



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 27, 2009

SUBJECT: Conditional use permit and security camera requirements for businesses with alcoholic beverage licenses and hotels/motels in order to address public safety concerns

APPLICANT: Planning Division

REQUEST: Recommend approval of Ordinance No. 09-1417 to require conditional use permits for Alcohol and Beverage Control (ABC) licenses and security camera requirements for businesses with on-sale and off-sale alcoholic beverage licenses and hotels/motels within the city of Carson

PROPERTY INVOLVED: Citywide

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Cannon
		Vice-Chair Saenz			Gordon
		Brimmer			Graber
		Brown			Verrett

Item No. 11B

I. Introduction

On April 17, 2007, the City Council discussed and considered a draft ordinance to establish security camera requirements for businesses operating late at night within the city of Carson. The City Council referred the draft ordinance (Exhibit No. 1) to the Planning Commission for consideration and recommendation to the City Council.

On November 13, 2007, the Planning Commission conducted a workshop to discuss a potential ordinance amendment to the Carson Municipal Code establishing security camera requirements for businesses operating late at night. The Planning Commission directed staff to conduct further research and prepare an ordinance amendment establishing security requirements for commercial businesses (Exhibit No. 2).

On November 24, 2008, the Planning Commission conducted a workshop to discuss the research completed by staff and directed staff to prepare a draft ordinance addressing security camera requirements for businesses with alcoholic beverage licenses and Hotels/Motels and establishing conditional use permits requirements for Alcoholic and Beverage Control (ABC) licenses (Exhibit No. 3).

II. Background

The research requested by the Planning Commission on November 13, 2007 identified that the majority of Part I crimes (homicide, armed robbery, burglary, etc.) for commercial/retail businesses occurred during daylight hours and/or before midnight. For a one-year time period between the months of September 2007 to September 2008, less than 10 percent of Part 1 crimes occurred between the late-night hours of 12 a.m. to 5 a.m. In addition, staff discovered that the majority of retail/commercial armed or strong-armed robberies occurred at locations with an on-sale or off-sale ABC license. Approximately 70 percent of armed or strong-armed robberies occurred in locations that sold on-sale or off-sale liquor.

Hotels and Motels were also identified to be uses most sensitive to criminal activities. There are ten (10) hotels and motels in the city of Carson. Four (4) addresses were identified to be in the top 15 with the most Part I Crime reports. The four (4) hotels/motels in the top 15 had a total of 50 reports within a one-year time period.

Staff has prepared a draft ordinance requiring a conditional use permit for on-sale/off-sale ABC licenses, and requiring businesses with an ABC license and hotels/motels to install security cameras due to their sensitivity and vulnerability to crime.

III. Analysis

Current City Standards

Over the past several years, the Sheriff's Department began encouraging the installation of security cameras during the review of discretionary permits via the conditions of approval. Beyond these standard recommendations submitted by the Sheriff's



Department, the city does not have any additional requirements within the Carson Municipal Code (CMC) for the installation of security cameras for businesses within the city.

The city currently automatically permits ABC licenses in conjunction with bona fide restaurants or a department store/supermarket. The city requires a conditional use permit for ABC licenses in conjunction with variety stores, drug stores, markets, grocery stores, take-out food, liquor stores, cocktail lounges, bars, pool halls, billiards, night clubs, and eating establishments other than bona fide restaurants. In conjunction with a conditional use permit, Carson Municipal Code (CMC) Section 9138.5 restricts the following:

- New off-sale license (incidental) from establishing within three hundred (300) feet of any school or park;
- New off-sale business (primary) from establishing within three hundred (300) feet of any school, park or church;
- The total number of on-sale businesses in the city from exceeding eighty-five (5); and
- The total number of off-sale businesses in the city from exceeding seventy (70).

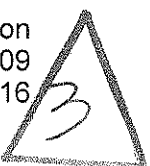
The current requirements for a conditional use permit and those stated in CMC Section 9138.5 only apply to licenses obtained after January 21, 1983 or to new on-sale/off-sale ABC licenses. CMC Section 9182.21 require licenses acquired prior to January 21, 1983 to be conforming only if the business knowingly allows nuisance activities to occur during a specified time period or if the business license for such business were to lapse for more than thirty days (30) after written notification sent by certified mail. The city's current requirements do not allow the city to have proper review over some uses that may generate noise, safety, and other adverse impacts to the community.

The city requires all hotel/motel uses to obtain a conditional use permit. Additional requirements are not specified in the CMC. A review of existing CUP's for hotel/motel uses indicates that the requirement of security cameras was not included as a condition of approval.

Proposed Ordinance

The draft ordinance will address existing and future on-sale/off-sale ABC licenses within the city and require them to obtain a conditional use permit and install security cameras in addition to the existing conditions within CMC 9138.5. The draft ordinance will also require hotel/motels to install indoor and outdoor security cameras.

The draft ordinance proposes the following restrictions (for the complete ordinance and all restrictions, please see Exhibit No. 4):



Permitted Uses

- Article IX, Chapter 1, Part 3, Division 1, Section 9131.1 of the Carson Municipal Code entitled "Uses Permitted" (amendments are in *italics* and underlined; deletions are shown in strikethrough):

"Division 1. Uses Permitted

§ 9131.1 Uses Permitted.

Uses are permitted in the commercial zones as indicated in the following table:

	ZONES					
	CN	CR	CG	CA	MU-CS	MU-SB
Alcoholic Beverage Sales and Services:						
<u>Alcoholic beverage sales and services in conjunction with any retail store or establishment (subject to the requirements of CMC 9138.5)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Alcoholic beverage sales in conjunction with a department store or supermarket.	X	X	X		X	X
Alcoholic beverage sales in conjunction with variety store, drug store, mini-market, drive-through market, food store or grocery store excluding a supermarket, take-out food, liquor store (subject to the requirements of CMC 9138.5).	C	C	C	C	C	C
Alcoholic beverage sales and service in conjunction with cocktail lounge, bar, arcade, pool hall, billiards, card room, bowling alley, indoor theater, night club, and an eating establishment other than a bona fide restaurant (subject to the requirements of CMC 9138.5).	C	C	C		L	L
Alcoholic beverage sales and service in conjunction with a bona fide restaurant.	X	X	X	X	X	X
<u>Alcoholic beverage sales and service in conjunction with a bona fide restaurant that provides entertainment (subject to the requirements of CMC 9138.5).</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>



	CN	CR	CG	CA	MU-CS	MU-SB
Transient Hotel:						
Transient hotel, motel (<i>subject to the requirements of CMC Section 9138.19</i>)	C	C	C		C"	

- Article IX, Chapter 1, Part 3, Division 8, Section 9138.17 of the Carson Municipal Code entitled "Mixed Use – Carson Street (MU-CS)" (amendments are in *italics* and underlined; deletions are shown in strikethrough):

" C. Permitted Land Uses

All uses within the Mixed Use-Carson Street District is subject to Site Plan and Design Review per Section 9172.23.

