



Administrative Report

J.3., File # PC23-5901

Meeting Date: 4/20/2023

To: PLANNING COMMISSION
From: LUKE SMUDE, ASSISTANT OT THE CITY MANAGER

TITLE

PUBLIC HEARING FOR CONSIDERATION 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 continued public hearing, take testimony from staff and other interested parties, and deliberate;
2. Close the public hearing; and
3. Adopt a resolution by title only subject to the findings contained therein

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF REDONDO BEACH, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT 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, 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.

Staff presented City Council with a general overview on November 1, 2022 and returned with policy options on February 21, 2023. Following the February 21, 2023 meeting, Council Member Obagi made a referral that staff pursue an ordinance that would allow for general food sales at service stations located in the inland portion of the City. As a part of this process, staff is asking for the Planning Commission's consideration to recommend adoption of the proposed amendment to Redondo Beach Municipal Code (RBMC) 10-2.1602 by the City Council and find that the change is consistent with the City's General Plan and exempt from California Environmental Quality Act (CEQA).

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. Following the meeting, Council Member Obagi made a referral at a Special Meeting held on February 28, 2023 that staff pursue a repeal of the ban only in the City's inland zone.

The draft Ordinance presented to Council included provisions required by Business and Professions Code (BPC) Section 23790.5, which sets the minimum state standards, but does not limit additional local regulation. BPC standards state:

- 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 has discretion to implement additional regulations beyond what is required by the California BPC. The draft Ordinance also contained additional restrictions that could be applied at the discretion of Council, 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 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 this time, staff is requesting that Planning Commission consider recommending the proposed amendment to RBMC for approval by the City Council and find that the proposed change is consistent with the City's General Plan. If recommended for approval, staff will return to City Council for the consideration of Ordinance amending RBMC Title 10, Chapter 2, Section 10-2.1602 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:

Brandy Forbes, Community Development Director

ATTACHMENTS

- PC Resolution General Food Sales Service Stations Inland Ordinance
- 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
- Map - Service Stations-Citywide
- Map - ABC Licenses and Gas Stations