



CITY OF SACRAMENTO

37

CITY PLANNING DEPARTMENT

927 TENTH STREET SACRAMENTO, CA 95814
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

July 5, 1984

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Convenience Store Ordinance (M84-030)

APPROVED
BY THE CITY COUNCIL

JUL 17 1984

OFFICE OF THE
CITY CLERK

SUMMARY

The proposed Convenience Store Ordinance would require that such uses obtain a Special Permit if they are located within 500 feet from a residence or a residentially zoned parcel and their hours of operation extend beyond 6:00 a.m. to 11:00 p.m. These regulations are modeled after the County's existing ordinance. The hours of operation set forth in the recently adopted C-1 Zone Ordinance are being amended to be consistent with these new standards.

Staff recommends that the Council ratify the Negative Declaration and adopt the attached zoning ordinance amendment regulating convenience stores.

BACKGROUND

Convenience stores are currently regulated under the general category of retail stores and services and are allowed only within commercial and industrial zones. The proposed zoning ordinance amendment would establish a new category and definition for convenience stores. The proposed definition is included in the attached ordinance and it defines such uses as stores with 5,000 square feet or less that sell food and household goods. The definition specifically excludes liquor stores, delicatessens or other uses that are characterized by on-site preparation of food, and stores that only sell fresh fruits, vegetables and/or meats.

Staff conducted a survey of the existing convenience store regulations of other jurisdictions. The findings of that survey are provided in Table 1. The County of Sacramento allows convenience stores with a special permit in their medium to high density residential zones (i.e., RD-5 through RD-40). Convenience stores are allowed by right in their shopping center zone. A special permit is required for convenience stores located within 500 feet or less from a residential zone and the hours of operation extend beyond 6:00 a.m. to 11:00 p.m. In addition, if the use is located within 1,000 feet from the property line of any public or private school and the hours extend beyond 6:00 a.m. to 11:00 p.m., a special permit is again required. Staff is not proposing to include a standard relating

to distance from schools, since a special permit would not be required unless the store operated late at night and the issue of loitering of students at the store after school would probably not be a factor after 11:00 p.m.

At the Planning Commission meeting, convenience store representatives stated their opposition to the proposed ordinance, since they feared that it would lead to a prohibition against 24 hour convenience stores. They were also concerned that the ordinance would affect existing stores. However, staff reiterated that the legal effect of the ordinance, as it applies to existing convenience stores, is only of concern when the store owner wants to enlarge the building. The representative from 7-11 stores asked the Commission to support eliminating their store on 57th Street, that is presently under construction, from the permit requirement if it operates on a 24 hour basis. However, since the Council omitted this store from the building moratorium on the condition that they do not operate past midnight, the store owner would either have to ask the Council to amend their condition or apply for a special permit once this ordinance is adopted. The Commission did not take a position on this store's request.

VOTE OF THE COMMISSION

At the June 14th City Planning Commission, the Commission voted unanimously (7 ayes, 2 absent) to recommend council adoption of the Convenience Store Ordinance.

VOTE OF THE PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE

At the June 27th Planning and Community Development Committee meeting, the Committee voted unanimously (3 ayes, 1 absent) to endorse the staff recommendation.

ENVIRONMENTAL DETERMINATION

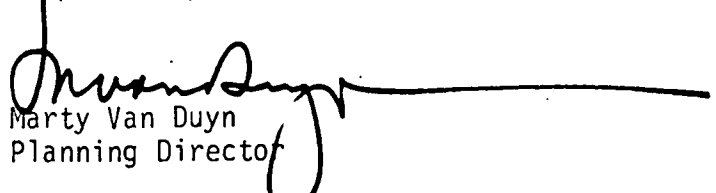
The Environmental Coordinator finds that this zoning ordinance amendment will not have a significant adverse environmental impact and has issued a Negative Declaration.

