

O R D I N A N C E N O. 2 3 1 3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA CALIFORNIA APPROVING CODE AMENDMENT NO. 14-04, RELATED TO THE INSTRUCTIONAL TASTING OF ALCOHOLIC BEVERAGES AT OFF-SALE RETAIL LICENSED BUSINESSES

WHEREAS, on the 23rd day of September, 2014, the Planning Commission initiated a code amendment to establish standards for instructional tasting of alcoholic beverages

WHEREAS, the Planning Commission held a study session on the 12th day of July, 2016; and

WHEREAS, the Planning Commission, upon giving required notice, did on the 24th day of January, 2017, conduct a duly advertised public hearing as prescribed by law, at which time the Planning Commission adopted Resolution No. 17-5845 recommending to the City Council approval of Code Amendment No. 14-04; and

WHEREAS, the City Council considered evidence presented by the Planning Commission, Planning Department, and other interested parties at a duly advertised public hearing on the 21st day of February, 2017; and

WHEREAS, studies and investigations made by this Council and in its behalf reveal the following facts:

1. The Municipal Code does not currently address instructional tasting of alcoholic beverages at retail businesses licensed for the off-sale of alcohol.
2. Due to the absence of standards for the instructional tasting of alcoholic beverages, the City is aware that such a license has been granted as a condition of approval for an administrative use permit. It is necessary to develop standards where instructional tasting of alcoholic beverages may be appropriate in designated zones.

The proposed action is considered to be 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, BE IT RESOLVED, by the City Council of the City of West Covina 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. 14-04 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. 14-04.

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. 14-04 to amend Chapter 26 (Zoning) of the West Covina Municipal Code to read as shown on Exhibit "A."


SECTION NO. 4: The City Council finds that adoption of this Ordinance is exempt because it can be seen with certainty that there is no possibility that Code Amendment No. 14-04 will have a significant effect on the environment (CEQA Guidelines section 15061(b)(3)).

SECTION NO. 5: Any provision of the West Covina Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION NO. 6: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. The City Council of the City of West Covina declares that it would have adopted all the provisions of this Ordinance that remain valid if any provisions of this Ordinance are declared invalid.

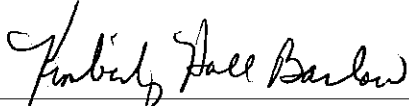
SECTION NO. 7: The City Clerk shall certify to the passage and adoption of this ordinance, causing it to be posted or published as required by law and it shall be effective thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED on this 7th day of March, 2017.




Corey Warsaw
Mayor

APPROVED AS TO FORM:



Kimberly Hall Barlow
City Attorney

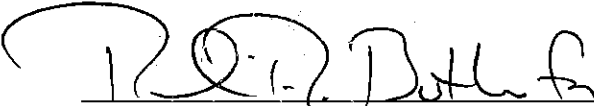
ATTEST:



Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 21st day of February, 2017. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 7th day of March, 2017, by the following vote:

AYES: Johnson, Spence, Toma, Wu, Warshaw
NOES: None
ABSENT: None
ABSTAIN: None



Nickolas S. Lewis
City Clerk

EXHIBIT A
Chapter 26 - Zoning
Article XII – Special Regulations for Unique Uses
Division 15 – On-Sale Alcohol Licenses

CHAPTER 26 ZONING

SECTION 1. Section 26-597 of Article VI of Chapter 26 of the West Covina Municipal Code, Notices, is amended to read as follows:

Non-residential Uses	R A	R 1	M F 8	M F 15	M F 20	M F 45	O P	N C	R C	S C	C 2	C 3	M 1	I P		P B	O S
Aircraft landing facilities:															—		
Emergency	x	x	x	x	x	x	x	x	x	x	x	x	x	x	—	x	
Nonemergency							c	c	c	c	c	c	c	c	—	c	
Alcohol off-sale (see art. XII, div. 15)								x	x	x	x	x	x		—		
<u>Alcohol off-sale, instructional tasting (see art. XII, div. 15)</u>								<u>c</u>	<u>c</u>	<u>c</u>	<u>c</u>	<u>c</u>	<u>c</u>				
Alcohol off-sale, areas of undue concentration (see art. XII, div. 15)								a	a	a	a	a	a		—		
Alcohol on-sale (see art. XII, div. 15; for nonprofit clubs and country clubs, see separate headings)								c	c	c	c	c	c		—		
Alcoholic treatment institutions							c	c	c	c	c	c			—		
Ambulance service							c		c	c	c	c	c	c	—		

