

ORDINANCE NO. 19-1904

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING A TEXT AMENDMENT TO TITLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE AMENDING THE FOLLOWING SECTIONS:

SECTION 9146.23 (FRONT YARD) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL USES) OF CHAPTER 1 (ZONING), CORRECTING A TYPOLOGICAL ERROR; SUBSECTION (C) OF SECTION 9172.13 (ZONE CHANGE), SUBSECTION (C) OF SECTION 9172.21 (CONDITIONAL USE PERMIT), SUBSECTION (C) OF SECTION 9172.22 (VARIANCE), SUBSECTIONS (C) AND (I)(1)(a) OF SECTION 9172.23 (SITE PLAN AND DESIGN REVIEW), SUBSECTION (C) OF SECTION 9172.25 (EXTENSION OF NONCONFORMING PRIVILEGE), AND SUBSECTION (C) OF SECTION 9172.26 (RELOCATION REVIEW) OF DIVISION 2 (PROCEDURES BY TYPE) OF PART 7 (PROCEDURES) OF CHAPTER 1 (ZONING); SECTION 9173.22 (NOTIFICATION OF HEARING (CALIFORNIA GOVERNMENT CODE SECTIONS 65854 THROUGH 65854.5) OF DIVISION 3 (ELEMENTS OF PROCEDURE) OF PART 7 (PROCEDURES) OF CHAPTER 1 (ZONING), AND SECTION 9203.16 (PROCESSING AND APPROVAL – PUBLIC HEARING) OF PART 3 (TENTATIVE MAPS) OF CHAPTER 2 (SUBDIVISION REGULATIONS), REQUIRING ALL PUBLIC HEARING NOTICES FOR ALL PROPERTIES WITHIN A 750-FOOT RADIUS AND 10 DAYS PRIOR TO THE HEARING.

WHEREAS, Title 7 of the Government Code require that the Planning Commission and/or City Council make certain legislative and quasi-judicial decisions relating to land use pursuant to noticed public hearings.

WHEREAS, certain public hearing notices require that a city notify all property owners within 300 feet of the property affected by the decision.

WHEREAS, the City Council of the City of Carson has adopted a wider radius for such notices, namely, 500 feet from the property affected by the decision.

WHEREAS, the City Council finds that for legislative and quasi-judicial decisions relating to land use the public interest will be served by further increasing the radius for public hearing notices to 750 feet from the property affected by the decision, and with this ordinance the City Council amends the relevant provisions in the Zoning Code to further the public interest and to maximize transparency in government.

WHEREAS, the City Council finds that the publication of the entire text of this ordinance in a newspaper of general circulation would cost significantly more than the cost of publishing other ordinances and it is infeasible to prepare a fair and accurate summary of the ordinance.

WHEREAS, pursuant to subdivision (c) of Section 36933 of the California Government Code, the City Council may publish a summary of this ordinance in lieu of the entire text.

WHEREAS, the City Council previously ordered that a display advertisement of at least one-quarter of a page be published in a newspaper of general circulation in the City, and that such publication occurred at least five days prior to the City Council meeting at which the ordinance was adopted.

WHEREAS, City Council finds that a 1-year period requirement to obtaining a building permit is restrictive to the development process as larger projects usually exceed 1 year in obtaining building permits resulting in further delays to the development, and with this ordinance the City Council amends the relevant provisions in the Zoning Code to allow a 2-year time period for obtaining building permits.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The foregoing recitals are true and correct, and are incorporated herein by reference.

Section 2. Section 9146.23 of Division 6 (Site Development Standards) of Part 4 (Industrial Uses) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Each lot shall have a front yard with a required depth of twenty-five (25) feet or twenty-five (25) percent of the lot depth, whichever is less, except that a variable front yard in which all portions are at least ten (10) feet in depth and some portion is at least twenty (20) feet in depth is permitted if, to the satisfaction of the Director, all portions of the yard where the setback is twenty (20) feet or less are landscaped and mounded earthforms are included in the landscaping.

For any building (but not for an unoccupiable structure whether detached or attached to a building) over fifty (50) feet in height, the required front yard setback shall be increased by one (1) foot for each two (2) feet of height above fifty (50) feet.

Any portion of a required front yard which is not utilized for parking shall be landscaped. A required front yard shall not be otherwise occupied except as provided in CMC 9146.29.”

Section 3. Subsection (C) of Section 9172.13 (Zone Change) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing and Notice. The Commission shall hold a public hearing on any such ordinance or amendment, giving notice pursuant to CMC 9173.22 (Notification of Hearing) by posting, by notice to property owners within seven hundred and fifty (750) feet and, in addition, by giving notice to any person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such

additional notice, and in such manner, as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 4. Subsection (C) of Section 9172.21 (Conditional Use Permit) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing Notice. Notice of hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mails to the applicant, to the owners of property within seven hundred and fifty (750) feet, and to any person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such additional notice, and in such manner, as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 5. Subsection (C) of Section 9172.22 (Variance) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing Notice. Notice of hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mails to the applicant, to the owners of the property within seven hundred and fifty (750) feet, and to any person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such additional notice, and in such manner as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 6. Subsection (C) of Section 9172.23 (Site Plan and Design Review) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing and Notice. For applications required by subsection (B)(1) of this section and for appeals authorized by subsection (E)(2) of this section, the Commission shall hold a public hearing within six (6) months of the date of acceptance of the application or date of appeal, as applicable, except that, for applications required under subsection (B)(1)(c) of this section, the Planning Commission shall not be required to hold a public hearing.

