



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 23, 2016

SUBJECT: Zone Text Amendment 26-16

APPLICANT: City of Carson
Community Development Department
Planning Division
701 E. Carson Street
Carson, California, 90745

REQUEST: Recommend approval of Proposed Amendments to the Zoning Ordinance regarding Convenience Stores, Automobile Service Stations, and freestanding signs to the City Council

PROPERTY INVOLVED: City-wide

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairman Diaz			Mitoma
		Vice-Chair Madrigal			Pimentel
		Andrews			Post
		Fe'esago, Jr.			Thomas
		Guidry			Cinco/Palmer

I. Introduction

Background

On December 15, 2015 and on January 19, 2016, the City Council adopted interim urgency ordinances 15-1574U and 16-1577U respectively extending a city-wide moratorium on the establishment and expansion of stand-alone convenience stores and on convenience stores with associated gasoline sales within the City of Carson for a period of 10 months and 15 days (Exhibit No.1). These moratoriums will expire on November 17, 2015 and December 15, 2016 respectively. The purpose of the moratoriums was to provide staff time to update City's standards as they relate to these uses.

City Council directed staff to evaluate the existing development standards for these uses and establish standards that would protect residential neighborhoods and commercial centers, limit the future proliferation of these uses, and protect the public health, safety and welfare of the community.

On April 28, 2016, staff held three separate workshops with small groups of the Planning Commissioners (no more than 4 members at a time) and on May 24, 2016, staff held a workshop with the entire Planning Commission at the regular scheduled meeting. Staff presented the existing and proposed standards for the uses, including permitted zones, minimum lot size, separation between similar uses, hours of operation and signage.

II. Analysis and Discussion

Convenience Stores

Use Classification

The current zoning ordinance does not include a specific use classification for convenience stores. Instead convenience stores could be considered as part of a more general use classification for variety stores. The proposed ordinance establishes a new use classification called convenience store. The new classification is intended to better identify, evaluate and permit this use.

Permitted Zones

The current zoning ordinance permits variety store by right in seven different zones (CN, CR, CG, MU-CS, MU-SB, ML, and MH). The proposed ordinance establishes a new use classification for convenience stores and requires a Conditional Use Permit in CN, CR and CG zones and prohibited in all other zones. The new standards on the approval procedure and limiting the zones appropriate for these uses are intended to limit the proliferation of these uses.

Minimum Lot Size

The current zoning ordinance does not include a minimum lot size for convenience stores. The proposed ordinance established a minimum lot size of thirty-two thousand, six-hundred seventy (32,670) square feet. The establishment of a minimum lot size is intended to limit the proliferation of these uses as fewer lots could accommodate this use.

Separation Requirement

The current zoning ordinance does not include a separation requirement between variety stores. The proposed ordinance establishes a minimum one-half mile separation requirement for establishment of new convenience stores from existing convenience stores. This new standard is intended to limit the proliferation of these uses by limiting the proximity and concentration of these uses.

Hours of Operation

The current zoning ordinance does not include restrictions on hours of operation. The proposed ordinance limits business hours, including truck loading hours to 5:00 a.m. to 11:00 p.m., seven days a week. This new standard is intended to protect residential neighborhoods by minimizing the impact of continuous traffic, auto and truck noise, and light glare on adjoining areas.

Parking

The current zoning ordinance does not include a specific off-street parking requirement for a convenience store. Instead, the more general parking requirement for retail sales of 1 space per 300 square feet of gross floor area is required. The proposed ordinance establishes a higher standard of 1 space per 250 square feet of gross floor area. This new standard is intended to reduce the impacts of convenience stores on commercial centers by requiring more spaces for this use, which typically places a higher demand on parking than other commercial uses.

Nonconforming Uses

The proposed ordinance will introduce new standards that have the potential to impact existing convenience stores and create nonconformities. In order to limit this impact, the proposed ordinance includes an exemption for existing convenience (both standalone those associated with automobile service stations) to allow them to operate indefinitely. In the event an existing convenience store moves out, provisions of CMC Section 9182.23, Discontinued Use, would allow a new convenience store to replace the one that has moved out if the space is not vacant for more than one year. However, if the space is vacant for more than 1 year, a new convenience store would have to comply with the provisions of the proposed ordinance. Existing standalone convenience stores may expand without complying with new standards. However, said expansions shall require a Site Plan and Design Review application to ensure upgrading the façade of the building(s), the signs, and the landscaping for the site.

Automobile Service Stations

Permitted Zones

The current zoning ordinance permits automobile service stations automatically with special limitations in CN, CR, CG zones and the CA zone with a Conditional Use Permit. The proposed ordinance permits automobile service stations with a Conditional Use Permit in CN, CG, ML and MH zones. The new restrictions on approval procedure and permitted zones are intended to limit the proliferation of these uses by reducing the number of zones and locations available to new automobile service stations and well as increasing the design and operations of new automobile service stations.

Nonconforming Uses

The proposed ordinance will introduce new standards that have the potential to impact existing automobile service stations and create nonconformities. In order to limit this impact, the proposed ordinance includes an exemption for existing automobile service stations. Existing standalone convenience stores may expand without complying with new standards. However, said expansions shall require a Site Plan and Design Review application to ensure upgrading the façade of the building(s), the signs, and the landscaping for the site.

Signage

The current zoning ordinance establishes a maximum height for monument signs of 10 feet and permits pole/pylon signs. The proposed ordinance reduces the maximum height for monument signs to 6 feet, prohibits pole/pylon signs, and limits window signage to 10% of window area. The new restrictions are intended to reduce visual clutter, achieve a balance between overall streetscape consistencies while encouraging business identity.

III. Environmental Review

Pursuant to Section 15060(c)(2), the proposed Zoning Ordinance amendment is not subject to the California Environmental Quality Act (CEQA) since the activity will not result in direct or reasonable foreseeable indirect physical change in the environment.

IV. Public Notice

Public Notice of this proposed Zoning Ordinance amendment was advertised in the August 11, 2016 edition of Our Weekly.

V. Recommendation

That the Planning Commission:

- **RECOMMEND APPROVAL** of ZTA 26-16 to the City Council; and
- **WAIVE** further reading and ADOPT Resolution No._____, entitled “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL ADOPTS TEXT AMENDMENT NO. 26-16, AMENDING SECTION 9131.1 (USES PERMITTED) OF PART 3 (COMMERCIAL ZONES), REPLACING SECTION 9138.12 (AUTOMOBILE SERVICE STATION) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) WITH 9138.12 (CONVENIENCE STORE), REPLACING SECTION 9138.13 (AUTOMOBILE LAUNDRIES) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) WITH 9138.13 (RESERVED), REPLACING SECTION 9138.14 (MISCELLANEOUS RETAIL PETROLEUM OUTLETS) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) WITH 9138.14 (AUTOMOBILE/VEHICLE SERVICES), AMENDING SECTION 9141.1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES), AMENDING SUBDIVISION (B) OF SECTION 9136.7 (SIGNS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 3 (COMMERCIAL ZONES), AMENDING SUBDIVISION (B) OF SECTION 9146.7 (SIGNS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL

ZONES), REPLACING SECTION 9148.3 (MISCELLANEOUS RETAIL PETROLEUM OUTLETS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES) WITH 9138.13 (RESERVED), AND AMENDING SECTION 9190 (DEFINITIONS), OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING CONVENIENCE STORES AND AUTOMOBILE SERVICE STATIONS”

