



# CITY OF CARSON

## Legislation Text

File #: 2021-645, Version: 1

### Report to Mayor and City Council

Tuesday, September 21, 2021

Special Orders of the Day

#### **SUBJECT:**

**PUBLIC HEARING TO ORDINANCE NO. 188-2021, AMENDING CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, MODIFYING DEVELOPMENT STANDARDS AND PROCEDURES FOR SITE PLAN REVIEW AND DESIGN REVIEW (CITY COUNCIL)**

#### **I. SUMMARY**

On July 27, 2021, the Planning Commission considered and voted unanimously in favor of recommending the City Council to adopt the proposed ordinance, (Exhibit 1). The City is currently undergoing a comprehensive General Plan Update and will follow up with a comprehensive Zoning Code Update that is anticipated to take a year after the adoption of the General Plan Update. In the interim, this "Housekeeping" Zone Text Amendment (ZTA) will address inconsistencies in definitions, processes, and sections of the Zoning Code that are no longer relevant and will make preparing the comprehensive Zoning Code Update a smoother process.

The purpose of this item is for the City Council to consider a recommendation from the Planning Commission to adopt the attached proposed ordinance that would amend the City's Zoning Ordinance in the following Zoning Code sections:

- 1) Section 9121.1, Uses Permitted in Residential Zones, amends the approval authority for new single-family dwellings on lots less than 50 feet in width from the Planning Commission to staff; and
- 2) Section 9126.11, Site Development Standards, establishes a minimum size for a single-family dwelling of 800 square feet and a maximum square footage for all structures on a single lot to be determined by Floor Area Ratio (FAR) and Lot Coverage; and
- 3) Section 9126.21, Ground Coverage; the term Ground Coverage is changed to Lot Coverage, as ground coverage is an outdated term, and the Lot Coverage development standard is revised to be applicable to all residential zones; and
- 4) Section 9126.24, Side Yards, the side yard setback is amended to allow additions to

existing single-family dwellings with a non-conforming side yard setback to maintain the non-conforming side yard setback subject to Community Development Director and Building Official approvals; but at no time shall the setback be less than 3 feet; and

- 5) Section 9126.28, Usable Open Space, the term “Usable” is eliminated as this development standard is associated with multi-family development and subsequently, the “open space” requirement is amended to be a percentage of total area for single-family residential development consistent with other single-family development standards; and
- 6) Section 9126.29; Encroachments Permitted in Required Yards and Open Spaces; the rear yard encroachment development standard conflicts with the floor area ratio and open space development standards and is therefore eliminated; and
- 7) Section 9126.3; Fences, Walls and Hedges; this section is added to clarify that single family dwelling front yard fences, walls or hedges cannot exceed three and half feet (3 ½) feet in height consistent with Section 9126.5; and
- 8) Section 9163.1, Walls, minimum development standards for fences and walls along major and secondary highways are added to the Zoning Code; and
- 9) Section 9172.23; Site Plan Review and Design Review; the Site Plan Review and Design Review trigger (Construction Valuation established by the Building Official, using as a guide, the Marshall Valuation Service) is changed from \$50,000 to \$200,000 as the valuation amount had not been updated for 27 years; and
- 10) Section 9191.252, the definition of Floor Area Ratio is amended to include the method of calculating floor area ratio; and
- 11) Section 9191.360. a definition of Lot Coverage is added to the Zoning Code.

## **II. RECOMMENDATION**

1. OPEN the Public Hearing.
2. TAKE public testimony.
3. CLOSE the Public Hearing.
4. CONSIDER introduction, for first reading by title only and with full reading waived, of “ORDINANCE NO. 188-2021, AMENDING CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, MODIFYING DEVELOPMENT STANDARDS AND PROCEDURES FOR SITE PLAN REVIEW AND DESIGN REVIEW” (Exhibit 1).

### III. ALTERNATIVES

MODIFY or DISAPPROVE the recommendation of the Commission; provided, that any modification of the proposed ordinance by the City Council not previously considered by the Commission during its hearing, shall first be referred to the Commission for report and recommendation in accordance with CMC §9172.11(F).

### IV. BACKGROUND

#### A. Text Amendment Process

The City is currently undergoing a comprehensive General Plan Update and will follow-up with a comprehensive Zoning Code Update that is anticipated to take a year post-General Plan Update. In the interim, this “Housekeeping” 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.

#### B. Potential Non-Conforming Development

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 as the zoning ordinance is a document that will often be amended to reflect changing design preferences by a municipality.

To allow such buildings or structures 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, if there is a cost to bring a legal nonconforming fence or wall, into compliance with the new zoning standards, the property owner may keep the non-conforming fence, wall or hedge indefinitely. The nonconforming allowance applies to all the development standards discussed below in the Analysis Section (1 through 8), 9, 10 and 11, 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 above anticipates concern that legal non-conforming development would be forced to comply with “amended” development standards and is meant to

comprehensively address those concerns.

### *C. Text Amendment Analysis*

#### 1) Section 9121.1 - Uses Permitted in Residential Zones

Currently, the Uses Permitted Table for Residential Zones differentiates the approval of single-family dwelling by the width of a parcel. If a parcel is 50 feet wide or greater, residential development is approved by staff. However, if a parcel is 50 feet or less, the single-family dwelling is subject to approval of the Planning Commission. The ZTA request allows new single-family dwellings to be approved by staff, which reduces the time and costs of processing an application for single-family dwellings and provides a more business friendly environment.

#### 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 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 included 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 structure size as FAR.

Staff has researched and found cities using FAR calculations for single-family dwellings as follows: Burbank .40 FAR, Culver City .45 FAR, Fullerton .5 FAR, Torrance .6 FAR and Long Beach averaging .6 FAR. Staff has calculated the existing FAR for single-family dwellings on parcels in the City of Carson, (using the City’s GIS and Los Angeles County Assessor data) and determined that Carson averages .32 FAR.

There are 17,239 parcels zoned Residential Single (RS) in the City, with 548 parcels greater than .5 FAR, 1,576 parcels between .4 to .5 FAR, 4,778 parcels between .3 to .4 FAR and 10,337 parcels less than .3 FAR. As such, a .50 FAR is not anticipated to impact additions to existing single-family dwellings.

#### 3) Section 9126.21 Ground Coverage

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.

#### 4) Section 9126.24 Side Yard

Section 9126.24 Side Yard is the minimum side yard side setback from the property line to

the single-family dwelling structure. In some instances, the side yard setbacks do not conform to current Zoning Code requirements. For example, the current required side yard setback for single family homes is 5 feet. However, some homes in the City were built with 3-foot side setbacks. Frequently, residents with homes with 3-foot side yard setbacks submit applications for room additions and the addition is required to have a 5-foot setback which would result in an unusual shape for the home making it aesthetically unpleasing and at the same time making the interior less practical for the resident. Currently, there is 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.

5) Section 9126.28 - Usable Open Space

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 appropriate for multi-family development but not single-family dwellings. As a result of this amendment (as with No. 2 above), permitted lot coverage is regulated by a percentage of the lot area. The ZTA clarifies the development standard for single-family dwellings developments to provide usable open space of at least fifteen (15) percent.

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.

7) Section 9126.3 - Fences, Walls and Hedges

Fence, wall and hedge standards are listed in Section 9126.3 and can also be found in Section 9126.29 (Encroachments). To provide consistency, the ZTA requests that the development standard be the same in both sections and clearly state that for single-family dwellings, front yard fences, walls and hedges not exceed three and one-half (3-1/2) feet in height.

8) Section 9163.1 - Walls

Section 9163.1 is in a “Reserved” status; therefore, the City has reserved the opportunity to add development standards. Currently, development standards for walls and fencing can be found throughout the Zoning Code in Sections 9126.29, 9126.3 Encroachments), Section 9148.9(3) Truck Terminal and Truck Yard Facilities, and Section 9138(D), Commercial, Automotive. The ZTA centralizes the location of development standards for walls and fences and establishes minimum development standards for walls and fences along the major and secondary highways throughout the City (as defined in the Municipal Code and General Plan).

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 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.

10) Section 9191.252, the definition of Floor Area Ratio is amended to include the method of calculating floor area ratio.

As discussed above in No. 2, structure size was not previously defined in Chapter 9, Section 9190, Definitions, therefore, the definition of Floor Area Ratio (FAR), Section 9191.252, has been amended to reflect the methodology for calculating FAR as follows:

#### 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.

11) Section 9191.360. a definition of Lot Coverage is added to the Zoning Code.

As discussed in Number 3 above, the term Ground Cover was not previously defined in Chapter 9, Section 9190, Definitions, therefore, a definition of Lot Coverage has been added as Section 9191.360 as follows:

#### 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.

These ZTA amendments were drafted to resolve discrepancies in the Code that require correction and/or update to 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 for Carson's neighborhoods.

The attached ordinance (Exhibit 1) includes proposed changes to the sections of the Zoning Code identified throughout this report.

## **V. FISCAL IMPACT**

No fiscal impact anticipated.

## **VI. EXHIBITS**

1. Proposed Ordinance No. 188-2021 (pgs.8-15)
2. Planning Commission Staff Report (pgs. 16-27)
3. Planning Commission Resolution No. 21-2713 (pgs.28-32)

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