

April 15, 2003

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
April 22, 2003**

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

Planning Commission Recommendation

To introduce the attached ordinance to amend the Zoning Ordinance to add, "computer and internet access center" as a conditionally permitted use.

Background

The proposed code amendment is being initiated by a private party seeking to add a new use to the commercial permitted use list. If the use is added to the permitted use list, as currently recommended by the Planning Commission, any proposal to operate such a use would be subject to a case by case review through the conditional use permit process.

At their meeting of March 18, 2003, the Planning Commission considered the applicant's request, and voted 5:0 to recommend adding "computer and internet access center" as a conditionally permitted use in the C-3 zone.

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.

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 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. Therefore, the Commission recommends 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
Senior Planner

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell
City Manager

Attachments

1. Proposed Ordinance
2. Planning Commission Minutes
3. Applicant request and description of business
4. Staff survey of cities
5. Example from El Segundo of CUP conditions for a computer gaming center
6. Article regarding gang activity at gaming centers

Cd/cc/tainternet

ORDINANCE 03-

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF HERMOSA BEACH, CALIFORNIA,
TO AMEND THE ZONING ORDINANCE TO
ADD COMPUTER AND INTERNET ACCESS
CENTER AS CONDITIONALLY PERMITTED
USE IN THE C-3 ZONE**

The City Council of the City of Hermosa Beach does hereby ordain 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. The Planning Commission recommended to add, “computer and internet access center” as a conditionally permitted use in the C-3 Zone.

Section 2. The City Council held a duly noticed public hearing on April 22, 2003, to consider the recommendation of the Planning Commission to amend the Zoning Ordinance to add “computer and internet access center” as a conditionally 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 3. The subject text amendment is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to the general rule set forth in Section 15061(3) of the CEQA Guidelines, as there is no possibility that these modifications to the Zoning Ordinance may have a significant effect on the environment.

Section 4. Based on the evidence considered at the public hearing and the recommendation of the Planning Commission the City Council hereby ordains 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

Section 5. This ordinance shall become effective and be in full force and effect from and after thirty (30) days of its final passage and adoption.

Section 6. Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause this ordinance to be published in the Easy Reader, a weekly newspaper of general circulation published and circulated, in the City of Hermosa Beach in the manner provided by law.

Section 7. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said city, and shall make minutes of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted.

PASSED, APPROVED and **ADOPTED** this day of , 2003, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST: _____ APPROVED AS TO
FORM: _____

City Clerk

City Attorney

Cd/cc/ordinternet