VI. Exhibits

1. Draft Resolution
2. Draft Ordinance
3. Ordinance 15-1574U
4. Ordinance 16-1577U

Prepared by: Richard Rojas, AICP, Senior Planner

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 16-XXXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL ADOPTS TEXT AMENDMENT NO. 26-16, AMENDING SECTION 9131.1 (USES PERMITTED) OF PART 3 (COMMERCIAL ZONES), REPLACING SECTION 9138.12 (AUTOMOBILE SERVICE STATION) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) WITH 9138.12 (CONVENIENCE STORE), REPLACING SECTION 9138.13 (AUTOMOBILE LAUNDRIES) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) WITH 9138.13 (RESERVED), REPLACING SECTION 9138.14 (MISCELLANEOUS RETAIL PETROLEUM OUTLETS) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) WITH 9138.14 (AUTOMOBILE/VEHICLE SERVICES), AMENDING SECTION 9141.1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES), AMENDING SUBDIVISION (B) OF SECTION 9136.7 (SIGNS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 3 (COMMERCIAL ZONES), AMENDING SUBDIVISION (B) OF SECTION 9146.7 (SIGNS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES), REPLACING SECTION 9148.3 (MISCELLANEOUS RETAIL PETROLEUM OUTLETS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES) WITH 9138.13 (RESERVED), AND AMENDING SECTION 9190 (DEFINITIONS), OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING CONVENIENCE STORES AND AUTOMOBILE SERVICE STATIONS

WHEREAS, the California Constitution grants local governments in Article XI, Section 7 the authority under their police powers to regulate land use; and

WHEREAS, on December 15, 2015, the City enacted Ordinance No. 15-1574U, a moratorium on the establishment and expansion of stand-alone convenience stores, to allow the City to review thoroughly and adequately review, study, and revise the City's laws, rules, procedures, and fees related to standalone convenience stores without associated gasoline sales, as well as to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish or expand to stand-alone convenience stores on the one hand, with the preservation of the health, safety, and welfare of the communities in the City of Carson on the other hand. Ordinance No. 15-1574U expires on November 17, 2016; and

WHEREAS, on January 19, 2016, the City enacted Ordinance No. 15-1577U, a moratorium on the establishment and expansion of convenience stores with associated gasoline sales, to allow the City to review thoroughly and adequately review, study, and revise the City's laws, rules, procedures, and fees related to convenience stores with associated gasoline sales, as well as to enable the City to adequately and appropriately balance the rights of existing operators



and future applicants who wish to establish or expand to stand-alone convenience stores on the one hand, with the preservation of the health, safety, and welfare of the communities in the City of Carson on the other hand. Ordinance No. 15-1577U expires on December 15, 2016; and

WHEREAS, the Zoning Code does not have specific provisions governing the location and operation of convenience stores with associated gasoline sales or stand-alone convenience stores; and

WHEREAS, through its analysis of convenience stores with associated gasoline sales and stand-alone convenience stores, the City determined that it is appropriate to establish distinctions between convenience stores and automobile service stations (gasoline sales); and

WHEREAS, through its analysis of convenience store and impacts on the community, the City developed standards to regulate minimum lot size, separation requirement, hours of operation, parking, and signage; and

WHEREAS, through its analysis of convenience store and impacts on the community, the City developed standards to regulate minimum lot size, separation requirement, hours of operation, parking, and signage; and

WHEREAS, the proposed ordinance is consistent with General Plan Policy LU-6.7 to attract land uses that generate revenue to the City of Carson, while maintaining a balance of other community needs such as housing, open space, and public facilities. Convenience stores provide goods that meet the needs of the community and generate revenue to the City; and

WHEREAS, the proposed ordinance is consistent with General Plan Policy LU-7.1 to review and amend if necessary, the City's Zoning Ordinance to ensure the compatibility of uses allowed within each zoning district. The proposed amendment establishes a use classification for Convenience Stores along with design standards to ensure the compatibility of Convenience Stores allowed within each zoning district; and

WHEREAS, the proposed ordinance is consistent with General Plan Policy LU-13.1 to promote a rhythmic and ceremonial streetscape along the city's arterial roadways. The proposed amendment to signage is intended to reduce visual clutter, achieve a balance between overall streetscape consistency while encouraging business identity; and

WHEREAS, the City advertised the public notice in the August 11, 2016 edition of Our Weekly; and

WHEREAS, on August 23, 2016, the Planning Commission held a public hearing to discuss an ordinance amendment to the CMC regarding discount stores, at which conclusion, the Planning Commission recommended to the City Council approval of this Zoning Ordinance text amendment; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:



Section 1. Text Amendment No. 26-16 was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The Planning Commission hereby recommends finding and determination by the City Council that the adoption of Text Amendment No. 26-16 is exempt from CEQA pursuant to Section 15060(c)(2) of the Guidelines since the activity will not result in direct or reasonable foreseeable indirect physical change in the environment.

Section 2. The Planning Commission of the City of Carson has reviewed Text Amendment No. 26-16 and hereby finds it is consistent with the General Plan and all applicable Specific Plans.

Section 3. The Planning Commission of the City of Carson, based on its own independent judgment, finds that Text Amendment No. 26-16 promotes and protects the health, safety, welfare, and quality of life of City residents, including protection against nuisances.

Section 4. The Planning Commission hereby recommends approval to the City Council of an Ordinance of to adopt Text Amendment No. 26-16 by amending sections 9131.1, 9136.7, 9138.12, 9138.13, 9138.14, 9141.1, 9136.7, 9146.7, 9148.3 and 9190 of the Carson Municipal Code, a recommended draft of which is attached as Exhibit A.

Section 5. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Carson.

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF AUGUST, 2016.

CHAIRMAN

ATTEST:

SECRETARY



ORDINANCE NO. 16-XXXX

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING A TEXT AMENDMENT TO THE ZONING ORDINANCE, AMENDING SECTION 9131.1 (USES PERMITTED) OF PART 3 (COMMERCIAL ZONES), AMENDING SUBDIVISION (B) OF SECTION 9136.7 (SIGNS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 3 (COMMERCIAL ZONES), REPLACING SECTION 9138.12 (AUTOMOBILE SERVICE STATION) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) WITH 9138.12 (CONVENIENCE STORE), REPLACING SECTION 9138.13 (AUTOMOBILE LAUNDRIES) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) WITH 9138.13 (RESERVED), REPLACING SECTION 9138.14 (MISCELLANEOUS RETAIL PETROLEUM OUTLETS) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES) WITH 9138.14 (AUTOMOBILE/VEHICLE SERVICES), AMENDING SECTION 9141.1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES), AMENDING SUBDIVISION (B) OF SECTION 9146.7 (SIGNS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES), REPLACING SECTION 9148.3 (MISCELLANEOUS RETAIL PETROLEUM OUTLETS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES) WITH 9148.3 (RESERVED), AND AMENDING SECTION 9190 (DEFINITIONS), OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING CONVENIENCE STORES AND AUTOMOBILE SERVICE STATIONS

WHEREAS, the California Constitution grants local governments in Article XI, Section 7 the authority under their police powers to regulate land use; and

WHEREAS, on December 15, 2015, the City enacted Ordinance No. 15-1574U, a moratorium on the establishment and expansion of stand-alone convenience stores, to allow the City to review thoroughly and adequately review, study, and revise the City's laws, rules, procedures, and fees related to standalone convenience stores without associated gasoline sales, as well as to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish or expand to stand-alone convenience stores on the one hand, with the preservation of the health, safety, and welfare of the communities in the City of Carson on the other hand. Ordinance No. 15-1574U expires on November 17, 2016; and

