

PLANNING COMMISSION

RESOLUTION NO. 23-6126

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WEST COVINA, CALIFORNIA, RECOMMENDING TO THE CITY
COUNCIL APPROVAL OF CODE AMENDMENT NO. 23-02, CODE
AMENDMENT RELATED TO BEER AND WINE SALES AT SERVICE
STATIONS

CODE AMENDMENT NO. 23-02

GENERAL EXEMPTION

APPLICANT: Mohsen Karimi

LOCATION: Citywide

WHEREAS, on February 6, 2023, Mohsen Karimi submitted a Code Amendment application requesting to amend Chapter 26 (Zoning) of the West Covina Municipal Code to allow the sale of beer and wine at service stations; and

WHEREAS, the Planning Commission, upon giving the required notice, did on April 25, 2023, conduct a duly advertised public hearing as prescribed by law; and

WHEREAS, studies and investigations made by this Commission and on its behalf reveal the following facts:

1. The City's provisions regarding alcohol uses were last updated in 2017.
2. The Municipal Code currently does not allow sales of alcohol at service stations.
3. It is necessary to revise the standards in order to allow service station convenience stores to fairly compete with other small market and convenience stores which are allowed to sell alcohol for off-site consumption.
4. The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the proposed action consists of a code amendment, which does not have the potential for causing a significant effect on the environment.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION NO. 1: The above recitals are true and correct and are incorporated herein as if set forth herein in full.

SECTION NO. 2: Based on the evidence presented and the findings set forth, Code Amendment No. 23-02 is hereby found to be consistent with the West Covina General Plan and the implementation thereof, and that the public necessity, convenience, general welfare, and good zoning practices require Code Amendment No. 23-02.

SECTION NO. 3: Based on the evidence presented and the findings set forth, the Planning Commission of the City of West Covina hereby recommends to the City Council of the City of West Covina that it approves Code Amendment No. 23-02 to amend Chapter 26 (Zoning) of the West Covina Municipal Code as shown on Exhibit “A.”

SECTION NO. 4: The Secretary is instructed to forward a copy of this Resolution to the City Council for their attention in the manner as prescribed by law and this Resolution shall go into force and effect upon its adoption.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of West Covina, at a regular meeting held on the 25th day of April 2023, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Nickolas Lewis, Chairperson
Planning Commission

Paulina Morales, Secretary
Planning Commission

EXHIBIT A

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA TO AMEND CHAPTER 26 OF THE WEST COVINA MUNICIPAL CODE TO ALLOW ALCOHOL (BEER AND WINE) SALES AT SERVICE STATIONS

WHEREAS, the City's provisions regarding alcohol uses were last updated in 2017; and

WHEREAS, the City currently does not allow alcohol sales at service stations; and

WHEREAS, on February 6, 2023, Mohsen Karimi submitted a Code Amendment application requesting to amend Chapter 26 (Zoning) of the West Covina Municipal Code to allow the sale of beer and wine at service stations; and

WHEREAS, the Planning Commission, upon giving the required notice, did on April 25, 2023, conduct a duly advertised public hearing as prescribed by law to make recommendations to the City Council to approve Code Amendment No. 23-02; and

WHEREAS, the City Council, upon giving the required notice, did on the __ day of ____ 2023, conduct a duly advertised public hearing as prescribed by law on the proposed ordinance; and

WHEREAS, based on review of the State CEQA Guidelines, the City Council finds and determines that the proposed ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION NO. 1: Section 26-597 of the West Covina Municipal Code is hereby amended to include the following use within the table, to be inserted consistent with alphabetical ordering:

			M	M	M	M											
	R	R	F	F	F	F	O	N	R	S	C	C	M	I		P	O
	A	1	8	15	20	45	P	C	C	C	2	3	1	P		B	S
<u>Alcohol off-sale, service stations (see art XII, div. 15)</u>								<u>c</u>	<u>c</u>	<u>c</u>	<u>c</u>	<u>c</u>	<u>c</u>				

SECTION NO. 2: Section 26-664 of the West Covina Municipal Code is hereby amended to read as follows:

- (a) A service station shall not be established or maintained without facilities to pump gasoline.
- (b) Garage, mechanical repair service not specifically mentioned in Section 26-663, including but not limited to the following items are prohibited:
 - (1) Battery repair.
 - (2) Tire rebuilding or recapping.
 - (3) Painting.
 - (4) Body work.
 - (5) Steam cleaning or radiator repair.
 - (6) Transmission rebuilding.
 - (7) Motor repairs involving the removal of the head or crank case.
- ~~(c) Sale of alcoholic beverages.~~
- ~~(d)~~ (c) Subleasing of floor space or site area except for any use specifically authorized by section 26-663, subparagraphs (a) through (i), (k) and (m).

SECTION NO. 3: Section 26-685.103 of the West Covina Municipal Code is hereby amended to read as follows:

An administrative use permit is required in specified commercial and manufacturing zones for any business that sells alcohol for off-site consumption, except for service stations that sell alcohol which requires a conditional use permit pursuant to Section 26-685.103.3.

SECTION NO. 4: Section 26-685.103.3 is hereby added to Chapter 26 of the West Covina Municipal Code to read as follows:

Sec. 26-685.103.3 Service Stations Selling Beer and Wine for Off-Premises Consumption

- (a) Conditional Use Permit Required. Any service station located in specified commercial and manufacturing zones may sell beer and wine for off-site consumption with a conditional use permit. The sales of distilled spirits shall not be allowed.

- (1) The site shall comply with all current development standards for service stations as set forth in the West Covina Municipal Code including, but not limited to, the minimum number of parking spaces prior to the approval of a conditional use permit to allow off-sale of alcohol.
- (b) Unless otherwise noted, the following requirements shall apply to all gasoline service stations selling beer and wine:
- (1) A maximum of ten (10) percent of the retail floor area shall be allowed for the display and sale of alcohol. Merchandize stacking shall not be included in the retail floor area calculation when determining the maximum area for display and alcohol sales.
- (2) The sale of beer in quantities fewer than three containers is prohibited and no alcoholic beverage shall be sold in unit quantities less than the distributor's intended resale units.
- (3) No beer and wine shall be displayed within five feet of the cash register or front door.
- (4) The advertisement of beer and wine shall not be permitted at motor fuel islands.
- (5) Identification card reader is required to determine to the authenticity of the identification that displays the age of the individual.
- (6) No pay phone shall be permitted on the exterior of the premises.
- (7) No beer and wine shall be sold from or displayed in an ice tub.
- (8) No coin operated video games or video entertainment machines shall be permitted on the premises.
- (9) Signage shall be posted in the parking lot and on the exterior of the building notifying persons that alcohol shall not be consumed on the premises.
- (10) Signs shall be prominently posted, stating that California State Law prohibits the sale of beer and wine to persons under the age of 21 years.
- (11) A CCTV surveillance system shall be installed that views and records all areas within the interior of the store sales floor and the exterior of the gasoline station, including all points of ingress/egress from the street.

SECTION NO. 5: That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

SECTION NO. 6: This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

APPROVED AND ADOPTED on this ____ day of ____ 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte

Lisa Sherrick
Assistant City Clerk

ATTACHMENT NO. 1

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. ____ was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the ____ day of _____, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk