



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: April 5, 2011
To: Honorable Mayor & City Council
From: Susan Healy Keene, AICP, Director of Community Development
Subject: Discussion and Possible Direction to Staff to Prepare an Urgency Ordinance Requiring Discretionary Review of Convenience Stores

INTRODUCTION

The purpose of this report is to update the City Council on regulations that currently apply to convenience stores and to report on recent interest in developing such uses in the city. Staff requests the City Council consider directing the preparation of an ordinance that would require expanded discretionary review of such uses.

DISCUSSION

Convenience stores offer local residents, businesses and regional commuters convenient access to a variety personal items, including; over the counter medicine; pre-packaged food; tobacco; alcohol; magazines; and other goods. Neighborhood serving convenience stores can be well received and supported in some neighborhoods. However, more regional serving establishments, such as those found in gas stations or freestanding buildings could result in unwanted impacts due to higher parking and traffic generated by those uses.

The City's zoning regulations do not make a distinction between the neighborhood- and regional-serving stores. Convenience retail is also identified as a permitted 'by right' land use in the city's commercial zones, but requires a conditional use permit (CUP) in the city's multi-family residential commercial parking (RMCP) zone. A CUP is a discretionary application requiring review by the Planning Commission.

For new building construction, the City requires a Development Plan Review permit, which can be approved administratively if the building is between 2,500 and 15,000 square feet. New buildings larger than 15,000 square feet require review before the Planning Commission. New buildings under 2,500 square feet do not require any review other than Architectural Review and the review required to issue a building permit.

Recently, the Planning Division reviewed a conceptual application to locate a new free-standing, regional-serving convenience store. Because of this interest, staff is advising the Council of potential impacts associated with such stores.

Notably, convenience stores tend to have a high volume of customers because of the convenience it offers to commuters. A high customer turnover results in increased

localized traffic and could result in unwanted commercial intrusions into established residential neighborhoods. Associated impacts related to commercial parking on residential streets, increased litter, and noise could deteriorate the quality of life for those in the immediate vicinity. While there may be incremental value in having a convenience store nearby, it is anticipated that most residents may regard a regional-serving convenience store as not promoting the city's brand and may harm neighborhood character.

While the conceptual application reviewed by the Planning Division would require discretionary review for the size of the new building, requiring a CUP application offers the opportunity to consider operational aspects of the use and, as appropriate, approve the project with conditions or deny the project based on identified impacts. However, a scaled down version of the project (less than 2,500 square foot), based on current regulations, would not be subject to any land use-related discretionary review and, therefore, could be established with the issuance of a building permit. The Architectural Commission would review the design of the building, but this would not address the potential impacts noted above.

If the City Council shares the concerns regarding the potential impacts of convenience stores, it would be appropriate to direct the preparation an interim ordinance that would establish a discretionary review process for convenience stores. If the City Council considers the concerns above to rise to a level of urgency, it would be appropriate to direct the preparation of an urgency ordinance, which would require at least a four/fifths approval from the City Council. The urgency ordinance would have the added benefit of immediately establishing the new regulatory standards once adopted, as opposed to waiting for first and second reading of interim ordinance and a thirty day delay before the interim ordinance becomes effective.

FISCAL IMPACT

The recommendation in this report has no significant budget or fiscal impacts.

RECOMMENDATION

It is recommended that the City Council:

1. Consider the appropriateness of establishing a discretionary review requirement for convenience stores throughout the city and, if appropriate, direct one of the following actions:
 - Proceed with a standard ordinance amendment process, which would require planning commission and city council hearings, first and second readings, and then 30 days until the Ordinance would take effect.
 - If urgent, adopt an Interim Ordinance pursuant to Govt. Code Section 65858 which would prohibit convenience stores unless approved through a discretionary review process, such as a conditional use permit. The ordinance would take effect immediately, be in effect for 45 days and eligible for extensions thereafter for up to an additional 22 months and 15 days. This approach would require a 4/5 vote.


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