WHEREAS, on January 19, 2016, the City enacted Ordinance No. 15-1577U, a moratorium on the establishment and expansion of convenience stores with associated gasoline sales, to allow the City to review thoroughly and adequately review, study, and revise the City's laws, rules, procedures, and fees related to convenience stores with associated gasoline sales, as well as to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish or expand to stand-alone convenience stores on the

EXHIBIT NO. 2



one hand, with the preservation of the health, safety, and welfare of the communities in the City of Carson on the other hand. Ordinance No. 15-1577U expires on December 15, 2016; and

WHEREAS, the Zoning Code does not have specific provisions governing the location and operation of convenience stores with associated gasoline sales or stand-alone convenience stores; and

WHEREAS, through its analysis of convenience stores with associated gasoline sales and stand-alone convenience stores, the City determined that it is appropriate to establish distinctions between convenience stores and automobile service stations (gasoline sales); and

WHEREAS, through its analysis of convenience store and impacts on the community, the City developed standards to regulate minimum lot size, separation requirement, hours of operation, parking, and signage; and

WHEREAS, through its analysis of convenience store and impacts on the community, the City developed standards to regulate minimum lot size, separation requirement, hours of operation, parking, and signage; and

WHEREAS, the proposed ordinance is consistent with General Plan Policy LU-6.7 to attract land uses that generate revenue to the City of Carson, while maintaining a balance of other community needs such as housing, open space, and public facilities. Convenience stores provide goods that meet the needs of the community and generate revenue to the City; and

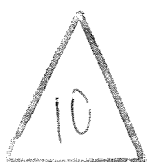
WHEREAS, the proposed ordinance is consistent with General Plan Policy LU-7.1 to review and amend if necessary, the City's Zoning Ordinance to ensure the compatibility of uses allowed within each zoning district. The proposed amendment establishes a use classification for Convenience Stores along with design standards to ensure the compatibility of Convenience Stores allowed within each zoning district; and

WHEREAS, the proposed ordinance, is consistent with the following Specific Plans: 1, 2, 3, 4, 6, 7, 10, 12, and 13 as these Specific Plans do not impose any development standards that are inconsistent with this ordinance; and

WHEREAS, pursuant to Section 15060(c)(2), the proposed Zoning Ordinance amendment is not subject to the California Environmental Quality Act (CEQA) since the activity will not result in direct or reasonable foreseeable indirect physical change in the environment; and

WHEREAS, on August 23, 2016, the Planning Commission held a public hearing to discuss an ordinance amendment to the CMC regarding convenience stores, which at the conclusion of said public hearing, the Planning Commission recommended to the City Council approval of said ordinance amendment; and

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



Section 1. Section 9131.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by adding the use classification “Convenience Stores” as follows:

	“ZONES					
	CN	CR	CG	CA	MU-CS	MU-SB
<u>Convenience Store</u> (See CMC 9138.12)”	<u>C</u>	<u>C</u>			<u>C</u>	

Section 2. Section 9131.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by deleting strikethrough text and adding underlined text in the category “Vehicle Sales and Service” with all other text remaining unchanged as follows:

“ZONES						
Vehicle Sales and Service:*	CN	CR	CG	CA	MU-CS	MU-SB
Automobile service station, subject to the requirements of CMC 9138.142. (See CMC 9133.)	<u>LC</u>	<u>L</u>	<u>LC</u>	<u>C</u>		
Sale of diesel fuel and LPG as an ancillary use at an automobile service station. (See CMC 9138.12 and 9182.21.)	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Automobile/Vehicle washing laundry , subject to the requirements of CMC 9138.143. (For existing uses in the MU-CS Zone, see CMC 9182.21.)	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	
Repair of all vehicles up to 2-ton capacity (no boats):						
<u>Automobile/Vehicle service and repair</u> Minor and major repair as defined in CMC 9138.141 (only as a primary use on properties fronting Avalon Boulevard). (See CMC 9133, 9138.15, and 9138.2.)		<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>
Minor repair as defined in CMC 9138.11 and subject to the provisions of CMC 9138.2.		<u>L</u>	<u>L</u>			<u>C</u>
Major repair as defined in CMC 9138.11 and subject to the provisions of CMC 9138.15 (for CA Zone only).* (See CMC 9133.)			<u>L</u>	<u>C</u>		<u>C</u>

Section 3. Section 9138.12 (Automobile Service Stations) of Division 8 (Special Requirements for Certain Uses) or Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article



IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

9138.12 Convenience Store.

- A. Use Classification. A small retail self-service store selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation, a high volume of customer traffic, and either standalone or associated with auto service stations.
- B. Minimum Lot Area. New convenience markets shall not be permitted on lots less than thirty-two thousand, six-hundred seventy (32,670) square feet net area.
- C. Minimum Separation Requirement. New Convenience stores shall be not less than one-half (1/2) mile from an existing convenience store.
- D. Hours of Operation. Business hours, including truck loading hours, shall be limited to 5 a.m. to 11 p.m., seven days a week.
- E. Parking Requirement. 1 space per two hundred fifty (250) square feet of gross floor area.
- F. Alcohol sales. Alcohol sales could be considered as part of a separate Conditional Use Permit application for convenience stores; however, the hours of operation would be limited to 5 a.m. to 9 p.m., seven days a week. In addition, alcohol sales shall not be permitted within 300 feet of residences, schools, and parks.

Section 4. Section 9138.13 (Automobile Laundries) of Division 8 (Special Requirements for Certain Uses) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

9138.13 Reserved.

Section 5. Section 9138.14 (Miscellaneous Retail Petroleum Outlets) of Division 8 (Special Requirements for Certain Uses) or Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

9138.14 Automobile/Vehicle Services

A. Use Classifications.

- 1. Automobile/Vehicle Service and Repair. Repairs and services include major engine overhaul (any operation requiring pulling the head, intake or exhaust manifold, or the

pan); transmission, muffler, and radiator work; lubrication; repair of brakes, generators, water pumps, batteries and other minor accessories; replacement of wiper blades, fuses, radiator caps, lamps and other minor accessories, changing oil and transmission fluid; patching, changing or mounting of tires; wheel alignment; tune-up; minor electrical repairs; and similar repairs and services. In the CA Zone, auto body and fender work and auto body paint are permitted as accessory uses to new vehicle sales, subject to conditional use permit.

2. Automobile/Vehicle Washing. Washing, waxing, vacuuming, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.
3. Automobile Service Station. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing automobile/vehicle repair services, selling automotive oils, replacement parts, and accessories, and/or providing incidental food, retail sales.

B. Landscaping and Screening.

1. A masonry wall at least six feet in height shall be provided along all lot lines adjacent to a residential use or district.
2. At least ten (10) percent of the site must be landscaped.
3. A landscaped planter with a minimum inside width of ten (10) feet and enclosed within a six (6) inch high curb shall be provided along the front and street side property lines, except for vehicular circulation openings. A landscaping buffer with a minimum inside width of at least five (5) feet shall be provided along all other property lines.
4. A three hundred (300) square foot planter with a minimum dimension of ten feet shall be provided at the corner of intersecting streets unless a building is located at the corner.
5. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.

B. Application Review and Findings for Approval. The decision-making authority shall only approve a use permit for an automobile/vehicle service facility only if it finds that:

1. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.

2. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.

3. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.

4. Lighting is designed to be low-profile, indirect or diffused and to avoid adverse impacts on surrounding uses.

C. Conditions of Approval. Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, hours of operation or other site elements in order to avoid adverse impacts on adjacent lots or the surrounding area.

D. Automobile/Vehicle Service and Repair. Automobile/vehicle service and repair uses, as well as any other uses, such as service stations, that perform auto servicing as an accessory activity, are subject to the following standards:

1. Noise. All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building.

2. Work Areas. All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

3. Vehicle Storage. Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property shall be screened from the public right-of-way. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City.

4. Litter. The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.

F. Automobile/Vehicle Washing. Automobile/vehicle washing facilities are subject to the following standards:

1. Minimum Lot Area. Automobile service stations shall contain not less than twenty thousand (20,000) square feet of net lot area.

2. Washing Facilities. No building or structure shall be located within thirty feet of any public street or within twenty feet of any interior property line of a residential use or residential district. Vehicle lanes for carwash openings shall be screened from public streets to a height of forty inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.

3. Hours of Operation. Limited to 7 a.m. to 10 p.m., seven days a week. When abutting a residential district, the hours of operation shall be between 8 a.m. to 8 p.m., seven days a week.

G. Automobile Service Station. Automobile service stations and any other commercial use that includes fuel pumps for retail sales of gasoline are subject to the following standards. An automobile service station with a convenience store shall comply with the standards set forth in CMC 9138.12 (Convenience Store):

1. Minimum Lot Area. Automobile service stations shall not be permitted on lots containing less than fifteen thousand (15,000) square feet of net lot area.

2. Minimum Street Frontage. Each lot shall have a minimum frontage of not less than one hundred (100) feet on each abutting street.

3. Pump Islands. Pump islands shall be located a minimum of fifteen feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to ten feet within this distance.

4. Minimum Separation Requirement. New automobile service stations shall be not less than five hundred (500) feet from an existing service station use.

5. Abandonment. Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within six (6) months subsequent to the close of the last business day.

Section 6. Section 9141.1 (Uses Permitted) of Division 1 (Uses Permitted) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows:

	ZONES	
	ML	MH
Uses Permitted in Commercial Zones:		
Retail services and offices:		
<u>Convenience Store (See CMC 9138.12)</u>	<u>C</u>	<u>C</u>
Vehicle sales and service:		
Automobile service station, subject to the requirements of CMC 9138.14 9148.3 and 9138.12	<u>LC</u>	<u>LC</u>
Automobile/vehicle washing laundries, subject to the requirements of CMC 9138.14 9148.3 and 9138.13.	<u>LC</u>	<u>LC</u>
Miscellaneous retail petroleum outlet, subject to the requirements of CMC 9148.3 and 9138.14.	<u>L</u>	<u>L</u>
<u>Automobile/Vehicle service and repair</u> , subject to the requirements of CMC 9138.14 9138.2 if within 300 feet of other than an industrial zone.	<u>LC</u>	<u>LC</u>

Section 7. Subdivision (B) of Section 9136.7 (Signs) of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by removing text designated with a strikethrough and adding the following underlined text as follows:

B. Business signs are permitted, subject to the following:

1. All business signs and sign structures shall be permitted in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided

in CMC 9172.23. All signs and sign structures shall also comply with the minimum requirements, as outlined in this Section of the Zoning Ordinance. (Ord. 89-873, § 2)

2. The total sign area per lot shall not exceed an area in square feet equal to two (2) times the linear feet of lot frontage on a public street or streets. Window signage shall not exceed 10 % percent of window area. Lot frontage on a freeway shall not be considered in computing this figure.

When the total frontage of a lot is less than the square root of the lot's area, said frontage shall be deemed to be equal to the square root of the lot's area for the purpose of determining the permitted sign area. (Ord. 79-473)

3. ~~A pole sign in excess of thirty (30) feet shall not be permitted. The distance between ground elevation and the bottom of such sign shall be not less than ten (10) feet.~~

4. A ground sign in excess of ~~ten (10)~~ six (6) feet in height shall not be permitted. The distance between ground elevation and the bottom of a ground sign shall not exceed one (1) foot. Not more than one (1) ground sign shall be permitted on a lot. No ground sign shall be erected until written approval is obtained from the City Traffic Engineer. Such signs shall be in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedure as provided in CMC 9172.23.

5. A sign may be affixed to a building but shall not project above the height of the building wall or roof fascia.

6. A sign shall not project into an existing or future right-of-way.

7. No "A" frame or "sandwich" sign, or scintillating, flashing or revolving sign shall be permitted.

8. Electronic message center signs are permitted, subject to the following:

(a) Such sign shall be at least one hundred (100) feet from a residential zone.

(b) Such sign shall be at least five hundred (500) feet from any other electronic message center sign.

(c) Such sign shall be affixed to a pole and subject to the pole sign limitations of this Chapter.

(d) A conditional use permit (CUP) shall be required for all electronic message center signs in accordance with the provisions set forth in CMC 9172.21. Approval shall not be granted if the Commission finds that the proposed sign would interfere with the traffic signals, disrupt normal traffic flows or otherwise create a safety hazard.

9. All business signs for vehicle dealerships shall be permitted in conformance with development standards as provided in CMC 9138.15(E).



10. All business signs within the MU-CS Zone shall be permitted in conformance with development standards as provided in CMC 9138.17.

11. All business signs within the MU-SB Zone shall be permitted in conformance with development standards as provided in CMC 9138.18.

Section 8. Section 9148.3 (Retail Petroleum Outlets) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

9148.3 Reserved

Section 9. Subdivision (B) of Section 9146.7 (Signs) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by deleting strikethrough text and adding underlined text as follows:

B. Business signs are permitted, subject to the following:

1. All business signs and sign structures shall be permitted in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in CMC 9172.23. All signs and sign structures shall also comply with the minimum requirements, as outlined in this Section of the Zoning Ordinance.

2. The total sign area per lot shall not exceed an area in square feet equal to two (2) times the linear feet of lot frontage on a public street or streets for the first one hundred (100) feet of frontage, plus one-half (1/2) times the frontage in excess of one hundred (100) feet. Window signage shall not exceed 10% percent of window area. Lot frontage on a freeway shall not be considered in computing this figure.

When the total frontage of a lot is less than the square root of the lot's area, said frontage shall be deemed to be equal to the square root of the lot's area for the purpose of determining the permitted sign area.

Any primary use which is developed commercially may be permitted to have a sign area equal to that permitted by CMC 9136.7(B)(2); provided, that a deed restriction is recorded in the Offices of the County Recorder, restricting the use on the property to a commercial use, and proof of such recordation is submitted to the satisfaction of the Director.

~~3. A pole sign in excess of fifty (50) feet in height shall not be permitted. The distance between ground elevation and the bottom of such sign shall be not less than ten (10) feet.~~

4. A ground sign in excess of ~~ten (10)~~ six (6) feet in height shall not be permitted. The distance between ground elevation and the bottom of a ground sign shall not exceed one (1) foot. Not more than one (1) ground sign shall be permitted on a lot. No ground sign shall be erected until written approval is obtained from the City Traffic Engineer. Such signs shall be

in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedure as provided in CMC 9172.23.

5. A sign may be affixed to a building but shall not project above the height of the building wall or roof fascia.

6. A sign shall not project into an existing or future right-of-way.

7. No "A" frame or "sandwich" sign or scintillating, flashing or revolving sign shall be permitted.

8. Electronic message center signs are permitted, subject to the following:

(a) Such sign shall be at least one hundred (100) feet from a residential zone.

(b) Such sign shall be at least five hundred (500) feet from any other electronic message center sign.

(c) Such sign shall be affixed to a pole and subject to the pole sign limitations of this Chapter.

