

ORDINANCE 21-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, APPROVING ZONING CODE AMENDMENT (ZCA) 21-001, TO MODIFY PLANNED COMMUNITY DEVELOPMENT 13-001 (ORDINANCE NO. 14-2033), TO ALLOW OFF-SITE CONSUMPTION OF BEER AND WINE IN CONJUNCTION WITH A BREWERY OR WINERY AS A CONDITIONALLY PERMITTED USE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA – APN: 8434-105-037 AND 8434-015-038

THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to a Council public hearing conducted on May 18, 2021 and processing in the manner set forth by State law and local ordinance, and after written recommendation thereon by the Planning Commission (Resolution 2021-006 PC) after a duly noticed public hearing on April 13, 2021, this Zoning Code Amendment amending the Planned Community Development ("PCD") 13-001 is made for the reasons of public interest, convenience, and necessity.

SECTION 2. The following described real property in the City of Covina, County of Los Angeles, State of California, is hereby subject to the PCD:

That certain property commonly known as the "Covina Industrial Park", generally located at 1566-1600 West San Bernardino Road, Covina, California (the "Covina Industrial Park") – APN 8434-015-037 and 8434-015-038.

SECTION 3. The Conditional Uses Section of Planned Community Development (PCD) 13-001 for Covina Industrial Park shall be amended as follows:

Conditional Uses:

- a. All those uses permitted with a conditional use permit ("CUP") in the M-1 (Industrial) Zone under the Covina Zoning Code; plus
- b. Winery with on-site wine tasting (as defined under the standards of the State Department of Alcoholic Beverage Control (ABC) as a business having only a Type 02 License (Winegrower/Winery)), as opposed to any other ABC License classifications. In addition, any other winery with on-site wine tasting within the Covina Industrial Park shall be located at least 250 feet from any other winery with on-site wine tasting or brewery with on-site beer tasting (as measured from property line to property line) and shall be subject to the same ABC-associated licensing criteria.
- c. Brewery with on-site beer tasting (as defined under the standards of the State Department of Alcoholic Beverage Control (ABC) as a business having only a Type 23 License (Small Beer Manufacturer)), as opposed to any other ABC License classifications. In addition, any other brewery with on-site beer tasting within the Covina Industrial Park shall be located at least 250 feet from any other brewery with

on- site beer tasting or winery with on- site wine tasting and shall be subject to the same ABC- associated licensing criteria.

- d. Notwithstanding the above, the same location may operate both a winery with on- site wine tasting and a brewery with on- site beer tasting, provided a CUP has been obtained to operate both.
- e. Off-site consumption of beer and wine (Type 20 ABC License) in conjunction with a winery or brewery, and shall be subject to the same ABC-associated licensing criteria.

SECTION 4. The development standards set forth in the Covina Municipal Code for the M- 1 (Light Industrial) Zone shall apply to the Covina Industrial Park. All pertinent provisions of the Ordinance No. 1403 for PCD 79-01 and Ordinance No. 14-2033 for PCD 13-001 shall apply.

SECTION 5. After giving full consideration to all evidence presented at said hearing, both oral and documentary, reviewing the recommendation of the Planning Commission, and after being fully informed, the City Council hereby finds as follows:

1. The amendment to PCD is consistent with the Covina General Plan. The Industrial Park will continue to conform to the existing " General Industrial" land use designation set forth in the General Plan.
2. The amendment to PCD is in the public interest and reasonably related to the public welfare because it reasonably regulates new types of business use that were not previously recognized or regulated by Covina. Further, by making them a conditional use, this will allow the Planning Commission to review and approve such uses through the public hearing process and, if approved, to impose reasonable conditions of approval to address any negative land use impacts tied to such uses. This balances the policies of the General Plan and Zoning Code to promote moderate economic development in the City with the need to protect the public from the negative impacts tied to alcohol sales.
3. The amendment to PCD is a reasonable refinement to the Covina Industrial Park' s existing M- 1 Light Industrial zoning and does not fundamentally alter its underlying zoning scheme. Except for the added distance restriction, no other zoning regulations governing these types of uses would be changed. They would remain subject to the same setback, height, parking, floor area and other development standards as all other uses in the M- 1 zone. Therefore, the PCD remains consistent with the Covina Zoning Code.

SECTION 6. In considering this application relative to the California Environmental Quality Act (CEQA) Guidelines, the City Council affirms the determination of the Planning Commission that this Zoning Code amendment to PCD is not subject to the CEQA pursuant to CEQA Guidelines Sections 15061(b)(3). The addition of the use to allow off-sale type 20 ABC License is not a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 7. The Zoning Code Amendment (ZCA) 21-001 amending PCD 13-001, as set forth in Section 3 above is hereby granted.

SECTION 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 9. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City or within the territory comprising the City, shall in any manner affect the prosecution for the violation of any ordinance, which violation was committed prior to the effective date of this Ordinance, nor be construed as a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinances.

SECTION 10. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

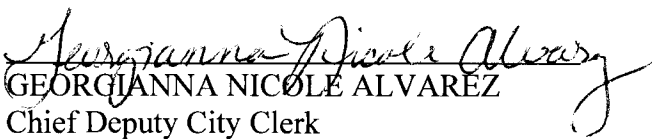
SECTION 11. Notification. Within 30 days of the effective date of this Ordinance, the City Clerk shall notify the Los Angeles County Assessor of passage and adoption of this Ordinance in accordance with Section 65863.5 of the Government Code.

PASSED, APPROVED and ADOPTED this 1st day of June, 2021.

City of Covina, California

BY: 
JORGE A. MARQUEZ, Mayor

ATTEST:


GEORGIANNA NICOLE ALVAREZ
Chief Deputy City Clerk

APPROVED AS TO FORM:


CANDICE K. LEE, City Attorney

CERTIFICATION

I, Georgianna Nicole Alvarez, Chief Deputy City Clerk of the City of Covina, do hereby certify that Ordinance 21-05 was introduced for first reading at a regular meeting on the 18th day of May 2021. Thereafter, said Ordinance was duly approved and adopted at a regular meeting of said City Council on the 1st day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS: ALLEN, KING, LINARES, CORTEZ, MARQUEZ
NOES: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

Dated: June 2, 2021


GEORGIANNA NICOLE ALVAREZ
Chief Deputy City Clerk