

URGENCY ORDINANCE NO. 25-2515U

AN URGENCY ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, MAKING A FINDING OF APPLICABILITY OF CEQA GUIDELINES SECTION 15061(B)(3), MAKING A FINDING OF URGENCY PURSUANT TO CITY CHARTER SECTION 313F, AND APPROVING VARIOUS AMENDMENTS TO THE TEXT OF THE CITY'S ZONING ORDINANCE RELATED TO COMMUNITY DEVELOPMENT DIRECTOR APPROVAL AUTHORITY AND REQUIREMENTS AND CITY COUNCIL REVIEW PROCEDURES

WHEREAS, in October 1977, the City of Carson ("City") adopted Ordinance No. 77-413, entitled the Carson Zoning Ordinance, which has been amended numerous times through subsequent ordinances over the years to update and refine the City's zoning regulations ("Old Code"); and

WHEREAS, on March 19, 2024, as Phase 1 of an anticipated 2-Phase comprehensive update to the Carson Zoning Ordinance, the City adopted Ordinance No. 24-2405, which partially supersedes the Old Code as detailed in Ordinance No. 24-2405 ("Phase 1 Zoning Code"); and

WHEREAS, the text amendments in this Ordinance are made to both the Old Code and the Phase 1 Zoning Code, given the current limited applicability of each; and

WHEREAS, the text amendments in this Ordinance are consistent with the policies of the City's General Plan and any applicable Specific Plan and will not substantially impair achieving such plans' objectives; and

WHEREAS, the text amendments in this Ordinance are made to, and will, promote the growth of the City in an orderly manner and promote and protect the public health, safety, and general welfare, consistent with the Carson Zoning Ordinance (including the Old Code and the Phase 1 Zoning Code, to the extent applicable); and

WHEREAS, the text amendments in subsection A of Section 4 and subsections A and B of Section 5 of this Ordinance are to ensure that before the Community Development Director or his or her designee approves or conditionally approves any new land use or development project in the City, he or she first apprises the City Manager of the proposed approval and obtains the City Manager's concurrence to help verify the accuracy and correctness of the decision before it is rendered; and

WHEREAS, the text amendment in subsection C of Section 5 of this Ordinance is to eliminate an overly burdensome and costly administrative requirement on City staff that was added as part of the Phase 1 Zoning Code and that is not required under the Old Code nor by State law; and

WHEREAS, the text amendment in subsection D of Section 5 of this Ordinance is to eliminate a new requirement that was added as part of the Phase 1 Zoning Code, is not required under the Old Code nor by State law, and imposes an unnecessary burden on the right of City Councilmembers to request review of decisions made by the Director or the Planning Commission; and

WHEREAS, on June 10, 2025, the Planning Commission held a duly noticed public hearing to consider the text amendments set forth in this Ordinance, and following the hearing, recommended that the City Council find that adoption of the text amendments is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and adopt the text amendments on an urgency basis pursuant to Charter Section 313(F); and

WHEREAS, on July 1, 2025, the City Council held a duly noticed public hearing to consider the text amendments set forth in this Ordinance and the Planning Commission's recommendation thereon, and, having done so, now sees fit and intends to find that adoption of the text amendments is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and to adopt the text amendments on an urgency basis pursuant to Charter Section 313(F) as recommended by the Planning Commission; and

WHEREAS, all of the legal prerequisites to adoption of this Urgency 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 as findings of fact.

SECTION 2. ENVIRONMENTAL REVIEW. This Ordinance is exempt from the California Environmental Quality Act ("CEQA") under the "common sense" exemption in CEQA Guidelines § 15061(b)(3), because it can be seen with certainty that there is no possibility that adoption of the text amendments set forth in this Ordinance, which relate only to the City's administrative review and noticing procedures, may have a significant effect on the environment.

SECTION 3. URGENCY FINDING. The City Council hereby declares this Ordinance as an urgency measure necessary for the immediate preservation of public peace, health or safety pursuant to Section 313(F) of the City's Charter, and finds that this Ordinance is necessary as an urgency measure for the immediate preservation of public peace, health or safety for the following reasons (without limitation), which constitute findings of fact:

A. The City's Community Development Director ("Director") position is currently vacant, resulting in decisions on proposed land uses and development projects for which the Director is the approval authority under the Zoning Ordinance being the responsibility of an acting Director or designee. When the position is filled, the Director will be new to the City and may need time to become familiarized with the City's regulations and processes. Additionally, even if the position were somehow filled right away with an experienced and dedicated Director who is familiar with the City's regulations and processes, there is still a risk that without sufficient executive-level oversight, the Director could make improper or erroneous decisions approving proposed uses or developments, which could have long-lasting harmful effects on the City. Accordingly, executive-level oversight is urgently needed to ensure that no improper or erroneous decisions are made approving proposed uses or developments in the City.

