



AGENDA REPORT

Meeting Date: February 21, 2012

Item Number: D-1

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS
REQUIRING HIGH IMPACT CONVENIENCE STORES TO
OBTAIN A CONVENIENCE STORE CONDITIONAL USE
PERMIT AND AMENDING THE BEVERLY HILLS MUNICIPAL
CODE

Attachments: None.

RECOMMENDATION

Continue the public hearing to a date uncertain.

INTRODUCTION

The Urgency Ordinance requiring a CUP for High Impact Convenience Stores is set to expire on April 20, 2012. In order to avoid a gap in regulation, staff will present an ordinance at the March 6, 2012 meeting that would extend the interim urgency ordinance for one year. Interim urgency ordinances can be extended twice for a total period of up to two years. The original interim urgency ordinance was extended for one year. It is

the intent of staff to return to the Planning Commission in February / March to clarify the ordinance and return to the City Council in the spring with a permanent ordinance.

BACKGROUND

At the last City Council meeting of February 7, the City Council considered an ordinance that would have amended the City's Municipal Code to include the requirement that High Impact Convenience Stores as defined in Urgency Ordinance 11-O-2609 obtain a Convenience Store CUP. The City Council had continued the public hearing to the meeting today, February 21, 2012, and requested advice from the Planning Commission on the following aspects of the Ordinance:

- 1) Study the revised Finding No. 6 language and confirm that it meets the Planning Commission's original intent. The revised Finding No. 6 language had prohibited High Impact Convenience Stores at gateways, prominent intersections, and anchor locations, whereas the original Finding No. 6 language had allowed such uses if they met certain requirements;
- 2) Define the term "Prominent Intersection" in Finding No. 6;
- 3) Confirm that the hours of operation proposed in the definition for High Impact Convenience Stores met the Planning Commission's intent; and
- 4) Address congregation at High Impact Convenience Stores.

The Planning Commission convened a special meeting on February 9, 2012 and restudied the Ordinance. Since that meeting, in consultation with the Planning Commission chair and vice chair, staff considered it appropriate to return to the commission in an effort to further simplify, and clarify, the intent of the subject ordinance. That meeting will occur within the next four weeks. Thereafter, staff will return to the City Council with a permanent ordinance.

PUBLIC NOTICING

The public hearing on this item was duly noticed for February 7, 2012 and was continued to February 21, 2012. As of the writing of this report no public comments have been received.

FISCAL IMPACT

Fiscal impacts at this time include staff hours to prepare the required ordinances.

Susan Healy Keene Director of
Community Development

Approved By