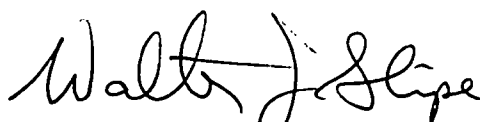
RECOMMENDATION

Staff recommends that the Council:

1. Ratify the Negative Declaration.
2. Adopt the attached zoning ordinance amendment.

Respectfully submitted,


Marty Van Duyn
Planning Director



FOR COUNCIL TRANSMITTAL
WALTER J. SLIPE
CITY MANAGER

Table 1
 CONVENIENCE STORE ORDINANCES
 OF OTHER JURISDICTIONS

| City | Use Permit Required | Hours Limited | Permitted Zones | Distance Regulations | Specific Regs. When Gas Sold | Other Comments |
|-------------|---|--|---|----------------------|------------------------------|--|
| Mill Valley | Yes. Staff determines uses compatibility to adjacent businesses and residential neighborhoods. | 8 a.m. to 8 p.m. if site borders residential zone (commercial regs.) | Commercial | | | In last 15 years, City has only allowed two all-night convenience markets. |
| San Mateo | | Does not regulate all night uses, except when it is determined they may generate nuisance. Then may limit hours. | | | | |
| Novato | Yes | | Allowed in retail business districts and general commercial districts. | | | |
| Pleasanton | Required for neighborhood commercial and central commercial zones. With gas stations required. | | General Commercial Neighborhood commercial and central commercial. Gas stations with convenience markets allowed only in commercial service and freeway interchange commercial districts | | | |

27

Convenience Stores (Cont.)

p. 2

| City | Use Permit Required | Hours Limited | Permitted Zones | Distance Regulations | Specific Regs. When Gas Sold | Other Comments |
|-------------------|--|---|---|----------------------|--|--|
| Oakland | Yes | When in close proximity to residential uses, hours limited or conditions to operation between hours of 10 p.m. & 7 a.m. | | | | |
| Anaheim | Required when use is in conjunction with gas sales | | Limited and General Commercial | | Conditional use permit required, minimum lot size 150' x 150'. Closure of driveway closest to arterial highway intersections and stacking lanes of 60' or more | |
| Santa Rosa (1976) | | 8 a.m. to 10 p.m. | No less than 1/2 mile from any existing grocery store or future neighborhood center and within a radius of 1/4 mile the potential for a minimum of 600 dwelling units | | | Minimum dimension of 150 feet, site size no greater than 1 acre & no less than 1/4 acre. |
| Fairfield (1976) | | Store hours limited if within residential area | Within neighborhood shopping centers | | | Site must be on major or arterial street. Must be located for convenient access. |
| | | | | | 27 | |

Convenience Stores (Cont.)

p. 3

| City | Use Permit Required | Hours Limited | Permitted Zones | Distance Regulations | Specific Regs. When Gas Sold | Other Comments |
|-------------------|--|-------------------|--|--|------------------------------|--|
| Napa (1976) | | | | 1 mile limit in convenience commercial zones | Prohibited | |
| Sacramento County | Required when less than 500 ft. from residential zone, less than 1,000 ft. from school, or when hours before 6 a.m. & after 11 p.m. in LC, GC, AC and TC zones | 6 a.m. to 11 p.m. | Permitted by right in shopping center zone if don't sell gas. May need use permit in limited, general auto & highway travel commercial zones | 500 ft. from residential zone and 1,000 ft. from school. If closer, may be able to get use permit. | | Have development standards for convenience centers in residential zones. Includes lot area, yards, height, landscaping & hour regulations. |
| San Jose | Required when additional mini-mart to gas station in C-1 zone. Same activity in C-2 & C-3 zones requires Site Development Permit if exterior alterations are made. | | Commercial zones. | | | |
| | | | | | | |

36

ORDINANCE NO. 84-071

37

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTIONS 2-C-11a,
 2-E-34, and 22-A-6a AND AMENDING SECTION
 2-E-32 OF THE COMPREHENSIVE ZONING ORDINANCE,
 ORDINANCE NO. 2550, FOURTH SERIES,
 RELATING TO CONVENIENCE STORES; REPEALING
 ORDINANCE NO. 84037 (M84-030)

APPROVED
BY THE CITY COUNCIL

JUL 17 1984

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

OFFICE OF THE
 CITY CLERK

SECTION 1

Section 2-C-11a of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby added to read as follows:

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|-----|-----|-----|---|---|---|---|
| | R | R | R | R | R | R | R | R | R | R | O | R | H | S | C | C | C | C | M-1 | M-2 | A | F | A | H | |
| USE | E | I | I | 2 | 2 | 2 | 3 | 3 | 4 | 4 | 5 | B | O | C | C | 1 | 2 | 3 | 4 | M-1 | M-2 | A | F | A | H |
| | | | A | B | A | B | A | A | | | | | | | | | | | | (S) | (S) | | | S | |

