



# CITY OF CARSON

## Legislation Text

File #: 2016-1020, Version: 1

### Report to Mayor and City Council

Tuesday, October 04, 2016

Special Orders of the Day

#### SUBJECT:

**CONTINUED PUBLIC HEARING CONSIDERING ORDINANCE NO. 16-1602 ADOPTING NEW ZONING STANDARDS FOR ESTABLISHMENT OF NEW CONVENIENCE STORES AND AUTOMOBILE SERVICE STATIONS, EXPANSION OF EXISTING CONVENIENCE STORES AND AUTOMOBILE SERVICE STATIONS, LEGAL NON-CONFORMING EXISTING CONVENIENCE STORES AND AUTOMOBILE SERVICE STATIONS, AND SIGNAGE WITHIN THE CITY OF CARSON (CITY COUNCIL)**

#### I. SUMMARY

On September 20, 2016, the public hearing was open and continued to October 4, 2016.

On December 15, 2015 and on January 19, 2016, the City Council adopted interim urgency ordinances 15-1574U and 16-1577U respectively extending a city-wide moratorium on the establishment and expansion of stand-alone convenience stores and on convenience stores with associated gasoline sales. These moratoriums will expire on November 17, 2016 and December 15, 2016 respectively (Exhibit No.1). City Council directed staff to evaluate the existing development standards for these uses and establish standards that would protect residential neighborhoods and commercial centers, limit the future proliferation of these uses, and protect the public health, safety and welfare of the community. The moratorium enabled staff to update City's standards as they relate to discount stores.

#### II. RECOMMENDATION

TAKE the following actions:

1. OPEN the Continued Public Hearing, TAKE additional public testimony, and CLOSE the Continued Public Hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 16-1602, "AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING A TEXT AMENDMENT TO THE ZONING ORDINANCE, AMENDING PART 3 (COMMERCIAL ZONES) OF CHAPTER 1 (ZONING), AMENDING SECTION 9131.1 (USES PERMITTED) OF PART 3 (COMMERCIAL ZONES),

AMENDING SUBDIVISION (B) OF SECTION 9136.7 (SIGNS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 3 (COMMERCIAL ZONES), AMENDING SECTION 9138.12 (AUTOMOBILE SERVICE STATION) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES), AMENDING SECTION 9138.13 (AUTOMOBILE LAUNDRIES) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES), AMENDING SECTION 9138.14 (MISCELLANEOUS RETAIL PETROLEUM OUTLETS) OF DIVISION 8 (SPECIAL REQUIREMENTS FOR CERTAIN USES), AMENDING SECTION 9141.1 (USES PERMITTED) OF PART 4 (INDUSTRIAL ZONES), AMENDING SUBDIVISION (B) OF SECTION 9146.7 (SIGNS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES), AMENDING SECTION 9148.3 (MISCELLANEOUS RETAIL PETROLEUM OUTLETS) OF DIVISION 6 (SITE DEVELOPMENT STANDARDS) OF PART 4 (INDUSTRIAL ZONES), ADDING SECTION 9182.44 (NONCONFORMITY FOR CONVENIENCE STORES) OF DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTATION PROVISIONS) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, ADDING SECTION 9182.45 (NONCONFORMITY FOR AUTOMOBILE SERVICE STATIONS) OF DIVISION 2 (NONCONFORMITIES) OF PART 8 (IMPLEMENTATION PROVISIONS) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, AMENDING PART 9 (DEFINITIONS) OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE, AND AMENDING SECTION 9190 (DEFINITIONS), OF CHAPTER 1 (ZONING) OF ARTICLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING CONVENIENCE STORES AND AUTOMOBILE SERVICE STATIONS”

### **III. ALTERNATIVES**

TAKE another action the City Council deems appropriate.

### **IV. BACKGROUND**

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

On August 23, 2016, the Planning Commission considered Zone Text Amendment 26-16 to amend the Zoning Ordinance to update the zoning code regarding convenience stores and automobile service stations and signage and recommended its approval to the City Council. Staff has prepared ZTA 26-16 as Ordinance No. 16-1602 (Exhibit No. 2).

#### **Convenience Stores**

##### **Use Classification**

The current zoning ordinance does not include a specific use classification for convenience stores. Instead convenience stores could be considered as part of a more general use classification for variety stores. The proposed ordinance establishes a new use classification called convenience store as defined below:

A small retail self-service store selling a limited line of fast-moving food and nonfood items, usually with extended hours of operation, a high volume of customer traffic, and

either standalone or associated with auto service stations.

The new classification is intended to better identify, evaluate and permit this use.

#### Permitted Zones

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

#### Minimum Lot Size

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

#### Separation Requirement

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

#### Hours of Operation

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

#### Parking

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

#### Nonconforming Uses

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

### **Automobile Service Stations**

Permitted Zones

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

Nonconforming Uses

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

**Signage**

The current zoning ordinance establishes a maximum height for monument signs of 10 feet, permits pole/pylon signs, and has no standards for window signs. The proposed ordinance reduces the maximum height for monument signs to 6 feet, prohibits pole/pylon signs, and limits window signage to 10% of window area. The new restrictions are intended to reduce visual clutter, achieve a balance between overall streetscape consistencies while encouraging business identity.

**V. FISCAL IMPACT**

None.

**VI. EXHIBITS**

1. Interim Urgency Ordinances 15-1574U and 16-1577U (pp. 5-18)
2. Ordinance No. 16-1602 (pp. 19-46)

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