1. Permitted and Conditional Uses

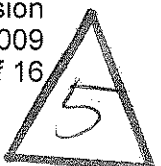
Residential Uses:

Multiple-family dwellings	CUP
Residential Condominiums	CUP
Live/Work Residential Units	CUP
Mixed-use Residential/Commercial	CUP
Mobilehome Park	CUP
Community Care Residential Facility	CUP
Community Day Care Facility	CUP
Transient Hotel, Motel (<i>subject to the requirements of CMC Section 9138.19</i>)	CUP

Alcohol Beverage Sales and Services
 Alcohol beverage sales in conjunction with
 Department store or supermarket

Alcohol Beverage Sales and Services in conjunction with any retail store or establishment (subject to the requirements of Section 9138.5) CUP

~~Alcoholic beverage sales in conjunction with a variety store, drug store, mini-market, food store or grocery store excluding supermarket, take out food and liquor store (subject to requirements of Section 9138.5)~~ CUP



~~Alcohol beverage sales and service in conjunction with a cocktail lounge, bar, indoor theater, night club and an eating establishment other than a bona fide restaurant (subject to the requirements of Section 9138.5)~~ CUP

Alcohol beverage sales and service in conjunction with a bona fide restaurant.

Alcohol beverage sales and service in conjunction with a bona fide restaurant that provides entertainment (subject to the requirements of Section 9138.5). CUP

- Article IX, Chapter 1, Part 4, Section 9141.1 of the Carson Municipal Code entitled "Uses Permitted" (amendments are in *italics* and underlined):

	Zones	
	ML	MH
<p>Uses Permitted in Commercial Zones: Any principal use permitted in any commercial zone, whether automatically (X), with limitation (L), or by conditional use permit (C), is automatically permitted in the industrial zones, subject to the same requirements specified for such use in the commercial zones, except the following:</p>		
Residential:		
Mobile home park.	Not permitted	
Group quarters for members of a religious order.	Not permitted	
Community residential care facility, boarding or rooming house, fraternity or sorority house, dormitory, residential hotel or similar group quarters, motel units with kitchens.	Not permitted	



<u>Transient hotel, motel (subject to the requirements of CMC section 9138.19)</u>	<u>C</u>	<u>C</u>
Alcoholic beverage sales and services:		
Alcoholic beverage sales in conjunction with variety store, drug-store, mini market, drive-through market, food store, or grocery store excluding a supermarket, take-out food, liquor store, subject to requirements of CMC 9138.5.	C	C
Alcoholic beverage sales and services in conjunction with cocktail lounge, bar, arcade, pool hall, billiards, card room, bowling alley, indoor theater, night club and eating establishment other than a bona fide restaurant, subject to requirements of CMC 9138.5.	C	C
<u>Alcoholic beverage sales and services in conjunction with a bona fide restaurant that provides entertainment, subject to the requirements of CMC 9138.5</u>	<u>C</u>	<u>C</u>



ABC License

- Article IX, Chapter 1, Part 3, Division 8, Section 9138.5 of the Carson Municipal Code entitled "Alcoholic Beverage Sales and Services" (additions are in *italics* and underlined):

"Section 9138.5 Alcoholic Beverage Sales and Services

In conjunction with alcoholic beverage sales and services, the following requirements shall be met:

A. After the effective date of Ordinance No. 01-1231, no off-sale business (incidental) shall be established within three hundred (300) feet of any school or park, and no off-sale business (primary) shall be established within three hundred (300) feet of any school, park or church. The distances set forth in the preceding sentence shall be determined by measuring from lot line to lot line.

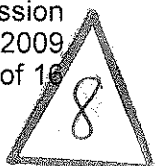
The total number of on-sale business shall not exceed eighty-five (85).

The total number of off-sale businesses shall not exceed seventy (70).

B. The following requirements shall only be applied to Type 20 and 21 off-sale ABC licenses and Type 40, 41, 42, 48, 51, 61, 62, and 75 on-sale ABC licenses as defined by the California Department of Alcoholic Beverage Control. All other types of on-sale or off-sale ABC licenses are permitted and not required to obtain a conditional use permit and exempt from the following requirements:

All businesses with either an on-sale or off-sale license listed above shall submit a Security Camera Plan which will describe the quantity, location, type, operation and maintenance standards for all equipment. The Security Camera Plan shall be reviewed and approved by the Planning Division with consultation from the Los Angeles County Sheriff's Department. Said plan shall include installation of a minimum of two (2) indoor security cameras positioned to view the cash register and the main entrance. Additional or alternative locations may be required based upon individual circumstances associated with each business location.

C. The business will be required to obtain an annual field inspection review by the Planning Division to determine compliance with the approved Security Camera Plan and to verify that the security cameras, recording device, and viewing capabilities are maintained at an acceptable standard. Any deficiencies with the Security Camera Plan that are not corrected to the satisfaction of the Planning Division shall be submitted to the Commission upon written request by the Director, the business owner or authorized representative. The Commission may modify the Security Camera Plan as deemed necessary to achieve an acceptable standard.



D. Businesses are encouraged to develop a Security Camera Plan that includes the ability to register a Uniform Resource Locator (URL) address with the Los Angeles County Sheriff's Department to provide real-time internet viewing capabilities. If the business is determined to be associated with an unusual level of criminal activity, the Planning Division shall forward a report to the Commission with an evaluation of the adequacy of the Security Camera Plan. The Commission shall determine if the Security Camera Plan should be modified to require registration of an Uniform Resource Locator (URL) address to the Los Angeles County Sheriff's Department.

Hotel/Motel

- Section 9138.19 of the Carson Municipal Code entitled "Transient Hotel, Motel" will be added as follows:

"Section 9138.19 Transient Hotel, Motel

A. All Hotel/Motels shall submit a Security Camera Plan which will describe the quantity, location, type, operation and maintenance standards for all equipment. The Security Camera Plan shall be reviewed and approved by the Planning Division with consultation from the Los Angeles County Sheriff's Department. Said plan shall include installation of a minimum of two (2) indoor security cameras positioned to view the cash register and the main entrance and two (2) outdoor security cameras positioned to view the main parking lot entrances/exits. Outdoor security cameras must provide a clear day-time/night-time surveillance of at least 50 feet. Additional or alternative locations may be required based upon individual circumstances associated with each business location.