(d) A conditional use permit (CUP) shall be required for all electronic message center signs in accordance with provisions set forth in CMC 9172.21. Approval shall not be granted if the Commission finds that the proposed sign would interfere with traffic signals, disrupt normal traffic flow or otherwise create a safety hazard.

Section 10. Section 9182.44 (Nonconformity for Convenience Stores) of Division 2 (Nonconformities) or Part 8 (Implementation Provisions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby added as follows:

9182.44 Nonconformity for Convenience Stores

Existing lawfully established convenience stores including those associated with other businesses such as an automobile service stations, may continue to operate indefinitely without complying with the provisions of CMC Section 9138.12 and 9138.14. Existing convenience stores including those associated with other businesses such as automobile service stations may expand their floor area without complying with the provisions of CMC Section 9138.12. and 9138.14. All expansions shall require a Site Plan and Design Review application to ensure upgrading the façade of the building(s), signage, and the landscaping for the site.

Section 11. Section 9190 (Definitions) of Part 9 (Definitions) of Chapter 1 (Zoning) of Article IX (Planning and Zoning) of the Carson Municipal Code is hereby amended as follows:

~~Automobile Laundry. See CMC 9138.13(A)(1).~~

~~Automobile Repair and Service, Major. See CMC 9138.11(A)(5).~~

~~Automobile Repair and Service, Minor. See CMC 9138.11(A)(4).~~

~~Automobile Service Station. See CMC 9138.11 (A)(3).~~

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 _____ day of _____, 2016.

Mayor Albert Robles

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney



ORDINANCE NO. 15-1574U

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING A CITYWIDE MORATORIUM ON THE ESTABLISHMENT AND EXPANSION OF STAND-ALONE CONVENIENCE STORES WITHIN THE CITY OF CARSON FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS

The City Council of the City of Carson hereby ordains as follows:

SECTION 1. AUTHORITY AND EFFECT

A. The State Planning and Zoning Law (Cal. Gov't Code Sections 65000, et seq.) broadly empowers the City to plan for and regulate the use of land in order to provide for orderly development, the public health safety and welfare, and a balancing of property rights and the desires of the community and how its citizens envisions their city.

B. On November 17, 2015, Interim Urgency Ordinance No. 15-1568U was enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858 by a 4-0 vote.

C. Interim Urgency Ordinance No. 15-1568U enacted a 45-day moratorium on the establishment or expansion of stand-alone convenience stores.

D. On December 1, 2015, the City issued a "10-day report" describing the measures taken to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 15-1568U, which date was at least ten (10) days prior to the adoption of this extension, as required by State law; and

E. Based on the foregoing, the City Council finds that there continues to be a current and immediate threat to the public health, safety, and welfare from the issuance of permits, business licenses, or other applicable approvals and entitlements for the establishment, expansion, and/or operation of stand-alone convenience stores prior to the City's completion of its study. Therefore, an extension of the temporary moratorium on the issuance of such permits, licenses, and entitlements is necessary to protect the public health, safety, and welfare.

F. In accordance with the authority granted to the City of Carson under Government Code Section 65858, subdivision (b), the City Council hereby extends the moratorium on the approval of use permits, variances, building permits, business licenses or other applicable approvals, licenses, permits, or other entitlements for the establishment or expansion of stand-alone convenience stores for an additional 22 months and 15 days following the original 45 day period of Ordinance No. 15-1568U.

SECTION 2. FINDINGS

This Ordinance is an extension of Interim Urgency Ordinance No. 15-1568U, and is adopted pursuant to the authority granted to the City of Carson by California Government Code Section 65858, and is for the immediate preservation of the public health, safety and welfare. The facts



constituting the urgency of this Ordinance are as follows; therefore, the City Council of the City of Carson hereby finds, determines, and declares that:

A. This moratorium is being extended in order to provide the City with enough time to thoroughly and adequately review, study, and revise the City's laws, rules, procedures, and fees related to standalone convenience stores without associated gasoline sales, as well as to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish or expand to stand-alone convenience stores on the one hand, with the preservation of the health, safety, and welfare of the communities in the City of Carson on the other hand.

B. For the purposes of Interim Urgency Ordinance No. 15-1568U and this extension, a "convenience store" is a small retail store that stocks a range of everyday items such as groceries, snack foods, candy, toiletries, soft drinks, tobacco products, and newspapers. Most convenience stores in California are licensed to sell alcohol, typically beer and wine. They are usually frequented as a convenient supplement to larger stores. Many convenience stores offer food ready to eat, such as breakfast sandwiches and other packaged food items. Most convenience stores also have a fountain that offers a variety of beverages such as coffee, soft drinks and frozen beverages. This Ordinance shall only affect stand-alone convenience stores without the affiliated sale of petroleum.

C. The average U.S. convenience store has a sales area of about 2,800 square feet of sales area. Convenience stores also have expanded their offerings over the last few years, with stores become part supermarket, restaurant, bank, or drug store.

D. While convenience stores have traditionally been associated with gas stations, as the number of gas stations declines nationwide, convenience stores are increasingly opening as stand-alone stores.

E. The number of gas stations nationally has been declining steadily since 1994, when the United States had 202,800 such businesses. By 2012, the number of gas stations had dropped to 156,065 throughout the country. These numbers include convenience stores, grocery stores, truck stops, traditional gas stations, and other types of locations like marinas. Packaged food and fountain drink sales now account for about 30 percent of profit for many convenience store chains, more than double the percentage generated by cigarettes. New stores now offer expanded coffee bars and seating, and many are adding made-to-order sandwiches.

F. The evolution in the convenience store and service station industries described above has outpaced Carson's Zoning Code: the Zoning Code only contemplates service station uses, facilities where the main purpose is to provide fuel for motor vehicles. The City requires convenience stores affiliated with gas stations to obtain a Conditional Use Permit if they are located within 300 feet from a school. However, the Zoning Code's provisions for regulating convenience stores affiliated with gas stations, CMC § 9138.12(A)(6), are inadequate to address the permitting of modern stand-alone convenience stores.

G. The Zoning Code does not have specific provisions governing the location and operation of stand-alone convenience stores. A stand-alone convenience store is generally considered a retail use "and has heretofore not been required to obtain a Conditional Use Permit.

Currently convenience stores may not conduct "off-sale" alcohol sales within 300 feet of schools, CMC §§ 9138.5, 9191.416, and must obtain a Conditional Use Permit for alcohol sales where permitted. CMC § 9131.1.

H. "Convenience stores" is a very broad category of retail with unique land use implications depending on the configuration of the permitted use. Traffic impacts, as calculated by the Institute of Transportation Engineers can vary greatly across the category of "retail." This means that convenience stores can locate almost anywhere in the commercial zones of the City without restriction. As an example of the impacts that such unregulated developments can create, a store could locate in a small strip commercial center, technically meet the parking standard of one space per 300 square feet of retail but still create traffic and parking problems for its the center and its neighbors.

I. Currently, the City's only measure of control over the location and operation of convenience stores because of their desire to sell beer and wine, which is a conditionally approved land use, pursuant to Section 9138.5. However, a stand-alone convenience store that does not wish to sell alcohol has very few restrictions.

J. The City needs additional time to draft a proposed text amendment to the Zoning Code (and, if applicable, to the General Plan) to adequately address the location and operation of modern convenience stores. Other than distance from schools and parks, based on the sale of alcohol, other site factors that will need to be considered for the location of such high-impact businesses, especially in regards to trip generation as described below.

K. Trip Generation Rates for convenience stores: Additional time is required for staff to adequately assess traffic impacts, due to the very high trip generation rates of convenience stores. Compared to other small retail land uses, convenience stores generate a tremendous number of daily trips. "Trip Generation Rate" means the number of average weekday trips generated by a particular land use. The Trip Generation Rate for each of the following land-use categories is the rate published by the ITE, 8th edition.

