

May 24, 1984

City Planning Commission  
Sacramento, California

Members in Session:

SUBJECT: Convenience Store Ordinance (M84-030)

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 Commission ratify the Negative Declaration and recommend adoption of 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 3,000 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 their other commercial zones if the use is 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.

ENVIRONMENTAL DETERMINATION

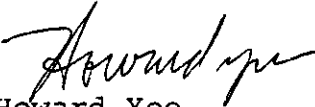
The Environmental Coordinator finds that this zoning ordinance amendment will not have a significant adverse environmental impact and has issued a Negative Declaration.

RECOMMENDATION

Staff recommends that the Commission:

1. Ratify the Negative Declaration.
2. Recommend adoption of the attached zoning ordinance amendment.

Respectfully submitted,



Howard Yee  
Principal Planner

HY:SP:lr  
Attachments

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			

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 inter-sections and stacking lanes of 60' or more	
Santa Rosa (1976)		8 a.m. to 10 p.m.	No less than ½ mile from any existing grocery store or future neighborhood center and within a radius of ¼ 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 ¼ 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.
M84-030			May 24, 1984			Item No. 28

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.			
M84-030			May 24, 1984			Item No. 28

# ORDINANCE NO.

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

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:

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C. COMMERCIAL

11a. Convenience Store	34 34 32 34 34 34 34 34
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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 3,000 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.

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MAYOR

ATTEST:

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CITY CLERK





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, or 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 3,000 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.

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MAYOR

ATTEST:

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CITY CLERK