B. The business will be required to obtain an annual field inspection review by the Planning Division to determine compliance with the approved Security Camera Plan and to verify that the security cameras, recording device, and viewing capabilities are maintained at an acceptable standard. Any deficiencies with the Security Camera Plan that are not corrected to the satisfaction of the Planning Division shall be submitted to the Commission upon written request by the Director, the business owner or authorized representative. The Commission may modify the Security Camera Plan as deemed necessary to achieve an acceptable standard.

C. If the Hotel/Motel has a lot greater than 50,000 square feet, an additional outdoor security camera may be required for each additional 5,000 square feet, but not to exceed a total of five (5) outdoor security cameras. The requirements for additional cameras will be dependent on the site and subject to consideration and review by the Planning Division with consultation from the Los Angeles County Sheriff's Department. Hotels and Motels with less than fifty (50) rentable units are exempt from the requirements of providing additional outdoor security cameras.



D. If the Hotel/Motel has a shared parking agreement with more than one other use, the Hotel/Motel shall be responsible for a minimum of two (2) outdoor security cameras and may be responsible for up to two (2) additional outdoor security cameras. The requirements for additional cameras will be dependent on the site and subject to consideration and review by the Planning Division. Hotels and Motels with less than fifty (50) rentable units are exempt from the requirements of providing additional outdoor security cameras.

E. If for any reason the locations of the security cameras are unnecessary or inappropriate for surveillance, the locations of the security cameras may be altered. All locations must be to the satisfaction of the Planning Division.

F. Businesses are encouraged to develop a Security Camera Plan that includes the ability to register a Uniform Resource Locator (URL) address with the Los Angeles County Sheriff's Department to provide real-time internet viewing capabilities. If the business is determined to be associated with an unusual level of criminal activity, the Planning Division shall forward a report to the Commission with an evaluation of the adequacy of the Security Camera Plan. The Commission shall determine if the Security Camera Plan should be modified to require registration of an Uniform Resource Locator (URL) address to the Los Angeles County Sheriff's Department.

Nonconforming

- Article IX, Chapter 1, Part 8, Division 2, Section 9182.21 and Section 9182.22 of the Carson Municipal Code entitled "Nonconforming Use Eligible for Conditional Use Permit or Other Approval" and "Termination of Existing Nonconforming Use" (additions are in *italics* and underlined; deletions are shown in strikethrough):

"Section 9182.21 Nonconforming Use Eligible for Conditional Use Permit or Other Approval

Any use lawfully established as an automatically permitted use which subsequently is designated as a use requiring a conditional use permit or other special approval shall be considered to be a nonconforming use until such time as a conditional use permit or other such special approval is granted.

In granting a conditional use permit or special approval for such use, conditions may be included which provide for either the continuation of termination of each nonconformity existing on the site. Such conditional use permit or other approval shall not authorize the creation of additional or expanded uses or facilities which are not in conformance with current regulations. Any extension of nonconformity beyond the time limit otherwise required shall be subject to the criteria of CMC 9172.25 (D).



This Section shall not apply to:

A. Those uses lawfully established on property prior to the designation of said property as ORL (Organic Refuse Landfill) and which would not be subject to the requirements of a conditional use permit except for such designation.

B. Mobile home, and trailer parks lawfully established on property in the residential and commercial zones prior to enhancement of the conditional use permit requirement. (Ord. 78-449; Ord. 81-585, § 3)

~~C. C. Deleted by Ordinance No. 09-1417. Existing alcoholic beverage sales and service business lawfully established on property in the commercial and industrial zones prior to January 21, 1983. Notwithstanding the preceding, the provisions of this Section shall apply to each business that ceases to operate continuously without substantial change in mode or character of operation. Additionally, the provisions of this Section shall apply to each such business that does any of the following:~~

~~1. Knowingly allows, during three (3) or more months within any twenty four (24) month period, a nuisance activity to occur within the premises or in close proximity to the premises. For purposes of this provision, "nuisance activity" refers exclusively to the following: disturbance of the peace, illegal drug activity, public drunkenness, public alcohol consumption, public urination, and excessive loud noise.~~

~~2. Allow the business license for such business to lapse for more than thirty (30) days after written notification of the lapse. The written notification shall be provided by either (a) hand delivery, receipt of which shall be acknowledged in writing, to the store operator at the business address; (b) certified mail, return receipt requested to both the business address and the address listed on the business license; or (c) other method offering equivalent proof of actual notice.~~

~~— Any existing alcoholic beverage sales and service business that does any of the above shall, upon determination of the Planning Commission after a public hearing, be considered a nonconforming use until such time as a conditional use permit is granted. The Planning Commission shall make such determination by resolution, and shall specify in its resolution the grounds resulting in the nonconforming use designation. The Planning Commission's determination may be appealed to the City Council in accordance with CMC 9173.4. Alcoholic beverage sales at each such business shall terminate no later than sixty (60) days from the date of the nonconforming use designation by the Planning Commission, or the date of the City Council's decision on appeal if an appeal was timely filed and the nonconforming use designation was upheld, unless an application for a conditional use permit has been filed for the business. Each such business shall thereafter be operated in accordance with the terms of the approved conditional use permit or shall cease alcoholic beverage sales if the conditional use permit application is denied. (Ord. 78-449; Ord. 81-585, § 3; Ord. 82-621, § 5; Ord. 01-1231, § 3)~~

D. Reserved.

E. Existing multiple dwelling and planned unit developments lawfully established on property within multiple dwelling residential zones prior to September 20, 1984.

F. Existing, lawfully established residential uses located within a Mixed-Use (MU) District prior to the enactment of the conditional use permit requirement, except as provided in CMC 9182.1.



G. Lawfully established restaurants and service stations which received discretionary approval within the last five (5) years from the date of a zone change to the CA (Commercial, Automotive) Zone District.

H. Existing, lawfully established truck terminals prior to the enactment of the Conditional Use Permit requirement, as described in CMC 9182.27. (Added by Ord. 84-700, § 6; Ord. 94-1039, § 6; Ord. 03-1279, § 25; Ord. 04-1308, § 7; Ord. 06-1363, § 9)

Section 9182.22 Termination of Existing Nonconforming Use.

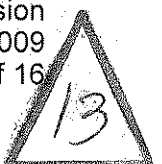
A lawfully established use which becomes a nonconforming use, including any buildings, structures or facilities designed or intended only for uses which are nonconforming, shall be terminated and such buildings, structures or facilities shall be removed or made conforming in all respects within the time period specified in subsection A or B of this Section, whichever is applicable and results in the later termination date.

