be regulated according to the provisions of the existing Zoning Ordinance, consistent with the statement in Division 12 of Part 3-B of Exhibit “B.”

iv. The “X” designations for the DMX and CMX zones in the “Auto/Vehicle/Equipment Repair – Heavy” row of Table 9212.2 shall be changed to “- -” to clarify that these uses will continue to be regulated according to the provisions of the existing Zoning Ordinance pending Phase 2 (and thereafter if not modified by Phase 2).

v. The “X” and “CUP” designations for the DMX and CMX zones, respectively, in the “Auto/Vehicle Washing/Detailing” row of Table 9212.2 shall be changed to “- -” to clarify that these uses will continue to be regulated according to the provisions of the existing Zoning Ordinance pending Phase 2 (and thereafter if not modified by Phase 2).

vi. The “X” and “CUP” designations for the DMX and CMX zones, respectively, in the “Service Station – Full Service” row of Table 9212.2 shall be changed

to “- -” to clarify that these uses will continue to be regulated according to the provisions of the existing Zoning Ordinance pending Phase 2 (and thereafter if not modified by Phase 2).

vii. The “MCUP” designations for the DMX and CMX zones in the “Service Station – Minimum Service” row of Table 9212.2 shall be changed to “- -” to clarify that these uses will continue to be regulated according to the provisions of the existing Zoning Ordinance pending Phase 2 (and thereafter if not modified by Phase 2).

viii. The “CUP” designations for the DMX and CMX zones in the “Check Cashing Business” row of Table 9212.2 shall be changed to “X” for both zones.

ix. The “P” designations for the DMX and CMX zones in the “Bar/Tavern/Lounge,” “Brewpub,” “Restaurant, Full Service,” and “Tasting Room/Wine Bar” rows of Table 9212.2 shall be changed to “- -” to clarify that these uses will continue to be regulated according to the provisions of the existing Zoning Ordinance pending Phase 2 (and thereafter if not modified by Phase 2).

x. The “CUP” designations for the DMX and CMX zones in the “Liquor Store” row of Table 9212.2 shall be changed to “- -” to clarify that these uses will continue to be regulated according to the provisions of the existing Zoning Ordinance pending Phase 2 (and thereafter if not modified by Phase 2).

xi. The “Director/PC” designation for the “Approval Authority” in the “Development and Site Plan Review Permit” row of Table 9411.5 shall be changed to “Director/PC/CC” to reflect that the City Council may be the Approval Authority for a Development and Site Plan Review Permit when the project involves other applications for entitlements for which City Council is the Approval Authority, such as a General Plan Amendment, Zone Change, Development Agreement or Specific Plan, as specified in the “Legislative Actions” portion of Table 9411.5.

xii. The text of Sections 93143.3 and 93143.4 shall be removed and replaced with a hyperlink to current CMC 9128.21 and a reference that these sections will retain the provisions of the existing Zoning Ordinance, to make clear the City Council’s intent to carry the City’s current ordinance regarding mobile home park closure relocation impact reports through this Phase 1 update without substantive amendment.

xiii. A new sentence shall be added to the end of the definition of “Discretionary decision” in Part 5 (General Terms) to read as follows: “Notwithstanding the foregoing, when Development and Site Plan Review is the only discretionary decision that is applied for and/or required with respect to a proposed use or development project, it does not require a public hearing and is not subject to environmental review under the California Environmental Quality Act.” Additionally, the provisions regarding discretionary decisions set forth in this definition shall be incorporated into relevant substantive provisions of the new Phase 1 Zoning Code, to the extent not already included.

xiv. Subparagraph (A)(2) of Section 9412.5 (Noticing) shall be revised to read as follows (added text shown in bold italics, deleted text in strikethrough font): “For projects subject to CEQA, notification shall issue at least 21 days before the date of *the action when no public hearing is required.*”

xv. Subsection (C) of Section 9412.5 (Noticing) shall be revised as follows (added text shown in bold italics, deleted text in strikethrough font): “At least 14 calendar days before the date of the public hearing ~~or the date of action when no public hearing is required~~, the Director, or the City Clerk for hearings before the City Council, shall provide notice by at least one publication in a newspaper of general circulation within the City.”

xvi. Any other changes necessary to provide that for decisions for which the Director is the Approval Authority, no pre-decision notice of the Director’s consideration or decision is required, but that post-decision notice of the Director’s decision, issued to (i) the applicant, the owner and/or occupant of the subject property, (ii) all property owners of record within a 750-foot radius of the subject property as shown on the latest equalized assessment roll, and (iii) any person or group who has filed a written request for notice regarding the specific application with the Director or City Clerk and has paid any required fee that the City Council has adopted to provide such service, is required for the decision to take effect and for the applicable appeal period to commence.

xvii. Any further modifications that are necessary to correspond to the changes set forth above.

xiii. Any other technical and non-substantive changes necessary to correct erroneous numbering, cross references, typos and the like.

B. Approves Zone Change (ZCC) No. 190-23, effecting a zone change pursuant to CMC 9172.13 for the properties delineated in Exhibit “C” hereto, with the exception of the properties identified by the Los Angeles County Assessor’s Office as Assessor’s Parcel Numbers 7337003013, 7337003012, and 7337003014, from their current zones to the zones designated in Exhibit “C” hereto (with the zones of other properties remaining unchanged). Notwithstanding the foregoing, and for the avoidance of doubt, the City Council, by adoption of Ordinance No. 23-2303 on May 2, 2023, has already established the Mobile Home Park Overlay District and applied it to the same properties that are delineated as being within said overlay district in Exhibit “C” hereto, and this action does not effectuate or include any zone change pertaining to the existing Mobile Home Park Overlay District, as the City Council’s intent is to carry the provisions of City Ordinance No. 23-2303 through this Phase 1 update without substantive amendment.

SECTION 5. 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.

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SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 7. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

[signatures on the following page]

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this ___ day of _____, 2024.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

EXHIBIT "A"
ESA ENVIRONMENTAL ANALYSIS MEMORANDUM

[to be attached]

EXHIBIT “B”
ZONING TEXT AMENDMENT NO. 195-23

[to be attached]

EXHIBIT “C”
ZONE CHANGE NO. 190-23

[to be attached]