



# Administrative Report

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N.1., File # 22-5085

Meeting Date: 11/1/2022

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**To:** MAYOR AND CITY COUNCIL  
**From:** LUKE SMUDE, ASSISTANT TO THE CITY MANAGER

## **TITLE**

DISCUSSION AND POSSIBLE ACTION RELATED TO THE CITY'S BAN ON GENERAL FOOD SALES, INCLUSIVE OF BEER AND WINE, AT SERVICE STATIONS

## **EXECUTIVE SUMMARY**

The City of Redondo Beach currently prohibits the sale of general food items, inclusive of beer and wine, at service stations. Since 1987, state law has prohibited cities from enacting new guidelines that prohibit the concurrent sale of motor vehicle fuel and beer and wine for off-premises consumption in zoning districts where these uses are allowed. The City policy prohibiting the concurrent sale of these items was enacted in 1971 (Ordinance #1971-2044) and is, therefore, still valid under state law.

There are currently 11 service stations in the City of Redondo Beach. At this time, they are only permitted to sell incidental convenience items for the immediate consumption of the motoring public. This class of goods includes soft drinks, candy, cigarettes and other small items.

If Council chooses to amend the existing policy, an ordinance amending the Municipal Code would be required. Service station owners would then have the opportunity to apply for a Conditional Use Permit, or amend their existing permit, to allow for general food sales, with or without the sale of beer and wine for off-premises consumption.

## **BACKGROUND**

At the April 5, 2022 City Council Meeting, Council Member Obagi requested staff return with a discussion item exploring the concurrent sale of general grocery items at service stations within the City, a class of goods that includes beer and wine. Under current City policy, Ordinance #1971-2044, service stations are permitted to sell incidental convenience items, but not general food items. The delineation ensures service stations only sell food items intended for the immediate consumption by the motoring public.

The Ordinance sites public health, safety and welfare concerns caused by interrupted flow of vehicular and pedestrian traffic as a reason to limit the range of commercial activity at service stations. When this item was considered at the October 4, 2016 City Council meeting, staff also inferred the policy encourages shoppers to visit grocery stores and liquor stores to purchase general food items and alcohol.

Currently, there are 11 service stations dispersed throughout the City with minor concentrations of three stations in North Redondo near Inglewood and Marine Avenues, on Artesia Boulevard and also in and around Riviera Village. At this time, each location has an on-site snack shop selling incidental food items (see table below).

Address	Business Name	Snack Shop
2730 Marine Avenue	Arco Marine	Yes
3705 Inglewood Avenue	G&M Oil #11	Yes
3601 Inglewood Avenue	United Pacific - Rocket #0203	Yes
2714 Artesia Boulevard	Doug's Mobile Service Center	Yes
2118 Artesia Boulevard	United Oil - Rocket #0108	Yes
1700 Artesia Boulevard	South Bay Shell and Car Wash	Yes
1200 Beryl Street	Armag Oil #4 Inc.	Yes
247 S. Pacific Coast Highway	Redondo Beach 76	Yes
1500 S. Pacific Coast Highway	Chevron-Hollywood Riv Car Wash	Yes
1630 S. Elena Avenue	Chevron #1889	Yes
1890 S. Pacific Coast Highway	USA Gas	Yes

Should Council choose to eliminate the ban, an Ordinance amending Redondo Beach Municipal Code Section 10-2.1602(b)(12)(a) is required to expand the allowable sale items to include general food items, a category that includes beer and wine. Business owners would then have to apply for a Conditional Use Permit, or amend their existing permit to initiate sales of this new class of items.

At this time, it does not appear that Council could lift the ban on only the food portion of the general food category as it includes beer and wine. Any location seeking to add general food sales will also have the right to apply for beer and wine sales as well. Liquor, however, is excluded from the general food category.

California Business and Professions Code Section 23790.5 sets the minimum regulations purveyors of general food items must follow when selling beer and wine for off-site consumption in conjunction with motor vehicle fuel. The code also allows for local jurisdictions to enact more stringent regulations and/or impose additional guidelines at their discretion.

As an example, the Torrance Municipal Code includes a buffer of 300 feet between existing off-sale liquor establishments (with a chance to appear in front of the Planning Commission to address the proximity issue), a ban on video games, and a cap limiting beer and wine sales to 35% of total store sales for a one-year period. Whittier limits businesses selling beer, wine and liquor by census tract, with the aim of limiting density of these locations in a given geographic area.

Overall, staff research indicates the vast majority of cities do not ban the sale of general food items, including beer and wine, at service stations. Palos Verdes Estates is the only local city that does not permit the concurrent sales of motor vehicle fuel and general food items, and they outlaw service station mini-markets altogether.

If no action is taken, the ban will remain in effect. If Council would like to explore lifting the ban, staff could return with the necessary draft Ordinance and proposed revisions to the Redondo Beach

Municipal Code, inclusive of any desired restrictions that go beyond the base-level regulations included in Business and Professions Code Section 23790.5.

**COORDINATION**

This report was drafted in coordination with the Community Development Department, the Police Department and the City Attorney's Office.

**FISCAL IMPACT**

There is no fiscal impact associated with the creation of this report.

**APPROVED BY:**

*Mike Witzansky, City Manager*

**ATTACHMENTS**

- California Business and Professions Code Section 23790.5
- Ord - #1971-2044 Relating to Automobile Service Stations
- Admin Report - Potential Code Amendment Permitting Food Sales at Service Stations and the Relationship to Allowing Alcohol Sales, October 4, 2016
- Torrance Municipal Code Section 95.3.43
- Map - Service Stations Citywide
- Maps - existing Service Stations and existing ABC On-Sale and ABC Off-Sale Locations