

ORDINANCE NO. 13-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, MODIFYING PLANNED COMMUNITY DEVELOPMENT PCD 79-001 (ORDINANCE NO. 79-1403) TO ADD ON-SITE BEER TASTING IN CONJUNCTION WITH A BREWERY AS A CONDITIONALLY PERMITTED USE WITHIN THE ARROW-GRAND BUSINESS PARK, AND MAKING CERTAIN FINDINGS AND CONDITIONS

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

SECTION 1. Pursuant to a Council public hearing conducted on July 2, 2013, and processing in the manner set forth by State law and local ordinance, and after written recommendation thereon by the Planning Commission (Resolution 2013-003PC) after duly noticed public hearings on May 14, 2013, May 28, 2013 and June 11, 2013, this modification (“Modification”) to Planned Community Development PCD 79-001 (Ordinance 79-1403) 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 Modification:

That certain property commonly known as the “Arrow-Grand Business Park”, generally located south of Arrow Highway, north of Cienega Street, west of Grand Avenue, and east of Barranca Avenue (the “Business Park”). For a full legal description of the Business Park, see Section 2 (pages 1-4) of PCD 79-001 (Ordinance 79-1403).

SECTION 3. The proposed Modification adds a conditionally permitted use to the list of uses allowed by PCD 79-001 with respect to on-site beer tasting in conjunction with a brewery within the Business Park. The Modification is hereby worded as follows:

Add Subsection H to the “INDUSTRIAL PARK DEVELOPMENT” part of Section 4 of PCD 79-001 to state as follows:

“H. Uses permitted subject to conditional use permit:

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 in the Arrow-Grand Industrial Park shall be located at least 1,000 feet from

another such use and shall be subject to the same ABC-associated licensing criteria.”

SECTION 4. 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 Modification is consistent with the Covina General Plan. The Business Park will continue to conform to the existing “General Industrial” land use designation set forth in the General Plan. The Modification only adds “on-site beer tasting” with a Type 23 ABC License as an additional component to a “brewery” which is already a permitted use as of right in the M-1 industrial zone. Under ABC’s Type 23 licensing scheme, “on-site beer tasting” is considered to be an additional component to a brewery and not a commercial “restaurant”, “bar”, “cocktail lounge” or “nightclub”, which requires a different kind of ABC license. Therefore, it is not a commercial use that would be inconsistent with the Business Park’s “General Industrial” designation.
2. The Modification is also consistent with the City of Covina General Plan because (i) it accommodates moderate infill development of underutilized parcels as a high priority through reasonable amendments to the City’s zoning provisions in order to preserve the City’s economic base, image and character while minimizing adverse impacts, and (ii) it draws an appropriate balance between encouraging creative and appropriate reuse of land to foster economic growth within the City while providing reasonable limitations on such uses so that they do not inhibit or impose an undue burden on the City’s ability to meet public safety needs and provide services.
3. The Modification is in the public interest and reasonably related to the public welfare because it reasonably regulates a new type of business use that was not previously recognized or regulated by Covina. The stringent distance restrictions contained in the Modification would only permit this type of use in a total of two locations within the Business Park. Further, by making it 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 use. 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.
4. Because “on-site beer tasting” is not considered by the State of California to be a separate commercial use, but rather an additional component to a brewery which is already a permitted use as of right in the M-1 industrial zone, the Modification is a reasonable refinement to the Business Park’s existing M-1(PCD) zoning and does not fundamentally alter its underlying zoning scheme. Except for the added

distance restriction, no other zoning regulations governing this type of use would be changed. It would remain subject to the same setback, height, parking, floor area and other development standards as all other uses in the M-1(PCD) zone. Therefore, the Modification remains consistent with the Covina Zoning Code.