C. COMMERCIAL

| | | | | | | | | |
|------------------------|----|----|----|----|----|----|----|----|
| 11a. Convenience Store | 34 | 34 | 32 | 34 | 34 | 34 | 34 | 34 |
|------------------------|----|----|----|----|----|----|----|----|

SECTION 2

Section 2-E-34 of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby added to read as follows:

- 34. Permitted unless the convenience store's location and hours of operation meet the criteria set forth in subsections (a) and (b) below, in which case a Special Permit is required. Such criteria are:
 - a. Any property line of the parcel of real property containing the convenience store is located within 500 feet of any property line of a parcel which either contains a dwelling or is residentially zoned; and,
 - b. The store will remain open between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

SECTION 3

Section 2-E-32 of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

32. In the C-1 zone, a food store, delicatessen or convenience store shall not engage in the sale of gasoline. In addition, the hours of operation shall be restricted to 6:00 a.m. to 11:00 p.m. of the same day. An extension of the hours of operation may be allowed subject to the issuance of a Special Permit.

SECTION 4

Section 22-A-6a of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby added to read as follows:

- 6a. Convenience Store: An establishment with a sales area of 5,000 square feet or less which sells primarily food, household and personal convenience items. Accessory activities may include the sale of gasoline or the operation of arcade games. "Convenience market" shall not include establishments whose operation is primarily characterized by, a) the sale of alcohol, such as a liquor store; or b) on-site preparation of food, such as delicatessens or restaurants; or c) stores which sell fresh fruits, vegetables, and/or meats.

SECTION 5

Ordinance No. 84037 shall be deemed repealed as of the date this ordinance takes effect.

MAYOR

ATTEST:

CITY CLERK



CITY OF SACRAMENTO

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CITY PLANNING DEPARTMENT
927 TENTH STREET SACRAMENTO, CA 95814
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

June 26, 1984

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: An Ordinance adding Sections 2-C-11a, 2-E-34, and 22-A-6a and amending Section 2-E-32 of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, relating to Convenience Stores, repealing Ordinance No. 84037.

SUMMARY

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 38.

BACKGROUND

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

RECOMMENDATION

It is recommended that the item be passed for publication of title and continued to July 17, 1984.

Respectfully submitted,

Marty Van Duyn
Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

FILED
By the City Clerk
Office of the City Clerk

MVD:lao
attachments
M84-030

PASSED FOR
PUBLICATION
& CONTINUED
TO 7-17-84

Cont. to
7-17-84
JUL 10 1984

July 3, 1984
All Districts

ORDINANCE NO.

12

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF _____

AN ORDINANCE ADDING SECTIONS 2-C-11a,
2-E-34, and 22-A-6a AND AMENDING SECTION
2-E-32 OF THE COMPREHENSIVE ZONING ORDI-
NANCE, ORDINANCE NO. 2550, FOURTH SERIES,
RELATING TO CONVENIENCE STORES; REPEALING
ORDINANCE NO. 84037 (M84-030)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Section 2-C-11a of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby added to read as follows:

| | | | | | | | | | | | | |
|-----|-------------------------|---|---|---|---|---|-----|-----|---|-----|-----|---|
| | RRRRRRRRRRRRRRORH | S | C | C | C | C | M-1 | M-2 | A | F | A | H |
| USE | E 1 1 1 2 2 2 3 3 4 4 5 | B | O | C | C | 1 | 2 | 3 | 4 | M-1 | M-2 | O |
| | A | B | A | B | A | A | (S) | (S) | | | S | |

C. COMMERCIAL

11a. Convenience Store 34 34 32 34 34 34 34 34

SECTION 2

Section 2-E-34 of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby added to read as follows:

34. Permitted unless the convenience store's location and hours of operation meet the criteria set forth in subsections (a) and (b) below, in which case a Special Permit is required. Such criteria are:
 - a. Any property line of the parcel of real property containing the convenience store is located within 500 feet of any property line of a parcel which either contains a dwelling or is residentially zoned; and,
 - b. The store will remain open between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

SECTION 3

Section 2-E-32 of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

- 32. In the C-1 zone, a food store, delicatessen or convenience store shall not engage in the sale of gasoline. In addition, the hours of operation shall be restricted to 6:00 a.m. to 11:00 p.m. of the same day. An extension of the hours of operation may be allowed subject to the issuance of a Special Permit.

