

## **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)	33.34 210.50	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

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.

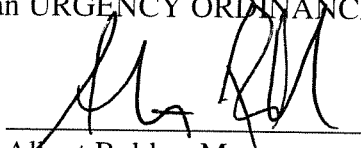
#### **SECTION 9. PUBLICATION**


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.

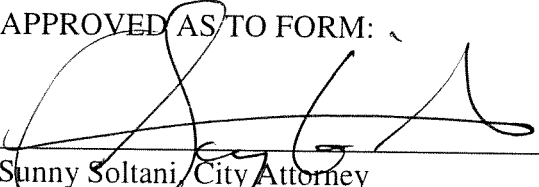
#### **SECTION 10. EFFECTIVENESS OF ORDINANCE.**

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 15<sup>th</sup> day of December, 2015.

  
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Albert Robles, Mayor  
City of Carson, California

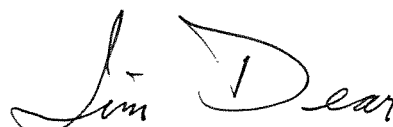
ATTEST:   
\_\_\_\_\_  
Jim Dear, City Clerk  
City of Carson, California

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 15<sup>th</sup> 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	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

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.

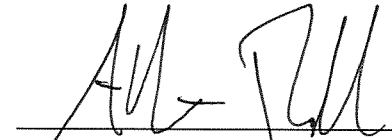
#### **SECTION 9. PUBLICATION**

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.

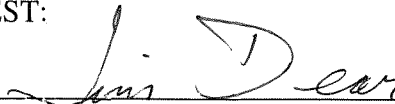
#### **SECTION 10. EFFECTIVENESS OF ORDINANCE.**

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.

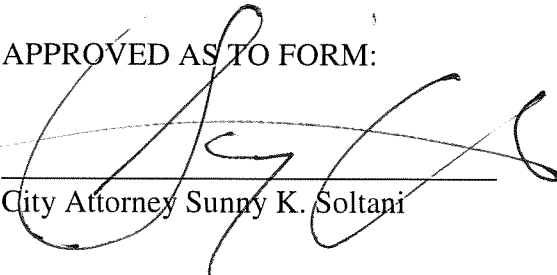
**PASSED, APPROVED and ADOPTED** as an URGENCY ORDINANCE this 19<sup>th</sup> day of January, 2016.

  
\_\_\_\_\_  
Albert Robles, Mayor  
City of Carson, California

ATTEST:

  
\_\_\_\_\_  
Jim Dear, City Clerk  
City of Carson, California

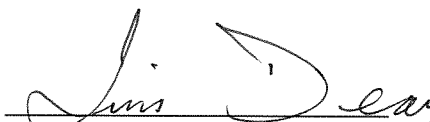
APPROVED AS TO FORM:

  
\_\_\_\_\_  
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 19<sup>th</sup> 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