B. This Ordinance will ensure that Director decisions approving proposed uses or developments are brought to the attention of the City Manager and receive the City Manager's concurrence prior to being issued, which will enable the City Manager to verify the accuracy and correctness of the decision and thereby help avoid and prevent any erroneous or harmful project approvals from being issued. This Ordinance will also help ensure that City Councilmembers are apprised of the decisions and are able to independently call for their formal review within the required timeframe, to further protect against any improper or erroneous decisions being made by the City regarding proposed uses or development projects under the City's Zoning Ordinance.

C. The text amendment in subsection C of Section 5 of this Ordinance will eliminate an overly burdensome and costly administrative requirement on City staff that was added as part of the Phase 1 Zoning Code and that is not required under the Old Code nor by State law. The requirement is presently not feasible for the City to comply with due to the level of staff resources and administrative burdens it demands exceeding what the City has available, particularly given the vacancy in the Director position and other recent personnel changes and vacancies affecting the Community Development Department, and given the increase in the number of different types of decisions that are within the Director's approval authority under the Phase 1 Zoning Code. Issuance of Director decisions in violation of the requirement would jeopardize the validity of the decisions and increase the risk of legal challenges to them, which would adversely affect the public peace and welfare by undermining the finality and effectiveness of such City decisions and necessitating further expenditure of City resources in response to any such disputes. Conversely, the expenditure of City resources that would be necessary to comply with the requirement would also adversely affect the public peace and welfare by requiring diversion of dedicated City resources away from more important or required public services. The text amendment is urgently needed to avoid any such results by removing this requirement.

SECTION 4. AMENDMENT TO OLD CODE. The Old Code is hereby amended as follows (added text shown in ***bold italics***, deleted text shown in ~~strike through font~~):

A. Subsection A of Section 9173.31 ("Findings and Decision") of the Old Code is hereby amended to read as follows:

"In connection with each decision by the Commission or Director, written findings shall be adopted relating to the applicable criteria of the State Planning and Zoning Law and of this Chapter and based upon the hearing and the record of the case. ***The Director shall not issue any decision approving or conditionally approving a proposed use or development without first obtaining the concurrence of the City Manager or his or her designee. Any such Director decision issued without such concurrence shall be of no force or effect.***"

SECTION 5. AMENDMENTS TO THE PHASE 1 ZONING CODE. The Phase 1 Zoning Code is hereby amended as follows (added text shown in ***bold italics***, deleted text shown in ~~strike through font~~):

A. Section 9411.4 ("Community Development Director") of Division 1 ("Planning Authorities") of Part 4 ("Administration and Permits") is hereby amended as follows:

i. Subsection B of Section 9411.4 is hereby amended read as follows:

"Subject to the prior concurrence of the City Manager or his or her designee, rReview and issue land use permits that are minor in nature and which customarily result in an activity of generally minor public controversy and adverse impact based on specific findings of fact to support the resulting decision. Subject to applicable law, the Director has authority to impose specific conditions when warranted to ensure that the requested activity or project is conducted or constructed in a manner consistent with the goals, objectives, and policies of the General Plan."

ii. Subsection D of Section 9411.4 is hereby amended to read as follows:

"Subject to the prior concurrence of the City Manager or his or her designee, aApprove, conditionally approve, modify, or deny requests for waivers to dimensional requirements, pursuant to Division 9, Exceptions."

iii. Subsection H of Section 9411.4 is hereby amended to read as follows:

"Subject to the prior concurrence of the City Manager or his or her designee, rReview applications for permits and licenses for conformance with the Zoning Code and issue a Zoning Compliance Determination pursuant to Division 3, Zoning Compliance Review when the proposed use, activity or building is allowed by right and conforms to all applicable development and use standards."

iv. Subsection K of Section 9411.4 is hereby amended to read as follows:

"Subject to the prior concurrence of the City Manager or his or her designee, aApprove, conditionally approve, modify, or deny applications for Minor Use Permits, modifications to conditions of approved Use Permits, and time extensions of Use Permits, pursuant to Division 6, Minor and Major Use Permits, and temporary Use Permits, pursuant to Division 10, Temporary Use Permits."

v. Subsection L of Section 9411.4 is hereby amended to read as follows:

"Subject to the prior concurrence of the City Manager or his or her designee, dDecide requests for minor modifications to approved permits, pursuant to Division 2, Common Procedures, Section 9412.11, Changes to an Approved Permit."

vi. A new Subsection T is hereby added to Section 9411.4 as follows:

"Wherever this Code authorizes the Director to make a decision to approve or conditionally approve a proposed use or development, any such approval or conditional approval shall require prior concurrence from the City Manager or his or her designee. The Director shall not issue any such approval or conditional approval without such prior concurrence, and any such approval or conditional approval issued without such prior concurrence shall be null and void."