A. The time period indicated in the following table measured from the date of becoming a non conforming use:

Use	Allowable Life
Use of land without buildings or structures.	1 year
Use involving only buildings or structures which would not require a building permit to replace such buildings or structures (but not including a mobile home park).	3 years
Mobile home park; mobile homes on individual lots.	35 years
Use involving buildings or structures which would require a building permit to replace such buildings or structures.	20 years
Outdoor advertising use.	5 years
Trailer parks	20 years
Producing oil wells, oils storage tanks.	20 years



Sale of convenience goods at automobile service stations within 300 feet of any school.	20 years
Arcades	5 years
Existing indoor mini-marts, auction house.	10 months
Truck-related uses defined in CMC 9148.8 which require a conditional use permit.	1 year
Cargo Container Storage; provided, however, that effective February 5, 1988: (1) No cargo container storage shall be permitted within fifty (50) feet of any residentially zoned property which involves any stacking more than one (1) container high; (2) No cargo container storage shall be permitted within one hundred (100) feet of any residentially zoned property which involves any stacking more than two (2) containers high; and (3) In no event shall any cargo container storage be permitted on any site which involves any stacking more than three (3) containers high.	6 months
Existing food/grocery stores in residential zones.	Expires December 31, 2003
Multiple-family residential uses located within a Mixed-Use (MU) District with ten (10) or more units (except existing mobile home parks), subject to CMC 9182.24.	2 years
Adult Business	5 years



Massage service.	1 year
Tattoo service	1 year
Wireless telecommunications facility, transmitter, receiver or repeater station – radio, television, microwave.	5 years
Second dwelling unit.	5 years
Vehicle repair and service located within the Commercial, Regional (CR) Zone, the Mixed-Use Residential (MUR) Overlay District and properties in all zones within one hundred (100) feet of residential zones, subject to CMC 9182.26.	5 years
Truck yard.	1 year
<u>Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only (subject to the requirements of 9138.5)</u>	<u>3 years</u>
<u>Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only with a conditional use permit shall be subject to the requirements of 9138.5</u>	<u>1 year</u>
<u>Transient Hotels, motels with a conditional use permit shall be subject to the requirements of 9138.19</u>	<u>1 year</u>



Impacts

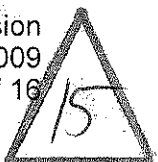
Below is a general table identifying the impacts of the draft ordinance:

Type of Business	Requirements of the proposed Ordinance
New Business requesting an ABC license or new Hotel/Motel	Will be required to meet all requirements of the draft ordinance and procedures for a CUP stated in the CMC.
Existing ABC license without a CUP	Will be required to obtain a CUP within 3 years and install security cameras. This business may be subject to additional review and requirements beyond security cameras. *Hotels/Motels are currently required to obtain a CUP.
Existing Hotel/Motel/ABC license with a CUP but no security cameras	Will be required to install security cameras and submit a security camera plan within one (1) year. This business may be subject to additional review at a staff level.
Existing Hotel/Motel/ABC license with a CUP and security cameras	Will be required to submit a security camera plan within one (1) year. This business may be subject to additional review at a staff level.

IV. Recommendation

That the Planning Commission:

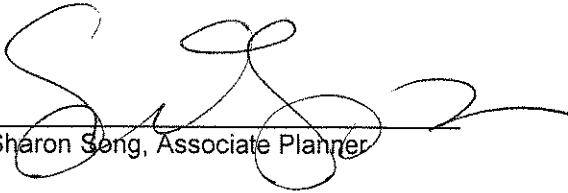
WAIVE further reading and RECOMMEND APPROVAL of Resolution No. 09-__ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING TO CITY COUNCIL THE APPROVAL OF AN ORDINANCE TO AMEND THE CARSON MUNICIPAL CODE, ARTICLE IX (PLANNING AND ZONING), SECTION 9131.1, SECTION 9138.17, SECTION 9141.1, SECTION 9138.5, SECTION 9182.21, SECTION 9182.22 AND ADDING SECTION 9138.19 IN REGARDS TO CONDITIONAL USE PERMIT REQUIREMENTS FOR ALCOHOL AND BEVERAGE CONTROL LICENSES AND SECURITY CAMERA REQUIREMENTS FOR HOTELS/MOTELS AND BUSINESSES WITH LIQUOR LICENSES".



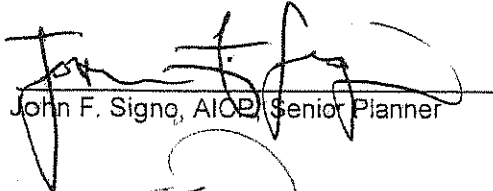
V. Exhibits

1. City Council minutes dated April 17, 2007. (pg. 17)
2. Planning Commission minutes dated November 13, 2007. (pg. 18-19)
3. Planning Commission minutes dated November 24, 2008. (pgs. 20)
4. Draft Resolution. (pgs. 21-35)

Prepared by:


Sharon Seng, Associate Planner

Reviewed by:


John F. Signo, AICP, Senior Planner

Approved by:


Sheri Repp, Planning Manager



ITEM NO. (28) CONSIDERATION OF ORDINANCE NO. 07-1380 AND WHETHER TO ESTABLISH SECURITY CAMERA REQUIREMENTS FOR BUSINESSES OPERATING LATE AT NIGHT WITHIN THE CITY OF CARSON (CITY MANAGER)

This item was heard after Item No. 27.

Public Comments

Robert Lesley, P. O. Box 11634, Carson, California 90746, commented that this requirement would become an issue with businesses.

RECOMMENDATION for the City Council:

TAKE the following actions:

1. CONSIDER and PROVIDE suggestions on draft Ordinance No. 07-1380, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ESTABLISHING SECURITY CAMERA REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS OPERATING LATE AT NIGHT WITHIN THE CITY OF CARSON."
2. REFER Ordinance No. 07-1380 to the Planning Commission for consideration and recommendation to the City Council as required by the Carson Municipal Code § 9172.11.

ACTION: It was moved to Approve staff recommendation No. 2 on motion of Dear and accepted without objection.

Exhibit 1

**MINUTES
CITY OF CARSON
PLANNING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS, CARSON CITY HALL, 2ND FLOOR
CARSON, CALIFORNIA 90745**

NOVEMBER 13, 2007 – 6:30 P.M.

10. NEW BUSINESS DISCUSSION

- A) Workshop to discuss proposed ordinance amendment to the Carson Municipal Code establishing security camera requirements for businesses operating late at night**

Applicant's Request:

The applicant, Development Services Group – Planning Division, is requesting the Commission direct staff to prepare an ordinance amendment establishing security requirements for commercial businesses citywide.

