

March 13, 2003

**Honorable Chairman and Members of the
Hermosa Beach Planning Commission
2003**

**Regular Meeting of
March 18,**

SUBJECT: TEXT AMENDMENT 03-7

PURPOSE: TO CONSIDER ADDING “COMPUTER AND INTERNET ACCESS
CENTER” AS A PERMITTED USE OR CONDITIONALLY
PERMITTED USE IN THE C-3 ZONE

APPLICANT: ANHTUAN PHAM

Recommendation

To recommend that the City Council amend the Zoning Ordinance text to add, “computer and internet access center” as a conditionally permitted use, as proposed in the attached Resolution.

Background

The applicant recently inquired about opening a business in the shopping center at 1103 Aviation Boulevard to provide access to local businesses and individuals to a computer network and internet center. The business would have the features of a modern computer networked office, with low hourly rates for the users, and provide access to high speed internet access for a variety of personal, business and entertainment uses.

In reviewing the request, the City determined that the proposed business is not identified on the permitted use list of the C-3 zone (Section 17.26.030 of the Zoning Ordinance) and that while some of the attributes of the business may be similar to “copying printing services and supplies” the business would also include web surfing, e-mailing, computer photo work and computer gaming, which makes the use different and unique from any listed use. The applicant was therefore advised that he could submit a private text amendment to add the proposed use to the C-3 permitted use list.

Analysis

The applicant’s proposed business, while containing some unique attributes and features, is part of new trend of businesses offering similar services under the name of “internet café,” “cyber café,” “internet center,” or other names. Since the technology and types of services found in these establishments are evolving, this type of business is not easily defined or categorized. The more common example is internet cafés where the computer access is offered in conjunction with or accessory to a coffee house or other type of food service establishment on a limited number of computer stations. Another example is

computer gaming centers, which primarily cater to gaming enthusiasts and provide multiple stations.

Staff has contacted several other cities for guidance on how to define and regulate these uses, and found a variety of approaches (see attached). The approaches range from including the use within a personal service category as a permitted use, to regulating these establishments as game arcades (if more than 4 computer stations) requiring a Conditional Use Permit and parking for an assembly use. The most common approach is to require a Conditional Use Permit with no special parking requirements. The problems associated with computer gaming have recently been publicized, as the locations have had problems that come with concentration and assembly of youths seeking entertainment.

The applicant's business plan, however, is an attempt to provide a variety of services for business and entertainment, with no associated food uses. He indicates his willingness to control operations and hours and not to tolerate the type of problem behavior associated with some computer gaming centers.

Given that these types of establishments are evolving and come in a variety of types, it would seem appropriate to regulate these businesses on a case-by-case basis. To that end, staff would recommend establishing "computer and internet access center" as a conditionally permitted use in the C-3 zone, which would provide the opportunity for businesses, such as the one being proposed by the applicant, to operate in the City. However, the C.U.P. hearing and review process would allow the Commission to review each individual location and proposed plan, and, if necessary, impose conditions to address the number of computer stations, the floor layout, supervision, security, and operation hours.

CONCUR:

Ken Robertson
Associate Planner

Sol Blumenfeld, Director
Community Development Department

Attachments

1. Proposed Resolution
2. Applicant request and description of business

3. Staff survey of cities
4. Example from El Segundo of CUP conditions for a computer gaming center
5. Article regarding gang activity at gaming centers

RESOLUTION P.C. 03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, TO RECOMMEND AMENDING THE ZONING ORDINANCE TO ADD COMPUTER AND INTERNET ACCESS CENTER AS CONDITIONALLY PERMITTED ACCESSORY USE IN THE C-3 ZONE

The Planning Commission of the City of Hermosa Beach does hereby resolve as follows:

Section 1. The Planning Commission held a duly noticed public hearing on March 18, 2003, to consider a request to amend the Zoning Ordinance to add “computer and internet access center” as a permitted use in the C-3 Zone, at which testimony and evidence, both written and oral, was presented to and considered by the Commission.

Section 2. Based on the evidence considered at the public hearing, the Planning Commission makes the following findings:

1. Adding computer and internet access center as a permitted use would provide opportunities for these types of business to operate in the City to provide a valuable service to businesses and residents.

2. However, to ensure compatibility with surrounding neighborhoods wherever such a business might locate, and to appropriately regulate these establishments to avoid them from operating in a manner where high concentrations and assembly of people seeking entertainment cause a nuisance, these uses should be required to obtain a Conditional Use Permit to allow Commission review of the number of computer stations and type of computer equipment, the floor plan, and to impose conditions, if deemed necessary, to address hours of operation, supervision and security.

Section 3. Based on the foregoing, the Planning Commission hereby recommends that the Hermosa Beach Municipal Code, Title 17-Zoning, be amended as follows:

1. Amend Chapter 17.26.030, C-1, C-2 and C-3 Land Use Regulations to add the following as a conditionally permitted use to the permitted use matrix:

USE	C-1	C-2	C-3	See Section
Computer and Internet Access Center			U	17.40

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

CERTIFICATION

I hereby certify the foregoing Resolution P.C. 03- is a true and complete record of the action taken by the Planning Commission of the City of Hermosa Beach, California, at their regular meeting of March 18, 2003.

Ron Pizer, Chairman

Sol Blumenfeld, Secretary

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