B. Section 9411.5 ("Summary of Authorities for Decisions and Appeals") of Division 1 ("Planning Authorities") of Part 4 ("Administration and Permits") is hereby amended as follows:

- i. A new "***" notation shall be inserted after "Director" in the cells of Table 9411.5 ("Summary of Authorities for Planning and Zoning Decisions and Appeals") where "Director" is identified as the "Approval Authority" for "Zoning Compliance Review" under "Ministerial Actions" and for "Minor Changes to an Approved Permit (Ministerial or Discretionary)," "Temporary Use Permit," "Development and Site Plan Review Permit," and "Minor Use Permit" under "Adjudicative Actions," and after "Approval Authority for Original Permit" where "Approval Authority for Original Permit" is identified as the "Approval Authority" for "Major Changes to an Approved Permit," under "Adjudicative Actions."
- ii. A corresponding description for the "***" notation shall be added at the end of Table 9411.5 ("Summary of Authorities for Planning and Zoning Decisions and Appeals"), to read as follows: "*** Director approval is subject to prior concurrence of the City Manager or his or her designee."

C. Subparagraph (2) ("Director Decisions") of subsection (J) ("Transmission of Notice of Official Action") of Section 9412.6 ("Public Hearings; Decisions") of Division 2 ("Common Procedures") of Part 4 ("Administration and Permits") is hereby amended to read as follows:

"If the Director is the Approval Authority for the decision, then the Director shall promptly transmit the Statement of Official Action to: (i) the applicant via first-class mail to the address shown on the application; (ii) the owner of the subject property if other than the applicant, via first-class mail to the address shown on the latest equalized assessment roll; (iii) the occupant of the subject property if any other than the applicant, via first-class mail to the address of the subject property; (iv) the Planning Commission and City Council, via their City email addresses; ~~(v) all owners of record within a 750-foot radius of the subject property as shown on the latest equalized assessment roll;~~ and (vi) 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."

D. Subsection (G) ("Calls for Review") of Section 9412.13 ("Appeals") of Division 2 ("Common Procedures") of Part 4 ("Administration and Permits") is hereby amended to read as follows:

~~"Any member~~ ~~A majority of the quorum~~ of the City Council may call for review of a decision of the Director or Planning Commission within the appeal period. The call for review shall be processed in the same manner as an appeal by any other person. Such action shall stay all proceedings in the same manner as the filing of an appeal. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application or appeal."

SECTION 6. 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 hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions hereof may be declared invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately, pursuant to the authority conferred upon the City Council by Charter Sections 313(F) and 316(4), upon its adoption by a two-thirds (2/3) affirmative vote of the City Council.

SECTION 8. 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 by a two-thirds affirmative vote of the City Council at a regular meeting of the City Council on this 1st day of July 2025.

APPROVED AS TO FORM:

CITY OF CARSON:

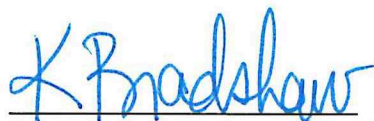


Sunny K. Soltani, City Attorney



Lula Davis-Holmes, Mayor *for*

ATTEST:

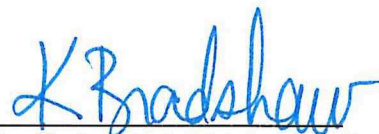


Dr. Khaleah K. Bradshaw, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Dr. Khaleah K. Bradshaw, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing ordinance, being Ordinance No. 25-2515U passed first reading on the 1st day of July, 2025, adopted by the Carson City Council at its meeting held on the 1st day of July, 2025, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Davis-Holmes, Hicks, Dear, Hilton, Rojas
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
RECUSED:	COUNCIL MEMBERS:	None



Dr. Khaleah K. Bradshaw, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Dr. Khaleah K. Bradshaw, City Clerk of the City of Carson, California, do hereby certify that Ordinance No. 25-2515U has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in Our Weekly, newspaper of general circulation on the following date:

Adopted Ordinance: July 8, 2025

In witness whereof, I have hereunto subscribed my name this 16th day of July,
2025.

K Bradshaw

Dr. Khaleah K. Bradshaw, City Clerk