Staff Report and Recommendation:

Planning Consultant Lopez-Tenes presented staff report and the recommendation to consider and discuss draft Ordinance No. 07-1380 and direct staff to conduct further research and outreach as necessary to provide an effective means of establishing security requirements for commercial businesses.

Commissioner Verrett expressed her belief some of the more technical issues related to type of equipment should be decided by City staff, not the Commission.

Commissioner Saenz noted his support for additional security measures for commercial businesses operating late at night and early morning; and stated the cameras are a crime deterrent, noting they may also reduce insurance costs for the businesses.

Commissioner Cannon addressed his concern with government policy impacting businesses in this manner; and he questioned if any subsidies would be available to the small business owners.

Aly Rousey, representative for the Carson Mobil matter this evening, noted her opposition to the URL system, questioning whether that carries with it too much government control. She stated her station has a number of security cameras.

Vice-Chair Hudson stated she is against the URL system if anyone can tap into that system; and noted her concerns with the financial impacts this additional requirement would have upon each business and upon the City, noting it can become labor intensive for City staff. She suggested leaving the implementation of a URL system up to the decision of a business owner.

Planning Manager Repp stated that at a minimum, businesses should have digital recording capabilities and noted that the business owners will be invited to a workshop/meeting to provide their input.

Chairman Faletogo stated these cameras are a crime deterrent.

The Commission addressed the following: cost of utilizing a URL system; impact to insurance costs; possible availability of subsidies; monitoring costs to the City and business owner; number of cameras being considered for each business; display of security decals and warning announcements that cameras are operating; how will the City over-see the operating condition of these cameras; and possible fees.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Chairman Faletogo, to direct staff to conduct further research and outreach as necessary to provide an effective means of establishing security requirements for commercial businesses; and directed staff to do further research on the following: cost of utilizing a URL system; impact to insurance costs; possible availability of subsidies; and monitoring costs to the City and business owner. Motion carried (absent Commissioner Graber).

MINUTES
CITY OF CARSON
PLANNING COMMISSION SPECIAL MEETING
CITY COUNCIL CHAMBERS
701 East Carson Street, 2nd Floor Carson, CA 90745

November 24, 2008 – 6:30 P.M.

11. NEW BUSINESS DISCUSSION

- B) Workshop to discuss Conditional Use Permit and security camera requirements for alcohol licenses and hotels/motels in order to address public safety concerns**

Applicant's Request:

The applicant, city of Carson – Planning Division, is requesting the Planning Commission direct staff to draft an ordinance to require Conditional Use Permits and security cameras for on-sale and off-sale alcohol licenses and hotels/motels within the city of Carson.

Staff Report and Recommendation:

Associate Planner Song presented staff report and the recommendation to consider and discuss staff's recommendation to require conditional use permits and security cameras for all on-sale/off-sale ABC licenses and the installation of security cameras for all hotel/motel uses within the city and direct staff to draft an ordinance in preparation for a public hearing or additional workshop; or to receive and file.

Sheriff's Captain Todd Rogers explained that security cameras have been proven to be crime deterrent devices and stated it is a great investigative tool when crimes have been committed. He added that he would like to have live video feed from the business establishments, noting it assists in safer emergency service.

Commissioner Cannon questioned whether the City would be helping those small business establishments pay for the security camera equipment if those businesses could prove there was a financial hardship.

Planning Manager Repp stated the City's Commercial Rehab Program may be able to provide assistance with the equipment; and she added that minimally priced equipment and a CUP would likely cost less than \$2,500.

Planning Commission Decision:

Commissioner Verrett moved, seconded by Commissioner Graber, to direct staff to do further analysis following this evening's discussion, to refine the recommendations and bring back to the Commission an ordinance to require conditional use permits and security cameras for businesses with on-sale and off-sale alcohol licenses and motels/hotels. Motion carried.

Commissioner Cannon stated he'd like a condition added to offer some assistance for those businesses that can prove a financial hardship with implementation of this requirement.

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 09-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING TO CITY COUNCIL THE APPROVAL OF AN ORDINANCE TO AMEND THE CARSON MUNICIPAL CODE, ARTICLE IX (PLANNING AND ZONING), SECTION 9131.1, SECTION 9138.17, SECTION 9141.1, SECTION 9138.5, SECTION 9182.21, SECTION 9182.22, AND ADDING SECTION 9138.19 IN REGARDS TO CONDITIONAL USE PERMIT REQUIREMENTS FOR ALCOHOL AND BEVERAGE CONTROL LICENSES AND SECURITY CAMERA REQUIREMENTS FOR HOTELS/MOTELS AND BUSINESSES WITH LIQUOR LICENSES

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

Section 1. The Planning Commission is recommending approval of an ordinance amendment as described in Exhibit "A" attached hereto to the Carson City Council. The proposed ordinance amends Article IX (Planning and Zoning), section 9131.1, section 9138.17, section 9138.5, section 9182.21, and adding section 9138.19 to establish conditional use permit requirements for alcohol and beverage control licenses and require security cameras for businesses with liquor licenses and hotels/motels. The ordinance also amends section 9131.1 of the Carson Municipal Code to permit hotels/motels uses with a conditional use permit in the Mixed Use- Carson Street zoning district. A public hearing was duly held on January 27, 2009, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The proposed ordinance requiring security cameras for businesses with liquor licenses and Hotels/Motels, and conditional use permit requirements for ABC licenses supports and is consistent with the City of Carson General Plan.
- b) The implementation of the proposed ordinance facilitates the on-going protection of the health, safety and welfare of the Carson community.

Section 4. The Planning Commission further finds that proposed Ordinance No. 09-1417 is exempt from the California Environmental Quality Act (CEQA) Guidelines per Section 15061(b)(3), which exempts projects where it can be positively determined that the activity does not have the potential to cause a significant effect on the environment. The Planning Commission determines that Ordinance No. 09-1417 will not impact the environment.