Notice of a public hearing, if required, shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and through the United States mail to the applicant, to the owners of property within seven hundred and fifty (750) feet of the subject property, and to any person who has filed a written request therefor. The City Clerk shall give such additional notices, and in such manner, as prescribed by the law of the State of California and as the Commission or City Council may deem necessary or desirable.”

Section 7. Subsection (I)(1)(a) of Section 9172.23 (Site Plan and Design Review) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Unused Permit. Within two (2) years from the Approving Authority’s action, a construction permit, if necessary, shall be issued by the Building Official for the Development Plan. Work authorized by the permit shall commence within one hundred eighty (180) days from the date of issuance of said permit and such work shall not be suspended or abandoned at any time after commencement for a period of one hundred eighty (180) days or more.”

Section 8. Subsection (C) of Section 9172.25 (Extension of Nonconforming Privilege) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing Notice. Notice of hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mails to the applicant, to the owners of property within seven hundred and fifty (750) feet, and to any person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such additional notice, and in such manner, as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 9. Subsection (C) of Section 9172.26 (Relocation Review) of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Commission Hearing and Notice. The Planning Commission shall hold a public hearing within six (6) months of the date of acceptance of the Relocation Development Plan. Notice of hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mail to the owners of property within seven hundred and fifty (750) feet of the proposed new location, and to any person who has filed a written request therefor, and in such other manner as prescribed by the laws of the State of California and as the Commission may deem necessary or desirable. The City Clerk may give such additional notice and in such manner, as may be deemed necessary or desirable by the City Clerk or the Council.”

Section 10. Section 9173.22 (Notification of Hearing (California Government Code Sections 65854 through 65854.5) of Division 3 (Elements of Procedure) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“A. Time. Notice of hearing shall be given at least ten (10) calendar days before the hearing.

B. Content. A notice of hearing shall include:

1. Time and place of hearing.
2. A general explanation of the matter to be considered.
3. A general description of the area affected.

C. Posting. When a notice by posting is required, such notice shall be posted in at least three (3) public places in the City as designated by the Council. In addition, any property that is the subject of an administrative/quasi-judicial public hearing shall be posted by the applicant ten (10) days prior to the hearing in accordance with the requirements prescribed by the Director.

D. Notice to Owners of Property within Seven Hundred and Fifty (750) Feet.

1. When notice to owners of property within three hundred (300) feet of the subject property is required by Sections 65854 & 65091 and 65095 of the Government Code, or by any other applicable statute, such notice shall be made by first class mail or delivery to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within seven hundred and fifty (750) feet of the subject property.

2. In connection with a legislative matter, in the event that the number of owners to whom notice would be sent pursuant to the preceding paragraph is greater than one thousand (1,000), as an alternative to such notice, notice may be given by either of the following procedures:

a. By placing a display advertisement of at least one-eighth (1/8) page in a newspaper of general circulation published nearest to the City of Carson; or

b. By placing an insert with any generalized first class mailing sent by the City to property owners in the area affected.

(c) Such advertisement or mailing insert shall specify:

(i) The type and magnitude of the changes proposed.

(ii) The place where copies of the proposed changes may be obtained.

(iii) The time, date and place of hearing.

(iv) The right to appear and be heard.

E. Notice to Persons Requiring Notice. In all cases, in addition to other notices, notice shall be given by first class mail to any person who has filed a written request therefor with the Commission. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. A reasonable fee may be imposed on persons requesting such notice for the purpose of recovering the cost of such mailing.

F. Notice to Affected Agencies. When notice to local agencies expected to provide water, sewage, streets, roads, schools or other essential facilities is required, such notice shall be made by first class mail or delivery to each such agency.”

Section 11. Section 9203.16 (Processing and Approval – Public Hearing) of Part 3 (Tentative Maps) of Chapter 2 (Subdivision Regulations) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“The tentative map shall be processed and approved in accordance with the terms and provisions of the Subdivision Map Act and this Chapter. The Advisory Agency shall hold a public hearing on every application for a tentative map other than minor lot line adjustments not significantly affecting the property rights of persons other than the applicant. Notice of the hearing shall be given pursuant to CMC 9173.22 (Notification of Hearing) by posting and by notice through the United States mails to the applicant, to the owners of property within seven hundred and fifty (750) feet of the property to be divided, and to any person who has filed a written request therefor, and pursuant to the Subdivision Map Act.”

Section 12. If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

Section 13. 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.

Section 14. This ordinance shall be effective thirty (30) days following its adoption.

PASSED, APPROVED and ADOPTED this ____th day of _____, 2019.

Mayor Albert Robles

ATTEST:

City Clerk Donesia Gause-Aldana

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani