

Report to Mayor and City Council

Tuesday, February 19, 2019
Special Orders of the Day

SUBJECT:

..Title

A PUBLIC HEARING TO CONSIDER ADOPTING 19-1923 REVISING ZONING STANDARDS REGARDING TEMPORARY OFF-SITE REAL ESTATE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY AND YARD SIGNS; AND ORDINANCE NO. 19-1904 REVISING PUBLIC NOTICING REQUIREMENTS, AND UNUSED PERMIT EXPIRATION (CITY COUNCIL)

..Body

I. SUMMARY

Ordinance No. 19-1923 proposes to amend the temporary signs section of the Carson Municipal Code (CMC) (Exhibit No. 1). Ordinance No. 19-1904 proposes to change the public hearing noticing requirements and to extend the validity of Site Plan and Design Reviews (Exhibit No. 2).

Signs

This portion of the amendment to the CMC was initiated by Councilmember Hilton to allow temporary off-site real estate (open house signs) in the public right of way to assist potential home buyers and renters to their destinations within residential neighborhoods. Permitting temporary off-site signs, including real estate and yard sale signs, located within the public right-of-way are common in other cities. With appropriate sign standards, the proposed off-site temporary signs will direct the public to safely navigate through the residential neighborhoods to their destination. Temporary signs on private property are still permitted, and the regulations have been clarified and updated. Staff has consulted with Mr. David Kissinger of the South Bay Association of Realtors (SBAOR) regarding this amendment and Mr. Kissinger submitted a letter dated January 22, 2019 to the Planning Commission (Exhibit No. 3). The letter states that the proposed ordinance will address SBAOR's concern regarding the City's current standards, which prohibit temporary real estate signs within the public right-of-way.

Noticing

This portion of the amendment to the CMC was initiated by the Planning Commission to notify a greater number of community members regarding projects in their neighborhood. The proposed amendments will streamline processing of projects and achieve greater community outreach.

Unused permits

This portion of the amendment to the CMC was initiated by staff to provide applicants a longer period of time to obtain building permits once planning approvals are obtained. Extending the time period from one year to two years to obtain building permits following land use entitlement approvals will streamline completion of viable development projects. In staff's opinion, one year is not enough time for applicants to secure building permit for their projects, given the requirements of designing building plans and obtaining approval.

II. RECOMMENDATION

..Recommendation

TAKE the following actions:

1. OPEN the public hearing, TAKE public testimony, and CLOSE the public hearing.
2. Waive further reading and INTRODUCE Ordinance No. 19-1923, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING A TEXT AMENDMENT TO CHAPTER 1 (ZONING) OF TITLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING TEMPORARY SIGNS AMENDING SECTIONS 9126.29 AND 9126.7 AND ADDS SECTION 9126.72 TO INCLUDE TIME, PLACE, AND MANNER RESTRICTIONS TO TEMPORARY OFF-SITE SIGNS IN THE PUBLIC RIGHT-OF-WAY. SECTIONS 9136.7(D) AND 9146.7(D) (SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES), SECTION 9167.1 (PROCEDURES RELATING TO SIGNS), SECTION 9167.3 (PROHIBITED SIGNS), AND SECTION 9167.8 (REMOVAL OF UNAUTHORIZED SIGNS IN THE PUBLIC RIGHT-OF-WAY) ARE ALSO AMENDED TO BE CONSISTENT WITH SECTION 9126.7(A). SECTION 9167.9 IS ADDED TO IDENTIFY THE SIGNAGE RESTRICTIONS FOR MOBILE VENDING TRUCKS AND SIDEWALK VENDORS. FINALLY, SECTION 9172.29 IS ADDED TO IDENTIFY THE PROCEDURE TO REQUEST AN EXCEPTION FROM THE PROHIBITION AGAINST SIGNS")"
3. Waive further reading and INTRODUCE 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.”)”

..Body

III. ALTERNATIVES

TAKE such other action as the City Council deems appropriate consistent with the requirements of law.

IV. BACKGROUND

On January 22, 2019, the Planning Commission considered Zone Text Amendment 32-18 to update the zoning code allowing temporary real estate and yard sale signs in the public right of way and Zone Text Amendment 33-18, increasing the time period to obtain building permits once planning approvals are obtained. The Planning Commission recommended approval of both text amendments, with a 7-1 vote for ZTA 32-18 and a unanimous 8-0 vote for ZTA 33-18. Staff has prepared ZTA 32-18 as Ordinance No. 19-1923 and ZTA 33-18 as Ordinance No. 19-1904.

Temporary Signs

Permitting temporary directional signs in the public right-of-way, including open house signs, are a common practice in other communities, and are a benefit to the community by ensuring continued sales of housing stock. Carson Municipal Code currently does not allow temporary off-site signs including open house signs/real estate sales, garage/estate sales (yard sales) within the public right-of-way. However, these temporary directional signs are for businesses which on-premise signs do not provide adequate advertising because the primary and most effective way for these businesses to notify people of the available goods or services is by directing passers-by to their fixed business location.

Research

The standards for temporary off-site signs for several cities including Long Beach, Torrance, Manhattan Beach, Brea and Whittier were researched. The research indicated that the cities of Torrance, Manhattan Beach and Brea allow temporary off-site signs within the public right-of-way regulating the length of time, location, and types of these signs. The cities of Whittier and Walnut Creek also have adopted standards to allow temporary signs in the public right-of-way.

Proposed Changes

The proposed amendments to the Zoning Code are based on the idea to create a narrow exception to the prohibition to the City’s rule that no signs shall be posted

in the public right-of-way for businesses who would be significantly disadvantaged by not being able to advertise the location of their product. Real estate (and yard sales on a smaller scale) is one such business as the product is real property, which cannot be viewed at a fixed location, so interested buyers must visit the property itself and assess it in person. In addition, buyers of real property often will simply drive around a specific neighborhood on weekends looking for open houses. Allowing signs in the public right-of-way on a limited basis will ease this process.

The proposed amendments will expressly include real estate and yard sale (garage and estate sales) signs as qualifying temporary off-site signage for the exception rule. Any other business use proposing a temporary off-site sign will have the opportunity to apply for a determination of approval or denial. Sign proposals of businesses that are not defined as real estate or yard sales will have to comply with the identified criteria and provide suitable findings that can be determined affirmative in order to obtain approval for the proposed temporary off-site signs located in the public right-of-way. At this time, no other business appears to need this type of signage, but if a type of business were to emerge that does, the Director of Community Development could evaluate that type of business and, if appropriate, allow additional signs in the public right-of-way.

Indemnification

It is also recognized that businesses that intend to use the public right-of-way to place their temporary commercial signs may create a safety risk for pedestrians and vehicular traffic and should therefore indemnify the City for any injuries or damages caused by signs placed in the parkways. As such, an indemnification agreement requirement for realtors who wish to place their signs in the public right-of-way is added to the proposed Ordinance.

Time, Place & Manner restrictions

The ordinance proposes standards to restrict the time, location, and types of temporary signs that can be placed in the public right-of-way. The placement is restricted to parkways only, and the allowable time to display the proposed temporary off-site signs is as follows:

Day	Time
Fridays	11:00 a.m. – 3:00 p.m.
Saturdays, Sundays, and Federal holidays	9:00 a.m. -- 6:00 p.m.

The proposed amendment is equitable and likely consistent with provisions of the First Amendment of the U.S. Constitution.

Noticing Requirements: Time and Distance

It is necessary to periodically update the Zoning Ordinance to improve the welfare of the community with the changing times. The code amendment proposes to streamline the noticing time and distance requirements by making them uniform across the CMC.

Currently, CMC Section 9173.22 requires a 10 day notice for public hearing; and 20 days for notice by posting of legislative/administrative/quasi-judicial public hearings. Staff proposes to change the noticing time period requirement to 10 days for all public hearings and for posting.

The Planning Commission has also expressed that the current noticing radiuses are deficient and has requested to increase the radiuses. Noticing distance requirements varies from a 300-foot radius (CMC Section 9172.23 – Site Plan and Design Review) to a 500-foot radius for various discretionary permit applications located within the CMC Legislative, and Admin/Quasi-Judicial sections and CMC Section 9173.22.

At the Commission's direction, this amendment proposes to increase the noticing distance to further the public interest and maximize government transparency. The amendment proposes to expand the noticing radius distance to 750-foot radius for all discretionary permits including all legislative and quasi-judicial decision relating to land use.

Unused Permit Expiration

CMC Section 9172.23 states that an unused permit expires “within one year from the Approving Authority's action”. However, larger projects take about 2 years to obtain building permits after Planning approval, exceeding the allowable time. As a result of the restrictive 1-year period requirement, projects are either delayed because developers must obtain the Commission approval for entitlement extensions or the entitlements expire. If a viable project expires, further delays occur because the applicant must go through the entitlement process again and obtain the appropriate approval(s) from the Commission and/or the City Council.

The amendment proposes to change the unused permit expiration time to 2 years to allow appropriate time for projects to go through the development review process and obtain the necessary building permits.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Ordinance No. 19-1923 (Sign Ordinance) (pgs. 6-18)
2. Ordinance No. 19-1904 (Procedures) (pgs. 19-24)
3. South Bay Association of Realtors Letter dated, January 22, 2019 (pgs. 25-26)

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