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



Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 27th DAY OF JANUARY, 2009

CHAIRMAN

ATTEST:

SECRETARY



DRAFT ORDINANCE NO. 09-1417

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, TO AMEND THE CARSON MUNICIPAL CODE, ARTICLE IX (PLANNING AND ZONING), SECTION 9131.1, SECTION 9138.17, SECTION 9141.1, SECTION 9138.5, SECTION 9182.21, SECTION 9182.22 AND ADDING SECTION 9138.19 IN REGARDS TO CONDITIONAL USE PERMIT REQUIREMENTS FOR ALCOHOL AND BEVERAGE CONTROL LICENSES AND SECURITY CAMERA REQUIREMENTS FOR HOTELS/MOTELS AND BUSINESSES WITH LIQUOR LICENSES

WHEREAS, on November 4, 2006, a late-night homicide at a local convenience store brought on concerns for public safety and reliable security cameras to aid in protecting the public; and

WHEREAS, businesses with an on-sale or off-sale Alcoholic and Beverage Control (ABC) license made up approximately forty (40) percent of the Part I crimes within a one (1) year time period; and

WHEREAS, businesses with an on-sale or off-sale ABC license generated approximately sixty (60) percent of robbery and aggravated assault reports within a one (1) year time period; and

WHEREAS, hotels and motels were identified to be one of the most vulnerable uses for Part I crimes; and

WHEREAS, because of the evidence showing these uses to be most vulnerable to crime, the city believes there is a need to provide additional review and requirements for security cameras.

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

Section 1. That the City Council, exercising their independent judgment, finds that the proposed code amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines per Section 15061(b)(3), which exempts projects where it can be positively determined that the activity does not have the potential to cause a significant effect on the environment. The City Council determines that the proposed Code Amendment will not impact the environment.



Section 2. Article IX, Chapter 1, Part 3, Division 1, Section 9131.1 of the Carson Municipal Code entitled "Uses Permitted" with sub-heading "Alcoholic Beverage Sales and Services" and "Transient Hotel" is hereby amended, as follows (amendments are in *italics* and underlined ; deletions are shown in strikethrough):

"Division 1. Uses Permitted

§ 9131.1 Uses Permitted.

Uses are permitted in the commercial zones as indicated in the following table:

USES PERMITTED IN COMMERCIAL ZONES						
Legend						
X.	Automatically permitted use.					
L.	Automatically permitted use provided special limitations and requirements are satisfied as noted herein or in Division 8 of this Part.					
D.	Use permitted subject to the approval of the Director.					
LD.	Use permitted provided special limitations and requirements are satisfied as noted herein, in Division 8 of this Part and in Division 8 of Part 2, and subject to the approval of the Director.					
C.	Use permitted upon approval of a conditional use permit.					
CC.	Use permitted upon approval of the City Council as prescribed, under other provisions of the Carson Municipal Code.					
All commercial uses permitted by this Part shall be subject to the requirements contained in CMC 9172.23, Site Plan And Design Review, except temporary uses (See CMC 9131.1). (Ord. 84-704)						
	ZONES					
	CN	CR	CG	CA	MU-CS	MU-SB
Alcoholic Beverage Sales and Services:						
<i>Alcoholic beverage sales and services in conjunction with any retail store or establishment (subject to the requirements of CMC 9138.5, 9138.17, and 9138.18)</i>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Alcoholic beverage sales in conjunction with a department store or supermarket.	X	X	X		X	X



	ZONES					
	CN	CR	CG	CA	MU-CS	MU-SB
Alcoholic beverage sales in conjunction with variety store, drug store, mini-market, drive-through market, food store or grocery store excluding a supermarket, take-out food, liquor store (subject to the requirements of CMC 9138.5).	C	C	C	C	C	C
Alcoholic beverage sales and service in conjunction with cocktail lounge, bar, arcade, pool hall, billiards, card room, bowling alley, indoor theater, night club, and an eating establishment other than a bona fide restaurant (subject to the requirements of CMC 9138.5).	C	C	C		L	L
Alcoholic beverage sales and service in conjunction with a bona fide restaurant.	X	X	X	X	X	X
<i>Alcoholic beverage sales and service in conjunction with a bona fide restaurant that provides entertainment (subject to the requirements of CMC 9138.5).</i>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Transient Hotel:						
Transient hotel, motel (<i>subject to the requirements of CMC Section 9138.19</i>)	C	C	C		C	C"

Section 3. Article IX, Chapter 1, Part 3, Section 9138.17 of the Carson Municipal Code entitled "Mixed Use – Carson Street (MU-CS)" is hereby amended, as follows (additions are in *italics* and underlined):

" C. Permitted Land Uses

All uses within the Mixed Use-Carson Street District is subject to Site Plan and Design Review per Section 9172.23.

1. Permitted and Conditional Uses

Residential Uses:

- | | |
|-------------------------------------|-----|
| Multiple-family dwellings | CUP |
| Residential Condominiums | CUP |
| Live/Work Residential Units | CUP |
| Mixed-use Residential/Commercial | CUP |
| Mobilehome Park | CUP |
| Community Care Residential Facility | CUP |



Community Day Care Facility CUP
Transient Hotel, Motel (*subject to the requirements of CMC Section 9138.19*) CUP

Alcohol Beverage Sales and Services:

Alcohol beverage sales in conjunction with department store or supermarket

Alcohol Beverage Sales and Services in conjunction with any retail store or establishment (subject to the requirements of Section 9138.5) CUP

~~Alcoholic beverage sales in conjunction with a variety store, drug store, mini-market, food store or grocery store excluding supermarket, take out food and liquor store (subject to requirements of Section 9138.5)~~ CUP

~~Alcohol beverage sales and service in conjunction with a cocktail lounge, bar, indoor theater, night club and an eating establishment other than a bona fide restaurant (subject to the requirements of Section 9138.5)~~ CUP

Alcohol beverage sales and service in conjunction with a bona fide restaurant.

Alcohol beverage sales and service in conjunction with a bona fide restaurant that provides entertainment (subject to the requirements of Section 9138.5). CUP



Section 4. Article IX, Chapter 1, Part 4, Section 9141.1 of the Carson Municipal Code entitled "Uses Permitted" and under the sub-headings "Residential" and "Alcoholic beverage sales and services" is hereby amended, as follows (additions are in *italics* and underlined):

	Zones	
	ML	MH
<p>Uses Permitted in Commercial Zones:</p> <p>Any principal use permitted in any commercial zone, whether automatically (X), with limitation (L), or by conditional use permit (C), is automatically permitted in the industrial zones, subject to the same requirements specified for such use in the commercial zones, except the following:</p>		
Residential:		
	ML	MH
Mobile home park.	Not permitted	
Group quarters for members of a religious order.	Not permitted	
Community residential care facility, boarding or rooming house, fraternity or sorority house, dormitory, residential hotel or similar group quarters, motel units with kitchens.	Not permitted	
<u>Transient hotel, motel</u> <u>(subject to the requirements of CMC section 9138.19)</u>	<u>C</u>	<u>C</u>