SECTION 1. Section 26-685.102 of Article VI of Chapter 26 of the West Covina Municipal Code, Notices, is amended to read as follows:

- (a) *Bona fide eating place* means or is an eating place as defined in Section 23038 of the California Business and Professions Code.
- (b) *Major hotel or major motel* means or is a hotel or motel as defined in section 26-63 of the West Covina Municipal Code that has a minimum of one hundred (100) rooms or suites, and has conference rooms, banquet rooms or ballrooms available for hire by the public.

(c) *Areas of undue concentration* is a census tract (as defined by the United States Census Bureau) where an undue concentration in the number of alcohol licenses exists as determined by the department of alcoholic beverage control (ABC).

(d) Instructional Tasting is the tasting of alcoholic beverages (beer, wine, and distilled spirits) as authorized to be sold from the off-sale premises, on a limited basis.

(Ord. No. 1769, § 2, 2-22-88; Ord. No. 1933, § 1(Amd. 258, Exh. 1), 4-5-94; Ord. No. 2030, § 4, 4-20-99; Ord. No. 2121, § 2, 10-19-04; Ord. No. 2204, § 3(Exh. A), 2-16-10)

SECTION 2. Section 26-685.103.5 of Article VI of Chapter 26 of the West Covina Municipal Code, Notices, is amended to read as follows:

Sec. 26-685.103.5. – On-Site Instructional Tasting Events

On-site instructional tasting events at for off-sale premises may be established as follows:

(1) A conditional use permit is required for businesses which offer Instructional Tasting events.

(2) Conditional use permits for Instructional Tasting may only be granted to businesses with an active off-sale liquor license from the department of alcoholic beverage control (ABC).

SECTION 3. Section 26-685.109 of Article VI of Chapter 26 of the West Covina Municipal Code, Notices, is amended to read as follows:

Sec. 26-685.109. – Specific conditions of approval of a conditional use permit for instructional tasting of alcoholic beverages.

(a) Instructional tasting shall comply with California State Law and all regulations of the department of alcoholic beverage control (ABC).

(b) The floor area devoted to instructional tasting events shall be limited to 500 square feet or 15% of total floor area, whichever is less.

(c) An instructional tasting event shall be limited to a single type of alcoholic beverage. “Type of alcoholic beverage” shall mean distilled spirits, wine, or beer.

(d) A single tasting of distilled spirits shall not exceed one-fourth of one ounce and a single tasting of wine shall not exceed one ounce. No more than three tastings of distilled spirits or wine shall be provided to any person on any day. The tasting of beer is limited to eight ounces of beer per person per day. The wine, beer, or distilled spirits tasted shall be limited to the products that are authorized to be sold by the holder of the type 86 license under its requisite off-sale license.

(e) The Planning Commission may limit the number of tasting events as a condition of approval.

Chapter 26 - Zoning

Article XV – Downtown Code

Part 4, Section 3.1a: Permitted Land Uses

SECTION 3. Table 4.3.1 of Article XV of Chapter 26 of the West Covina Municipal Code, Downtown Code, is amended to read as follows:

	T5-UC	T4-GU	T4-UN
Retail Stores and shops engaged in the sale of goods and merchandise	P	P	X
Alcohol off-sale, areas of undue concentration	AUP	AUP	X
<u>Alcohol off-sale, instructional tasting (see art. XII, div. 15)</u>	<u>CUP</u>	<u>CUP</u>	<u>X</u>
Postal Services	AR	AR	X