5. The Modification will not alter the existing layout of buildings and other structures, the principal layout of on-site parking, vehicle and pedestrian circulation, or other physical elements of the Business Park. Further, the stringent distance restriction between on-site beer tasting uses will ensure that no more two such uses can occupy the Business Park at any one time. Therefore, the site remains adequate in size and shape to accommodate the use, as amended by this Modification.
6. No additional buildings within the Business Park are proposed by this Modification. Further, although this Modification may result in additional customer traffic coming to the Business Park, the impact on traffic will be negligible relative to Arrow Grand Circle. Given the distance restriction contained in the Modification, only two such uses would be allowed in the Business Park at any one time. Further, the first such use has already received a Conditional Use Permit from the Planning Commission (on June 11, 2013). The Planning Commission has considered and determined that the site will have sufficient off-street parking and the use will operate primarily during times when other businesses in the Business Park are closed. Therefore, Arrow-Grand Circle, which is an improved two-lane street serving the Business Park, will remain adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use benefitting from this Modification.
7. The current zoning of the Business Park permits by right the operation of a brewery, without the requirement for a Conditional Use Permit. Further, by making the “on-site beer tasting” component 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 use. The Modification only adds “on-site beer tasting” with a Type 23 ABC License as an additional component to this permitted use. And, by imposing stringent distance restrictions and requiring a Conditional Use Permit, it allows this use in a very limited way. Therefore, the Modification’s impacts are relatively minor in the context of the entire Business Park. Such uses must continue to comply with all applicable local ordinances and regulations to minimize its impact on neighboring properties. Therefore, this Modification is not detrimental to the surrounding property or uses permitted in the general area.
8. As noted above, the Modification allows “on-site beer tasting” only in conjunction with a permitted brewery and with a Conditional Use Permit. By making it a conditional use, this will allow the Planning Commission to review

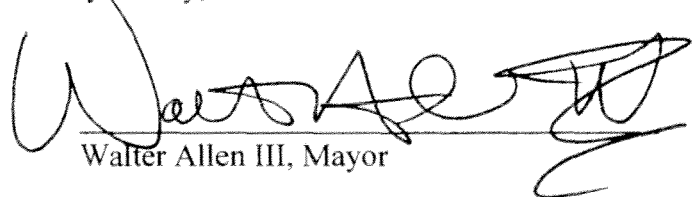
and approve such uses through the public hearing process and, if approved, to impose reasonable conditions of approval to address any negative land use impacts tied to such use. One such use has already received a Conditional Use Permit from the Planning Commission (on June 11, 2013) and the Planning Commission imposed 8 pages of conditions of approval (plus exhibits) regulating its operations. These conditions will mitigate any negative impacts from the proposed use. Further, in the event further negative impacts are identified, the conditions of approval allow the Planning Commission to reconsider the CUP and impose new or modified conditions as needed. Therefore, the Modification provides adequate safeguards to protect the health, safety and general welfare.

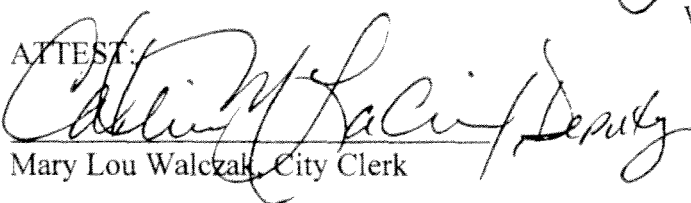
SECTION 5. In considering this application relative to the California Environmental Quality Act (CEQA) Guidelines, the City Council affirms the determination of the Planning Commission that this Modification is not subject to the CEQA pursuant to CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3) because it is not a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 6. The Modification to PCD 79-001 (Ordinance 79-1403), as set forth in Section 3 above, is hereby granted.

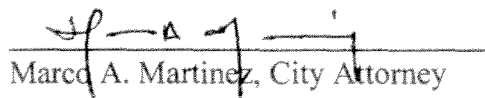
SECTION 7. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose.

PASSED AND APPROVED on this 16th day of July, 2013.


Walter Allen III, Mayor

ATTEST:

Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:


Marc A. Martinez, City Attorney

CERTIFICATION

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, do hereby certify that the foregoing Ordinance No. 13-2023 was introduced on the 2nd of July, 2013 and was adopted at a regular meeting of the City Council held on the 16th day of July, 2013, by the following vote:

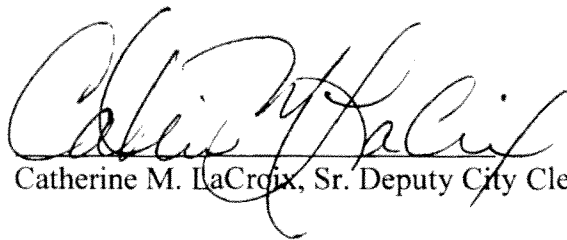
AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Covina, California, this 16th day of July, 2013.


Catherine M. LaCroix, Sr. Deputy City Clerk