Alcoholic beverage sales and services:		
Alcoholic beverage sales in conjunction with variety store, drug-store, mini market, drive-through market, food store, or grocery store excluding a supermarket, take-out food, liquor store, subject to requirements of CMC 9138.5.	C	C
Alcoholic beverage sales and services in conjunction with cocktail lounge, bar, arcade, pool hall, billiards, card room, bowling alley, indoor theater, night club and eating establishment other than a bona fide restaurant, subject to requirements of CMC 9138.5.	C	C
<u>Alcoholic beverage sales and services in conjunction with a bona fide restaurant and entertainment, subject to requirements of CMC 9138.5</u>	<u>C</u>	<u>C</u>

Section 5. Article IX, Chapter 1, Part 3, Division 8, Section 9138.5 of the Carson Municipal Code entitled ""Alcoholic Beverage Sales and Services"" is hereby amended, in its entirety, as follows (additions are in *italics* and underlined):

“Section 9138.5 Alcoholic Beverage Sales and Services

In conjunction with alcoholic beverage sales and services, the following requirements shall be met:

A. After the effective date of Ordinance No. 01-1231, no off-sale business (incidental) shall be established within three hundred (300) feet of any school or park, and no off-sale business (primary) shall be established within three hundred (300) feet of any school, park or church. The distances set forth in the preceding sentence shall be determined by measuring from lot line to lot line.

The total number of on-sale business shall not exceed eighty-five (85).

The total number of off-sale businesses shall not exceed seventy (70).



B. The following requirements shall only be applied to Type 20 and 21 off-sale ABC licenses and Type 40, 41, 42, 47, 48, 51, 61, 62, and 75 on-sale ABC licenses as defined by the California Department of Alcoholic Beverage Control. All other types of on-sale or off-sale ABC licenses are permitted and not required to obtain a conditional use permit and are exempt from the following requirements:

All businesses with either an on-sale or off-sale license listed above shall submit a Security Camera Plan which will describe the quantity, location, type, operation and maintenance standards for all equipment. The Security Camera Plan shall be reviewed and approved by the Planning Division with consultation from the Los Angeles County Sheriff's Department. Said plan shall include installation of a minimum of two (2) indoor security cameras positioned to view the cash register and the main entrance. Additional or alternative locations may be required based upon individual circumstances associated with each business location.

C. The business will be required to obtain an annual field inspection review by the Planning Division to determine compliance with the approved Security Camera Plan and to verify that the security cameras, recording device, and viewing capabilities are maintained at an acceptable standard. Any deficiencies with the Security Camera Plan that are not corrected to the satisfaction of the Planning Division shall be submitted to the Commission upon written request by the Director, the business owner or authorized representative. The Commission may modify the Security Camera Plan as deemed necessary to achieve an acceptable standard.

D. Businesses are encouraged to develop a Security Camera Plan that includes the ability to register a Uniform Resource Locator (URL) address with the Los Angeles County Sheriff's Department to provide real-time internet viewing capabilities. If the business is determined to be associated with an unusual level of criminal activity, the Planning Division shall forward a report to the Commission with an evaluation of the adequacy of the Security Camera Plan. The Commission shall determine if the Security Camera Plan should be modified to require registration of an Uniform Resource Locator (URL) address to the Los Angeles County Sheriff's Department."



Section 6. Article IX, Chapter 1, Part 3, Division 8, Section 9138.19 of the Carson Municipal Code entitled ""Transient Hotel, Motel" is hereby added, in its entirety, as follows:

"Section 9138.19 Transient Hotel, Motel

A. All Hotel/Motels shall submit a Security Camera Plan which will describe the quantity, location, type, operation and maintenance standards for all equipment. The Security Camera Plan shall be reviewed and approved by the Planning Division with consultation from the Los Angeles County Sheriff's Department. Said plan shall include installation of a minimum of two (2) indoor security cameras positioned to view the cash register and the main entrance and two (2) outdoor security cameras positioned to view the main parking lot entrances/exits. Outdoor security cameras must provide a clear day-time/night-time surveillance of at least 50 feet. Additional or alternative locations may be required based upon individual circumstances associated with each business location.

B. The business will be required to obtain an annual field inspection review by the Planning Division to determine compliance with the approved Security Camera Plan and to verify that the security cameras, recording device, and viewing capabilities are maintained at an acceptable standard. Any deficiencies with the Security Camera Plan that are not corrected to the satisfaction of the Planning Division shall be submitted to the Commission upon written request by the Director, the business owner or authorized representative. The Commission may modify the Security Camera Plan as deemed necessary to achieve an acceptable standard.

C. If the Hotel/Motel has a lot greater than 50,000 square feet, an additional outdoor security camera may be required for each additional 5,000 square feet, but not to exceed a total of five (5) outdoor security cameras. The requirements for additional cameras will be dependent on the site and subject to consideration and review by the Planning Division with consultation from the Los Angeles County Sheriff's Department. Hotels and Motels with less than fifty (50) rentable units are exempt from the requirements of providing additional outdoor security cameras.

D. If the Hotel/Motel has a shared parking agreement with more than one other use, the Hotel/Motel shall be responsible for a minimum of two (2) outdoor security cameras and may be responsible for up to two (2) additional outdoor security cameras. The requirements for additional cameras will be dependent on the site and subject to consideration and



review by the Planning Division. Hotels and Motels with less than fifty (50) rentable units are exempt from the requirements of providing additional outdoor security cameras.

E. If for any reason the locations of the security cameras are unnecessary or inappropriate for surveillance, the locations of the security cameras may be altered. All locations must be to the satisfaction of the Planning Division.

F. Businesses are encouraged to develop a Security Camera Plan that includes the ability to register a Uniform Resource Locator (URL) address with the Los Angeles County Sheriff's Department to provide real-time internet viewing capabilities. If the business is determined to be associated with an unusual level of criminal activity, the Planning Division shall forward a report to the Commission with an evaluation of the adequacy of the Security Camera Plan. The Commission shall determine if the Security Camera Plan should be modified to require registration of an Uniform Resource Locator (URL) address to the Los Angeles County Sheriff's Department."

Section 7. Article IX, Chapter 1, Part 8, Division 2, Section 9182.21 and Section 9182.22 of the Carson Municipal Code entitled "Nonconforming Use Eligible for Conditional Use Permit or Other Approval" and "Termination of Existing Nonconforming Use" is hereby amended, in its entirety, as follows (additions are in *italics* and underlined; deletions are shown in strikethrough):

"Section 9182.21 Nonconforming Use Eligible for Conditional Use Permit or Other Approval

Any use lawfully established as an automatically permitted use which subsequently is designated as a use requiring a conditional use permit or other special approval shall be considered to be a nonconforming use until such time as a conditional use permit or other such special approval is granted.

