



Administrative Report

L.1., File # 23-6680

Meeting Date: 9/19/2023

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

TITLE

PUBLIC HEARING FOR INTRODUCTION AND FIRST READING OF AMENDMENTS TO TITLE 10, CHAPTER 2 (ZONING ORDINANCE) OF THE REDONDO BEACH MUNICIPAL CODE (RBMC) PERTAINING TO SERVICE STATION REGULATIONS REGARDING GENERAL FOOD SALES. CONSIDERATION OF FINDINGS/EXEMPTIONS UNDER THE CALIFORNIA ENVIRONMENT QUALITY ACT (CEQA), INCLUDING BUT NOT LIMITED TO FINDINGS THAT SAID ADDITIONAL REGULATIONS AND/OR AMENDMENTS OF EXISTING REGULATIONS ARE NOT SUBJECT TO CEQA PURSUANT TO SECTIONS 15060(C)(2), 15060(C)(3), AND 15061(B)(3) OF THE CEQA GUIDELINES, AND THAT THE CODE AMENDMENTS ARE NOT A "PROJECT" SUBJECT TO SECTION 15378(B)(5).

RECOMMENDATION:

1. Open the public hearing, take testimony from staff and other interested parties, and deliberate;
2. Close the public hearing; and
3. Consider Introducing the below Ordinance:

INTRODUCE BY TITLE ONLY ORDINANCE NO. 3263-23 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, ADOPTING AN ORDINANCE AMENDING REDONDO BEACH MUNICIPAL CODE TITLE 10, CHAPTER 2, SECTION 10-2.1602 PERTAINING TO GENERAL FOOD SALES, INCLUSIVE OF BEER AND WINE, AT SERVICE STATIONS

EXECUTIVE SUMMARY

At the April 5, 2022 City Council Meeting, the City Council made a referral requesting staff prepare 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.

Staff presented a general overview of the item to City Council on November 1, 2022 and returned with policy options for consideration on February 21, 2023. The City Council took no formal action at the meeting and later made a follow up referral asking staff to prepare an ordinance for consideration that would allow for general food sales at service stations located in only the inland portion of the City. The Planning Commission held a public hearing at their April 20, 2023 meeting to consider the proposed amendment to Title 10, Chapter 2 of the Redondo Beach Municipal Code (RBMC) 10-2.1602 to allow service stations to sell general grocery items, inclusive of beer and wine, and voted 5-0 against. This item provides for the City Council's consideration of the Ordinance as part of a

noticed public hearing.

BACKGROUND

The City of Redondo Beach currently prohibits the sale of general food items, including 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's policy prohibiting the concurrent sale of these items was enacted in 1971 (Ordinance #1971-2044) and, as result, is still valid. Research indicates the City's prohibition is extremely rare. Nearly all cities surveyed by staff allow for the sale of general food items, including beer and wine, at service stations and regulate the activity through conditional use permits (CUP).

There are currently 11 service stations in the City of Redondo Beach, 9 of which are in the inland portion of the City. At this time, service stations 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.

Staff presented draft Ordinances to amend the Redondo Beach Municipal Code (RBMC) for both inland and coastal zones to the City Council on February 21, 2023. No action was taken at the February 21 meeting. Later, at a Special Meeting of the Council held on February 28, 2023, the City Council requested that staff prepare an Ordinance to repeal the food sale ban in only the City's inland zone.

The draft Ordinance includes provisions required by Business and Professions Code (BPC) Section 23790.5, which sets minimum state standards as follows:

- No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler
- No advertisement of alcoholic beverages shall be displayed at motor fuel islands
- No sale of alcoholic beverages shall be made from a drive-in window
- No display or sale of beer or wine shall be made from an ice tub
- No beer or wine advertising shall be located on motor fuel islands and no self- illuminated advertising for beer or wine shall be located on buildings or windows
- Employees on duty between the hours of 10 p.m. and 2 a.m. who sell beer or wine shall be at least 21 years of age to sell beer and wine

Under California law, the City Council also has the discretion to implement additional regulations beyond what is required by the California BPC. As such, the draft Ordinance contains additional restrictions that could be applied by the City through Conditional Use Permit (CUP) requirements including, but not limited to:

- Compliance with all conditions required by the Department of Alcoholic Beverage Control
- Explicit limiting of alcohol sales to beer and wine
- Limiting the percentage of retail space dedicated to alcohol sales
- Requiring that coolers containing beer and wine be locked during hours they are not actively being sold
- Prohibiting single serve/individual containers of alcohol
- Prohibiting advertising of alcohol visible from the location's exterior

- Ensuring that the proposed hours of operation are complementary, and will not negatively impact, the surrounding business district
- Prohibition on electronic games

At their April 20, 2023 meeting, following a public hearing, the Planning Commission voted 5-0 not to recommend adopting a change to the RBMC regarding the sale of food items at gas stations. The item is now ready for City Council consideration. If adopted, the Ordinance amending RBMC Title 10, Chapter 2, Section 10-2.1602 Service Stations would require second reading and adoption on October 3, 2023 and would go into effect 30-days thereafter. Failure to adopt the Ordinance will result in no change to the City's current policy regarding the sale of incidental food items at service stations.

COORDINATION

This item was coordinated with the Community Development Department, City Manager's Office, and the Police Department. The City Attorney's Office prepared the draft Ordinance.

FISCAL IMPACT

There is no fiscal impact associated with the preparation of this item and the associated documentation. Any fiscal impacts associated with CUP processing would be offset by fees collected by the City.

APPROVED BY:

Mike Witzansky, City Manager

ATTACHMENTS

- Ord - Amending RBMC Title 10, Chapter 2, Section 10-2.1602 - General Food Sales Service Stations Inland
- Planning Commission Admin Report - April 20, 2023
- City Council Admin Report - February 21, 2023
- City Council Admin Report - November 1, 2022
- Ord - #1971-2044
- California Code Business and Professions Code - BPC § 23790.5
- Maps - Service Stations and ABC Licenses-Citywide
- PH Notice for Service Stations 091923