SECTION 4

Section 22-A-6a of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby added to read as follows:

- 6a. Convenience Store: An establishment with a sales area of 5,000 square feet or less which sells primarily food, household and personal convenience items. Accessory activities may include the sale of gasoline or the operation of arcade games. "Convenience market" shall not include establishments whose operation is primarily characterized by, a) the sale of alcohol, such as a liquor store; or b) on-site preparation of food, such as delicatessens or restaurants; or c) stores which sell fresh fruits, vegetables, and/or meats.

SECTION 5

Ordinance No. 84037 shall be deemed repealed as of the date this ordinance takes effect.

MAYOR

ATTEST:

CITY CLERK

M84-030

ORDINANCE NO.

12

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTIONS 2-C-11a,
2-E-34, and 22-A-6a AND AMENDING SECTION
2-E-32 OF THE COMPREHENSIVE ZONING ORDI-
NANCE, ORDINANCE NO. 2550, FOURTH SERIES,
RELATING TO CONVENIENCE STORES; REPEALING
ORDINANCE NO. 84037 (MS4-030)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Section 2-C-11a of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby added to read as follows:

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|-----|-----|---|---|---|---|
| | R | R | R | R | R | R | R | R | R | R | P | O | R | H | S | C | C | C | C | M-1 | M-2 | A | F | A | H |
| USE | E | 1 | 1 | 2 | 2 | 2 | 3 | 3 | 4 | 4 | 5 | B | O | C | C | 1 | 2 | 3 | 4 | M-1 | M-2 | | | | O |
| | A | B | | A | B | | A | | A | | | | | | | | | | | (S) | (S) | | | | S |

C. COMMERCIAL

| | |
|-------------------------------|--------------------------------|
| <u>11a. Convenience Store</u> | <u>34 34 32 34 34 34 34 34</u> |
|-------------------------------|--------------------------------|

SECTION 2

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 - b. The store will remain open between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

SECTION 3

Section 2-E-32 of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

- 32. In the C-1 zone, a food store, ex delicatessen, or Convenience store shall not engage in the sale of gasoline. In addition, the hours of operation shall be restricted to ~~7:00~~ 6:00 a.m. to ~~9:00~~ 11:00 p.m. of the same day. An extension of the hours of operation may be allowed subject to the issuance of a Special Permit.

SECTION 4

Section 22-A-6a of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, is hereby added to read as follows:

- 6a. Convenience Store: An establishment with a sales area of 5,000 square feet or less which sells primarily food, household and personal convenience items. Accessory activities may include the sale of gasoline or the operation of arcade games. "Convenience market" shall not include establishments whose operation is primarily characterized by, a) the sale of alcohol, such as a liquor store; or b) on-site preparation of food, such as delicatessens or restaurants; or c) stores which sell fresh fruits, vegetables, and/or meats.

SECTION 5

Ordinance No. 84037 shall be deemed repealed as of the date this ordinance takes effect.

MAYOR

ATTEST:

CITY CLERK

M84-030



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

June 26, 1984

TO ALL INTERESTED PARTIES:

On June 12, 1984, the following matter was scheduled to be heard before the City Council after having been previously continued.

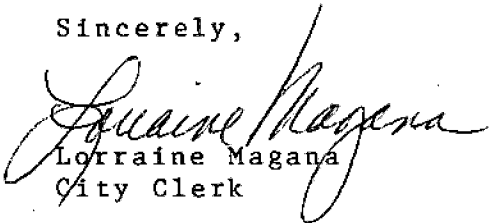
Zoning Ordinance Amendment relating to Regulation
of Convenience Stores. (D-All) (M-84030)

This hearing has been further continued to July 10, 1984, at the hour of 7:30 p.m., and in the Council Chamber, Second Floor, City Hall, 915 "I" Street, Sacramento, California. Interested parties may appear and speak at the hearing.

Pursuant to Council Rules of Procedure 4.5(4), "No person who has twice obtained a continuance of a hearing shall be granted an additional continuance unless such person shall appear at the Council meeting at the time such hearing is scheduled, and satisfy the Council that a miscarriage of justice would result from the refusal of the Council to grant such a continuance." Continuances may be requested by the owner of the subject property, applicant, appellant, or a designee for same.

Any questions regarding this hearing should be referred to the City Planning Department, 927 Tenth Street, Sacramento, California, phone (916) 449-5604.

Sincerely,


Lorraine Magana
City Clerk

LM/slk/16
cc: M-84030 Mailing List (10)



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5428

LORRAINE MAGANA
CITY CLERK

TO ALL INTERESTED PARTIES:

July 12, 1984

On July 10, 1984, the following matter was scheduled to be heard before the City Council after having been previously continued.

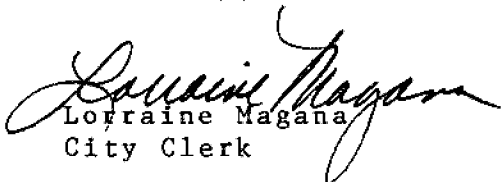
Ordinance adding Sections 2-C-11a, 2-E-34, and 22-A-6a and amending Section 2-E-32 of the Comprehensive Zoning Ordinance, Ordinance No. 2550; Fourth Series, relating to Convenience Stores; Repealing Ordinance No. 84037. (D-All) (M-84030).

This hearing has been further continued to July 17, 1984, at the hour of 7:30 p.m., and in the Council Chamber, Second Floor, City Hall, 915 "I" Street, Sacramento, California. Interested parties may appear and speak at the hearing.

Pursuant to Council Rules of Procedure 4.5(4), "No person who has twice obtained a continuance of a hearing shall be granted an additional continuance unless such person shall appear at the Council meeting at the time such hearing is scheduled, and satisfy the Council that a miscarriage of justice would result from the refusal of the Council to grant such a continuance." Continuances may be requested by the owner of the subject property, applicant, appellant, or a designee for same.

Any questions regarding this hearing should be referred to the City Planning Department, 927 Tenth Street, Sacramento, California, phone (916) 449-5604.

Sincerely,


Lorraine Magana
City Clerk

LM/mls/27

cc: M-84030 Mailing List (10)

AFFIDAVIT OF MAILING

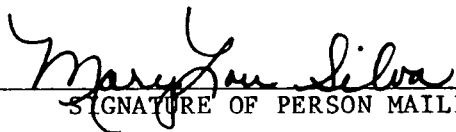
ON _____, NOTICES OF HEARING, A TRUE AND CORRECT COPY OF WHICH IS ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN, WERE MAILED ON THE FOLLOWING PROJECT:

Ordinance adding Sections 2-C-11a, 2-E-34, and 22-A-6a and amending Section 2-E-32 of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, relating to Convenience Stores; Repealing Ordinance No. 84037. (D-A11) (M-84030).

THE ABOVE DESCRIBED HEARING NOTICES WERE MAILED BY PLACING COPIES THEREOF IN THE UNITED STATES MAIL, POSTAGE PREPAID, AND ADDRESSED TO THE FOLLOWING, AS INDICATED BY A CHECK MARK WHERE APPLICABLE:

- () OWNER OF PROPERTY:
- () APPLICANT:
- () APPELLANT (IF APPLICABLE):
- () MAILING LIST FOR P-NUMBER 84030
- () SIGNERS OF PETITION (IF APPLICABLE)

I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT. EXECUTED AT SACRAMENTO, CALIFORNIA, ON THE 13th DAY OF July, 1984.



SIGNATURE OF PERSON MAILING NOTICE

July 25, 1984

TO ALL INTERESTED PARTIES:

On July 17, 1984, the Sacramento City Council took the following actions regarding Ordinance adding Sections 2-C-11a, 2-E-34, and 22-A-6a and amending Section 2-E-32 of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, relating to Convenience Stores; repealing Ordinance No. 84037 (M-84030):

Hearing closed; Ordinance No. 84-071 adopted.

This ordinance is on file in the Office of the City Clerk. A copy of the ordinance may be purchased at a cost of 25 cents per page.

Sincerely,

Lorraine Magana
City Clerk

LM/rr/37

cc: Planning Department
Mailing List (M-84-030) (10)