

ORDINANCE NO. 2515

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 AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

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, on April 25, 2023, the Planning Commission conducted a duly advertised public hearing as prescribed by law regarding proposed Code Amendment No. 23-02. At the conclusion of the hearing, the Planning Commission voted to recommend that the City Council deny Code Amendment No. 23-02; and

WHEREAS, on August 15, 2023, the City Council, upon giving the required notice, conducted 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 ORDAIN AS FOLLOWS:

SECTION 1. Amendment to Section 26-597. 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 2. Amendment to Section 26-664. Section 26-664 of the West Covina Municipal Code is hereby amended 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.
- ~~(e) 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 3. Amendment to Section 26-685.103. Section 26-685.103 of the West Covina Municipal Code is hereby amended 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 4. Amendment to Chapter 26. Section 26-685.103.3 is hereby added to Division 15 of Article XII of 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. Merchandise 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 the authenticity of the identification that displays the age of the individual.
- (6) No beer and wine shall be sold from or displayed in an ice tub.
- (7) No coin or other fee-based operated video games or video entertainment machines shall be permitted on the premises.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) A Flock Safety camera with license plate recognition that is integrated with the Police Department's system shall be installed at every vehicle entry/exit points for the site.

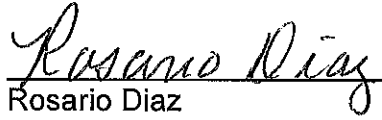
SECTION 5. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Sections 15000 et seq.), the City Council finds that this Ordinance is not a "project" and further, that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required, pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exception).

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 7. Certification. The City Clerk shall certify passage of this Ordinance and shall cause the same to be published as required by law.

SECTION 8. Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED on this 5th day of September, 2023.



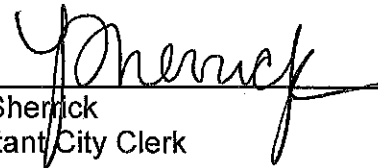
Rosario Diaz
Mayor

APPROVED AS TO FORM



Thomas P. Duarte
City Attorney

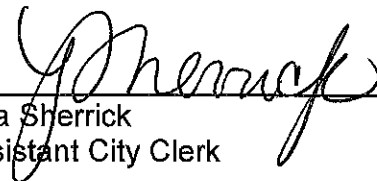
ATTEST



Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2515 was introduced at a regular meeting of the City Council held on the 15th day of August, 2023, and adopted at a regular meeting of the City Council held on the 5th day of September, 2023, by the following vote of the City Council:

AYES: Cantos, Diaz, Lopez-Viado, Wu
NOES: Tabatabai
ABSENT:
ABSTAIN:



Lisa Sherrick
Assistant City Clerk