In granting a conditional use permit or special approval for such use, conditions may be included which provide for either the continuation of termination of each nonconformity existing on the site. Such conditional use permit or other approval shall not authorize the creation of additional or expanded uses or facilities which are not in conformance with current regulations. Any extension of nonconformity beyond the time limit otherwise required shall be subject to the criteria of CMC 9172.25 (D).



This Section shall not apply to:

- A. Those uses lawfully established on property prior to the designation of said property as ORL (Organic Refuse Landfill) and which would not be subject to the requirements of a conditional use permit except for such designation.
- B. Mobile home, and trailer parks lawfully established on property in the residential and commercial zones prior to enhancement of the conditional use permit requirement. (Ord. 78-449; Ord. 81-585, § 3)
- ~~C. C. Deleted by Ordinance No. 09-XX. Existing alcoholic beverage sales and service business lawfully established on property in the commercial and industrial zones prior to January 21, 1983. Notwithstanding the preceding, the provisions of this Section shall apply to each business that ceases to operate continuously without substantial change in mode or character of operation. Additionally, the provisions of this Section shall apply to each such business that does any of the following:
 - 1. Knowingly allows, during three (3) or more months within any twenty four (24) month period, a nuisance activity to occur within the premises or in close proximity to the premises. For purposes of this provision, "nuisance activity" refers exclusively to the following: disturbance of the peace, illegal drug activity, public drunkenness, public alcohol consumption, public urination, and excessive loud noise.
 - 2. Allow the business license for such business to lapse for more than thirty (30) days after written notification of the lapse. The written notification shall be provided by either (a) hand delivery, receipt of which shall be acknowledged in writing, to the store operator at the business address; (b) certified mail, return receipt requested to both the business address and the address listed on the business license; or (c) other method offering equivalent proof of actual notice.~~
~~Any existing alcoholic beverage sales and service business that does any of the above shall, upon determination of the Planning Commission after a public hearing, be considered a nonconforming use until such time as a conditional use permit is granted. The Planning Commission shall make such determination by resolution, and shall specify in its resolution the grounds resulting in the nonconforming use designation. The Planning Commission's determination may be appealed to the City Council in accordance with CMC 9173.4.~~



~~Alcoholic beverage sales at each such business shall terminate no later than sixty (60) days from the date of the nonconforming use designation by the Planning Commission, or the date of the City Council's decision on appeal if an appeal was timely filed and the nonconforming use designation was upheld, unless an application for a conditional use permit has been filed for the business. Each such business shall thereafter be operated in accordance with the terms of the approved conditional use permit or shall cease alcoholic beverage sales if the conditional use permit application is denied. (Ord. 78-449; Ord. 81-585, § 3; Ord. 82-621, § 5; Ord. 01-1231, § 3)~~

D. *Reserved.*

- E. Existing multiple dwelling and planned unit developments lawfully established on property within multiple dwelling residential zones prior to September 20, 1984.
- F. Existing, lawfully established residential uses located within a Mixed-Use (MU) District prior to the enactment of the conditional use permit requirement, except as provided in CMC 9182.1.
- G. Lawfully established restaurants and service stations which received discretionary approval within the last five (5) years from the date of a zone change to the CA (Commercial, Automotive) Zone District.
- H. Existing, lawfully established truck terminals prior to the enactment of the Conditional Use Permit requirement, as described in CMC 9182.27. (Added by Ord. 84-700, § 6; Ord. 94-1039, § 6; Ord. 03-1279, § 25; Ord. 04-1308, § 7; Ord. 06-1363, § 9)

Section 9182.22 Termination of Existing Nonconforming Use.

A lawfully established use which becomes a nonconforming use, including any buildings, structures or facilities designed or intended only for uses which are nonconforming, shall be terminated and such buildings, structures or facilities shall be removed or made conforming in all respects within the time period specified in subsection A or B of this Section, whichever is applicable and results in the later termination date.

- A. The time period indicated in the following table measured from the date of becoming a non conforming use:



Use	Allowable Life
Use of land without buildings or structures.	1 year
Use involving only buildings or structures which would not require a building permit to replace such buildings or structures (but not including a mobile home park).	3 years
Mobile home park; mobile homes on individual lots.	35 years
Use involving buildings or structures which would require a building permit to replace such buildings or structures.	20 years
Outdoor advertising use.	5 years
Trailer parks	20 years
Producing oil wells, oils storage tanks.	20 years
Sale of convenience goods at automobile service stations within 300 feet of any school.	20 years
Arcades	5 years
Existing indoor mini-marts, auction house.	10 months
Truck-related uses defined in CMC 9148.8 which require a conditional use permit.	1 year
<p>Cargo Container Storage; provided, however, that effective February 5, 1988:</p> <p>(1) No cargo container storage shall be permitted within fifty (50) feet of any residentially zoned property which involves any stacking more than one (1) container high;</p> <p>(2) No cargo container storage shall be permitted within one hundred (100) feet of any residentially zoned property which involves any stacking more than two (2) containers high; and</p> <p>(3) In no event shall any cargo container storage be permitted on any site which involves any stacking more than three (3) containers high.</p>	6 months
Existing food/grocery stores in residential zones.	Expires December 31, 2003
Multiple-family residential uses located within a Mixed-Use (MU) District with ten (10) or more units (except existing mobile home parks), subject to CMC 9182.24.	2 years
Adult Business	5 years
Massage service.	1 year
Tattoo service	1 year
Wireless telecommunications facility, transmitter, receiver or repeater station – radio, television, microwave.	5 years
Second dwelling unit.	5 years
Vehicle repair and service located within the Commercial, Regional (CR) Zone, the Mixed-Use Residential (MUR) Overlay District and properties	5 years



in all zones within one hundred (100) feet of residential zones, subject to CMC 9182.26.	
Truck yard.	1 year
<u>Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only (subject to the requirements of 9138.5)</u>	3 years
<u>Alcoholic and Beverage Control (ABC) License, on-sale and off-sale only with a Conditional Use Permit shall be subject to the requirements of 9138.5</u>	1 year
<u>Transient Hotels, motels with a Conditional Use Permit shall be subject to the requirements of 9138.19</u>	1 year "

Section 8. 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 thereof, irrespective of the fact that anyone or more sections, subsections, clauses, phrases or portions be declared invalid.

Section 9. The City Clerk shall certify to the passage of this ordinance and cause it to be posted in three conspicuous places in the city of Carson, and it shall take effect on the thirty-first (31) day after it is approved by the City Council.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2009.

Mayor, Jim Dear

ATTEST:

City Clerk, Helen Kawagoe

APPROVED AS TO FORM:

William W. Wynder, City Attorney