Land Use	Daily Trip Generation Rate	Unit
Outdoor Materials/ Garden Center	96.21	Per acre of improved area
New/Used Car Sales (compute both, use or the highest)	33.34	1000 Sq. Ft. of Gross Floor Area
	210.50	Per acre of improved area
Service Stations	168.56	Dispenser Unit serving 1 car per side at a time
Convenience Market	845.60	1000 Sq. Ft. of Gross Floor Area

Retail Store 0 to 75,000 sq.ft.	76.81	1000 Sq. Ft. of Gross Floor Area
Retail Store 130,001 to 140,000 sq. ft.	60.68	1000 Sq. Ft. of Gross Floor Area
Full Service Car Wash	273.00	Per acre of improved area

L. At its average size of 2,800 square feet, a convenience store could generate nearly 2,400 trips per day; by comparison, a 50,000 square foot grocery store would be expected to average 3,840 trips per day on a larger site, and a 130,000 square foot big box retailer (e.g., Target) would generate 7,888 trips per day on a much larger site. In cities and regions with traffic mitigation fees, convenience stores pay at a very high rate per square foot based on their high traffic impacts.

M. Provisions of the City's current laws, rules, procedures, and fees relating to stand-alone convenience stores, currently set forth in the Carson Municipal Code and land use plans, need review, study, and revisions in order to protect the health, safety, and welfare of the citizens and visitors of the City of Carson.

N. The revisions described in Paragraph M, above, and the nature of the land use will likely result in the City amending, repealing, and adding provisions to the CMC, including the Zoning Code.

SECTION 3. MORATORIUM

During the effective period of this ordinance, no application for permit shall be accepted, no consideration of any application for permit shall be made, and no permit shall be issued by the City for the establishment or expansion of stand-alone convenience stores within the City of Carson. "Expansion" as relates to a convenience store means increasing the total size of the floor area of the business by 10% or more. The following shall be exempt from the prohibitions of this Ordinance: (i) establishment or expansion of standalone convenience stores without associated gasoline sales for which the application process was commenced prior to the effective date of this Moratorium; and (ii) standalone convenience stores affiliated with gasoline stations/sales of petroleum.

SECTION 4. REVIEW AND STUDY

During the period of this Ordinance, the Director of Community Development or his or her designee shall review, study and propose revisions as necessary to the City's laws, rules, procedures and fees related standalone convenience stores without associated gasoline sales, to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish or expand standalone convenience stores without associated gasoline sales in the City, with the preservation of the health, safety and welfare of the communities surrounding the stand-alone convenience stores.

SECTION 5. EXCEPTION

If the City Council, based on substantial evidence presented in writing to the City Council at a duly noticed public meeting held no less than least 30 nor more than 90 City-working days after

the City Clerk's receipt of that evidence, determines the City's receipt and consideration of an application for a permit to establish a stand-alone convenience store within the City's jurisdiction is necessary for the preservation of the public's health and safety, then such application may be filed and processed in accordance with the City's then current regulations and authority, subject to the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and any other applicable requirements.

SECTION 6. URGENCY MEASURE

It is hereby declared this Ordinance is necessary as an urgency measure for the preservation of the public health, safety and welfare. The City Council finds that the current zoning regulations and land use plans relating to convenience stores do not adequately protect the peace, health, safety, and general welfare of the residents of the City or in communities around the City. The City Council finds that this interim urgency ordinance is necessary in order to ensure adequate regulation of stand-alone convenience stores, which regulations will serve to adequately and appropriately balance the rights of existing operators and future applicants who wish to operate stand-alone convenience stores on the one hand, with the preservation of the public health, safety, and welfare of the surrounding communities on the other hand. The facts constituting the urgency are:

1. The City of Carson does not currently have standards in its Municipal Code or Zoning Ordinance relating specifically to stand-alone convenience stores within the City.
2. Due to the lack of regulations in the City's codes, stand-alone convenience stores are locating and expanding at locations and in a manner that negatively impacts traffic and circulation.
3. Unregulated stand-alone convenience stores may contribute to blight and "food deserts." The U.S. Department of Agriculture defines "food deserts" as parts of the country devoid of fresh fruit, vegetables, and other healthful whole foods, usually found in impoverished areas. This is largely due to a lack of grocery stores, farmers' markets, and healthy food providers.
4. To permit stand-alone convenience stores to continue locating within the City without being subject to regulations that are consistent with the General Plan, and that take into account the impacts that such businesses have, constitutes a threat to the health, safety, and welfare.
5. Stand-alone convenience stores are likely to seek to located in the City of Carson based on the lack of regulations, which will further exacerbate the impacts of such businesses.
6. Absent the adoption of this Interim Urgency Ordinance, the over-concentration of convenience stores in the City of Carson is likely to result in the negative and harmful secondary effects described above;
7. As a result of the negative and harmful secondary effects associated with improperly regulated stand-alone convenience stores, the current and continuing threat such secondary effects pose to the public health, safety, and welfare, and the potential zoning conflicts that would be created by the establishment and operation of additional or expanded convenience

stores, it is necessary to extend the moratorium on the establishment and expansion of stand-alone convenience stores in the City for a period of 22 months and 15 days.

8. This extension is necessary in order to continue to protect the City and its residents, businesses, and visitors from the potential health and safety impacts of stand-alone convenience stores, including air quality, noise, traffic, parking, and other impacts, and to preserve the quality of life and protect the health, safety, and welfare of the surrounding communities.

9. This extension is immediately required to preserve the public health, safety, and welfare, to make certain that permits for stand-alone convenience stores are issued only under adequate regulations. The extension of the moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of such activities. Allowing the moratorium to expire would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that stand-alone convenience stores erected under the existing regulations may be in conflict with or frustrate the purposes of the City's General Plan.

SECTION 7. SEVERABILITY

The City Council hereby declares, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

SECTION 8. CEQA COMPLIANCE

Pursuant to Section 15001 of the California Environmental Quality Act ("CEQA") Guidelines, this interim urgency ordinance is exempt from CEQA based on the following:

(a) This ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

(b) This ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves an interim urgency ordinance extending a 45-day temporary moratorium on convenience stores by 22 months and 15 days and does not have the potential to significantly impact the environment.

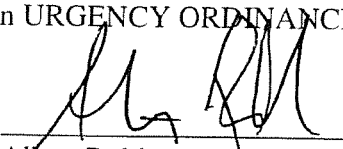
SECTION 9. PUBLICATION

The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.


SECTION 10. EFFECTIVENESS OF ORDINANCE.

This Interim Urgency Ordinance shall become effective immediately upon adoption if adopted by at least four-fifths (4/5) vote of the City Council and shall be in effect for an additional 22 months and 15 days from the date of the expiration of the original 45-day Interim Urgency Ordinance, and shall expire on November 17, 2017.

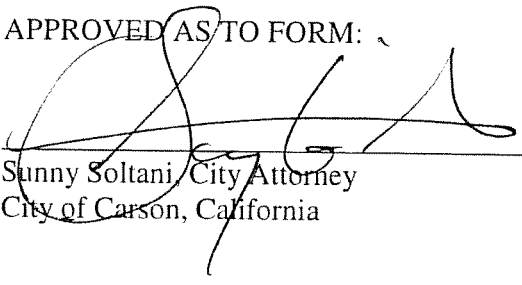
PASSED, APPROVED and ADOPTED as an URGENCY ORDINANCE this 15th day of December, 2015.


Albert Robles, Mayor
City of Carson, California

ATTEST:


Jim Dear, City Clerk
City of Carson, California

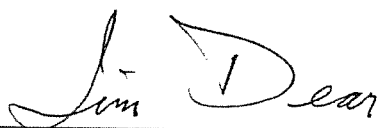
APPROVED AS TO FORM:


Sunny Soltani, City Attorney
City of Carson, California

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

I, Jim Dear, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 15-1574U was duly and regularly adopted by the City Council of said City on an urgency basis at a meeting of said Council, duly and regularly held on the 15th day of December, 2015, and that the same was passed and adopted by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Robles, Santarina, Davis-Holmes, Hilton, and Gause-Aldana
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None


City Clerk Jim Dear

ORDINANCE NO. 16-1577 U

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING A CITYWIDE MORATORIUM ON THE ESTABLISHMENT OR EXPANSION OF CONVENIENCE STORES WITH ASSOCIATED GASOLINE SALES WITHIN THE CITY OF CARSON FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS

The City Council of the City of Carson hereby ordains as follows:

SECTION 1. AUTHORITY AND EFFECT

A. The State Planning and Zoning Law (Cal. Gov't Code Sections 65000, et seq.) broadly empowers the City to plan for and regulate the use of land in order to provide for orderly development, the public health safety and welfare, and a balancing of property rights and the desires of the community and how its citizens envisions their city.

B. On December 15, 2015, Interim Urgency Ordinance No. 15-1572U was enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858 by a 5-0 vote.

C. Interim Urgency Ordinance No. 15-1572U enacted a 45-day moratorium on the establishment or expansion of convenience stores with associated gasoline sales.

D. On January 5, 2016, the City issued a "10-day report" describing the measures taken to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 15-1572U, which date was at least ten (10) days prior to the adoption of this extension, as required by State law; and

E. Based on the foregoing, the City Council finds that there continues to be a current and immediate threat to the public health, safety, and welfare from the issuance of permits, business licenses, or other applicable approvals and entitlements for the establishment or expansion of convenience stores with associated gasoline sales prior to the City's completion of its study. Therefore, an extension of the temporary moratorium on the issuance of such permits, licenses, and entitlements is necessary to protect the public health, safety, and welfare.

F. In accordance with the authority granted to the City of Carson under Government Code Section 65858, subdivision (b), the City Council hereby extends the moratorium on the approval of use permits, variances, building permits, business licenses or other applicable approvals, licenses, permits, or other entitlements for the establishment or expansion of convenience stores with associated gasoline sales for an additional 10 months and 15 days following the original 45 day period of Ordinance No. 15-1572U.

SECTION 2. FINDINGS

This Ordinance is an extension of Interim Urgency Ordinance No. 15-1572U, and is adopted pursuant to the authority granted to the City of Carson by California Government Code Section

65858, and is for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency of this Ordinance are as follows; therefore, the City Council of the City of Carson hereby finds, determines, and declares that:

A. This moratorium is being extended in order to provide the City with enough time to thoroughly and adequately review, study, and revise the City's laws, rules, procedures, and fees related to convenience stores with associated gasoline sales, as well as to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish or expand convenience stores with associated gasoline sales on the one hand, with the preservation of the health, safety, and welfare of the communities in the City of Carson on the other hand.

B. For the purposes of Interim Urgency Ordinance No. 15-1572U and this extension, a "convenience store with associated gasoline sales" is a small retail store that stocks a range of everyday items such as groceries, snack foods, candy, toiletries, soft drinks, tobacco products, and newspapers, and is operated in conjunction with gasoline sales at the same business or on the same premises, whether or not the gasoline sales and the convenience store are run by the same operator. Most convenience stores in California are licensed to sell alcohol, typically beer and wine. They are usually frequented as a convenient supplement to larger stores. Many convenience stores offer food ready to eat, such as breakfast sandwiches and other packaged food items. Most convenience stores also have a fountain that offers a variety of beverages such as coffee, soft drinks, and frozen beverages.

C. The average convenience store has a sales area of about 2,800 square feet. Convenience stores also have expanded their offerings over the last few years, with stores that are part supermarket, restaurant, bank, or drug store. Many existing convenience stores are also part of a gas station operation.

D. Packaged food and fountain sales now account for about 30 percent of profit for many convenience store chains, more than double the percentage generated by cigarettes. New stores now offer expanded coffee bars and seating, and many are adding made-to-order sandwiches.

E. The evolution in the convenience store and service station industries described above has outpaced Carson's Zoning Code: the Zoning Code only contemplates service station uses, which are facilities where the main purpose is to provide fuel for motor vehicles. The City requires convenience stores affiliated with gas stations to obtain a Conditional Use Permit if they are located within 300 feet from a school. However, if the distance to schools is greater than 300 feet, a Conditional Use Permit is not required, and they may not conduct alcohol sales. Therefore, the Zoning Code's provisions for regulating convenience stores affiliated with gas stations, CMC § 9138.12(A)(6), are inadequate to address the permitting of these businesses.

F. The Zoning Code does not have specific provisions governing the location and operation of convenience stores with associated gasoline sales. Such businesses are generally considered retail uses and have heretofore not been required to obtain a Conditional Use Permit (unless they are located within 300 feet of a school). Currently convenience stores may not conduct "off-sale" alcohol sales within 300 feet of schools. CMC §§ 9238.12(A)(6), 9138.5.

G. "Convenience stores with associated gasoline sales" is a very broad category of retail with unique land use implications depending on the configuration of the permitted use. Traffic impacts, as calculated by the Institute of Transportation Engineers (ITE) can vary greatly across the category of "retail." Under our current code provisions, almost any commercial space of the right dimensions can be leased to a convenience store and be subject to very few restrictions, aside from regulations on alcohol. As an example, a project could meet the parking standard of one space per 300 square feet of retail and still create negative traffic and parking impacts.

H. The City needs time to draft a proposed text amendment to the Zoning Code (and, if applicable, to the General Plan) to adequately address the location and operation of modern convenience stores with associated gasoline sales. Other than distance from schools and parks, based on the sale of alcohol, other site factors that should be considered in the location of such high-impact businesses, especially in regards to trip generation as described below.

I. Trip Generation Rates for convenience stores: Time is required for staff to adequately assess traffic impacts, due to the very high trip generation rates of convenience stores and gas stations. Compared to other small retail land uses, convenience stores and gas stations generate a tremendous number of daily trips. "Trip Generation Rate" means the number of average weekday trips generated by a particular land use. The Trip Generation Rate for each of the following land-use categories is the rate published by the ITE, 8th edition.

Land Use	Daily Trip Generation Rate	Unit
Outdoor Materials/ Garden Center	96.21	Per acre of improved area
New/Used Car Sales (compute both, use or the highest)	33.34 210.50	1000 Sq. Ft. of Gross Floor Area Per acre of improved area
Service Stations	168.56	Dispenser Unit serving 1 car per side at a time
Convenience Market	845.60	1000 Sq. Ft. of Gross Floor Area
Retail Store 0 to 75,000 sq.ft.	76.81	1000 Sq. Ft. of Gross Floor Area
Retail Store 130,001 to 140,000 sq. ft.	60.68	1000 Sq. Ft. of Gross Floor Area
Full Service Car Wash	273.00	Per acre of improved area

J. At its average size of 2,800 square feet, a convenience store could generate nearly 2,400 trips per day into a site, where a 50,000 square foot grocery store would be expected to

average 3,840 trips per day on a larger site, and a 130,000 square foot big box retailer (e.g., Target) would generate 7,888 trips per day on a much larger site. In cities and regions with traffic mitigation fees, convenience stores pay at a very high rate per square foot. The addition of a gas station to a convenience store further exacerbates this issue.

K. Provisions of the City's current land use plans, laws, rules, procedures and fees relating to convenience stores with associated gasoline sales need review, study, and revision in order to protect the health, safety and welfare of the citizens and visitors of the City of Carson.

L. The revisions described in Paragraph K, above, and the nature of the land use will likely result in the City amending, repealing, and/or adding provisions to the Carson Municipal Code, including the Zoning Code.

SECTION 3. MORATORIUM

During the effective period of this ordinance, no application for permit shall be accepted, no consideration of any application for permit shall be made, and no permit shall be issued by the City for the establishment or expansion of convenience stores with associated gasoline sales within the City until this ordinance has expired or has been repealed according to applicable law. Further, all processing of existing applications for permits shall be suspended immediately, except if such application is for modification or expansion of an existing facility. "Expansion" as relates to a convenience store means increasing the total size of the floor area of the business by 10% or more.

"Permit" means any City planning land use approvals, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license and/or any permits necessary for the routine maintenance the buildings or sites shall not be considered issuance of a permit.

SECTION 4. REVIEW AND STUDY

During the period of this Ordinance, the Director of Community Development or his or her designee shall review, study and propose revisions as necessary to the City's laws, rules, procedures and fees related convenience stores with associated gasoline sales, to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish or expand convenience stores with associated gasoline sales in the City, with the preservation of the health, safety and welfare of the communities surrounding the convenience stores with associated gasoline sales.

SECTION 5. EXCEPTION

If the City Council, based on substantial evidence presented in writing to the City Council at a duly noticed public meeting held no less than least 30 nor more than 90 City-working days after the City Clerk's receipt of that evidence, determines the City's receipt and consideration of an application for a permit to establish a convenience store with associated gasoline sales within the City's jurisdiction is necessary for the preservation of the public's health and safety, then such application may be filed and processed in accordance with the City's then current regulations and authority, subject to the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and any other applicable requirements.

SECTION 6. URGENCY MEASURE

It is hereby declared this Ordinance is necessary as an urgency measure for the preservation of the public health, safety and welfare. The City Council finds that the current zoning regulations and land use plans relating to convenience stores with associated gasoline sales do not adequately protect the peace, health, safety, and general welfare of the residents of the City or in communities around the City. The City Council finds that this interim urgency ordinance is necessary in order to ensure adequate regulation of convenience stores with associated gasoline sales, which regulations will serve to adequately and appropriately balance the rights of existing operators and future applicants who wish to operate convenience stores with associated gasoline sales on the one hand, with the preservation of the public health, safety, and welfare of the surrounding communities on the other hand. The facts constituting the urgency are:

1. The City of Carson does not currently have standards in its Municipal Code or Zoning Ordinance relating specifically to convenience stores with associated gasoline sales within the City.
2. Based on current Zoning Code provisions, convenience stores with associated gasoline sales are locating and expanding at locations and in a manner that negatively impacts traffic and circulation.
3. Unregulated convenience stores with associated gasoline sales may contribute to blight and "food deserts." The U.S. Department of Agriculture defines "food deserts" as parts of the country devoid of fresh fruit, vegetables, and other healthful whole foods, usually found in impoverished areas. This is largely due to a lack of grocery stores, farmers' markets, and healthy food providers.
4. To permit convenience stores with associated gasoline sales to continue locating within the City without being subject to regulations that are consistent with the General Plan, and that take into account the impacts that such businesses have, constitutes a threat to the health, safety, and welfare.
5. Convenience stores with associated gasoline sales are likely to seek to located in the City of Carson based on the lack of regulations, which will further exacerbate the impacts of such businesses.
6. Absent the adoption of this Interim Urgency Ordinance, the over-concentration of convenience stores with associated gasoline sales in the City of Carson is likely to result in the negative and harmful secondary effects described above;
7. Based on the negative and harmful secondary effects associated with improperly regulated convenience stores with associated gasoline sales, the current and immediate threat such secondary effects pose to the public health, safety and welfare, and the potential zoning conflicts that would be created by the establishment and operation of additional or expanded convenience stores with associated gasoline sales, it is necessary to extend the moratorium on the establishment and expansion of convenience stores with associated gasoline sales in the City for a period of 10 months and 15 days.

8. This extension is necessary in order to continue to protect the City and its residents, businesses, and visitors from the potential health and safety impacts of convenience stores with associated gasoline sales, including air quality, noise, traffic, parking, and other impacts, and to preserve the quality of life and protect the health, safety, and welfare of the surrounding communities.

9. This extension is immediately required to preserve the public health, safety, and welfare, to make certain that permits for convenience stores with associated gasoline sales are issued only under adequate regulations. The extension of the moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of such activities. Allowing the moratorium to expire would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that convenience stores with associated gasoline sales erected under the existing regulations may be in conflict with or frustrate the purposes of the City's General Plan.

SECTION 7. SEVERABILITY

The City Council hereby declares, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

SECTION 8. CEQA COMPLIANCE

Pursuant to Section 15001 of the California Environmental Quality Act ("CEQA") Guidelines, this interim urgency ordinance is exempt from CEQA based on the following:

(a) This ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

(b) This ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves an interim urgency ordinance extending a 45-day temporary moratorium on convenience stores with associated gasoline sales by 10 months and 15 days and does not have the potential to significantly impact the environment.

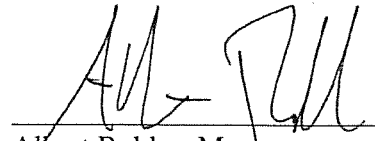
SECTION 9. PUBLICATION

The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.

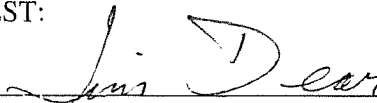
SECTION 10. EFFECTIVENESS OF ORDINANCE.

This Interim Urgency Ordinance shall become effective immediately upon adoption if adopted by at least four-fifths (4/5) vote of the City Council and shall be in effect for an additional 10 months and 15 days from the date of the expiration of the original 45-day Interim Urgency Ordinance, and shall expire on December 15, 2016.

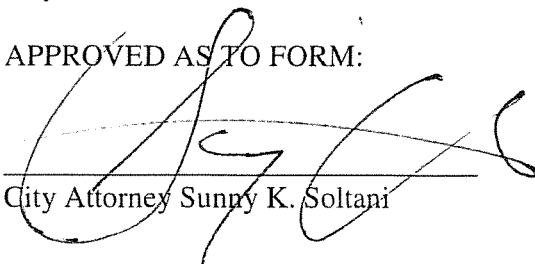
PASSED, APPROVED and ADOPTED as an URGENCY ORDINANCE this 19th day of January, 2016.


Albert Robles, Mayor
City of Carson, California

ATTEST:


Jim Dear, City Clerk
City of Carson, California

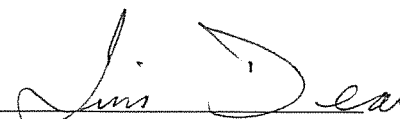
APPROVED AS TO FORM:


City Attorney Sunny K. Soltani

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

I, Jim Dear, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing ordinance, being Ordinance No. 16-1577U was adopted by the City Council on an urgency basis at a meeting of said Council, held on the 19th day of January, 2016, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Robles, Santarina, Davis-Holmes, Hilton, and Gause-Aldana
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None


City Clerk Jim Dear