



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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October 20, 2016

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council accept Categorical Exemption CE-16-236, approve a Zoning Code Amendment and Local Coastal Program Amendment to revise provisions relating to the regulation of Alcoholic Beverage Manufacturing facilities, specifically pertaining to parking requirements, hours of operation, locational requirements, and review processes. (Citywide)

APPLICANT: City of Long Beach
Department of Development Services
333 West Ocean Boulevard
Long Beach, CA 90802
(Application No. 1609-25)

DISCUSSION

The City Council adopted Ordinance ORD-15-0010 (ABM Ordinance) on April 7, 2015, allowing small-scale alcoholic beverage manufacturing facilities and accessory tasting rooms to operate in commercial within the City. Previously, these types of uses were limited to zones permitting manufacturing uses, with to permit accessory tasting rooms.

During the development of the Alcoholic Beverage Manufacturing (ABM) Ordinance, a priority for the business community was the ability to establish certainty in the review process. As such, the ABM Ordinance was structured to allow staff-level review, where an ABM would be approved if it complied with the development standards established for these facilities.

Since adoption of the ABM Ordinance 18 months ago, a variety of restaurants with breweries have opened within the City. However, only two ABM establishments have qualified under the development standards. On August 23, 2016, the City Council directed staff and the Planning Commission to review the provisions of the ABM Ordinance, and review and identify opportunities for the Planning Commission or staff to have additional flexibility on the development standards of the Ordinance.

ABM facilities are small-scale breweries that may include an accessory tasting room. Customers may consume products produced on-site at the accessory tasting room and may purchase products produced on-site for off-site consumption. The typical forms of

off-site purchases for off-site consumption are growler fills or individual bottles. Growlers are containers of a set size (typically 64 ounces) that a customer purchases from the ABM and uses for refills.

Staff's review of the ABM regulations included studying inquiries from prospective breweries, reviewing the regulations for similar establishments in other cities, and comparison of the Ordinance to other alcohol-related standards or practices within the City. Staff also considered the need to provide the business community with a time- and cost-efficient review process while ensuring that the community standards for alcohol-related uses in the City are maintained. Staff's review revealed that the Ordinance could benefit from additional flexibility, maintaining consistency with the City's regulation of alcohol-related uses. The following section describes the proposed changes, which are provided in red-line/strikethrough format in Exhibit A.

Parking Regulations

The ABM regulations require parking for both the manufacturing facility and the accessory tasting room. This has created challenges for business owners wishing to open an ABM establishment on a site with a lack of parking. Staff found that the hours of brewing operations of ABM generally have little overlap with the hours of the accessory tasting rooms, especially in commercial zones. As such, staff proposes to require parking for ABMs in the commercial zones to be 10 spaces per 1,000 square feet for the accessory tasting room with no additional parking required for the manufacturing area.

Manufacturing uses in industrial zones are permitted to include accessory uses without those accessory uses being parked separately. For the industrial zones, the parking would be applied to the entire ABM facility at the manufacturing parking ratio of (2 spaces per 1,000 square feet), consistent with uses in industrial zones.

Locational Requirements

The ABM regulations requires that ABMs be located 500 feet or more from the nearest preschool, kindergarten, primary, intermediate, and secondary school. This is similar to the City's existing 500-foot buffer for on- and off-sale of alcohol requiring a CUP. Staff has encountered a challenge with tracking preschools and kindergarten-only institutions, since there is a prevalence of privately run facilities that are not necessarily in one location on a long-term basis. The hours of operations of preschools and kindergartens are generally in the morning, before the accessory tasting rooms open. Also, there is a limited likelihood that children attending preschool or kindergarten would be impacted by an ABM facility as they do not independently travel between destinations. Staff proposes the elimination of preschools and kindergartens from this standard.

The ABM regulations applies to all Planned Developments in the City in which commercial uses are permitted, including the Downtown Plan (PD-30). In most of the Downtown Plan Area, Conditional Use Permits are required for alcohol-related uses with exceptions for several types of uses, including brewpubs or "a similar family that produces for on-site consumption..." Staff has determined that an ABM is similar to a brewpub, in that alcohol

is produced and can be consumed on-site, and therefore, should be regulated in the same way. Therefore, staff proposes adding an exemption to the 500-foot distance buffer for ABM facilities within the Downtown Plan. The presence of alcohol-related uses has a more limited potential for impacts due to the Downtown area's scale, size, and characteristics. The Downtown has many commercial storefronts within close proximity to allow for ABM facilities to benefit from customers who are visiting nearby businesses. This visibility ensures limits the typical impacts associated with alcohol-related uses, such as loitering or consuming alcohol outside.

Hours of operation

The ABM regulations allows for accessory tasting rooms to be open to the public between 12:00 p.m. and 9:00 p.m. Sunday through Thursday and 11:00 a.m. and 10:00 p.m. Friday and Saturday. Brewery operators in commercial zones have expressed a desire to extend hours to match other nearby businesses. Staff proposes to allow accessory tasting rooms to remain open in commercial zones on Fridays and Saturdays until 11:00 p.m., but allow for operators to request later hours with the approval of an Administrative Use Permit (AUP), is heard by the City's Zoning Administrator.

Review Process

Currently, the ABM regulations are structured to be a ministerial review process, however, ABM facilities over 6,000 square feet may be considered through a CUP process. Staff proposes an AUP process instead. The AUP results in cost savings for the applicants, while still allowing full review and assessment from the public notification process.

The Municipal Code does not set forth required findings for approval of a Zoning Code Amendment. However, this change is consistent with the General Plan, specifically Land Use Element goals regarding managing growth, and ensuring quality development and public safety. Staff recommends that the Planning Commission recommend that the City Council approve Zoning Code Amendment No. 1609-25 to revise provisions relating to the regulation of alcoholic beverage manufacturing facilities, specifically pertaining to parking regulations, hours of operations, locational requirements, and review processes. Should the Planning Commission recommend City Council approval of these amendments, staff anticipates that this item will be presented for a City Council hearing in November 2016.

PUBLIC HEARING NOTICE

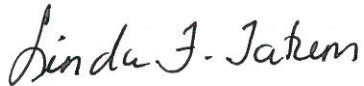
The required public hearing notice was provided in accordance with the Municipal Code. A public hearing notice was published in the Long Beach Press-Telegram, public hearing notices were mailed to the California Coastal Commission and all City libraries, and three public hearing notices were posted in public places within the City.

ENVIRONMENTAL REVIEW

This project qualifies for a categorical exemption per Section 15308 of the California

Environmental Quality Act Guidelines (Exhibit B - Categorical Exemption CE 16-236).

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:ct

Attachments: Exhibit A – Draft Code Amendment with redlines
Exhibit B – Categorical Exemption CE 16-236

Alcoholic Beverage Manufacturing Proposed Changes

Code Section	Code Text (Underline = Addition, Strikethrough = Deletion)		
21.15.055 (Definition)	"Accessory tasting room" means an accessory use associated with an Alcoholic Beverage Manufacturing (ABM) facility use that is devoted to the purchase, consumption and tasting of beer, wine or distilled spirits produced on site. Consumption, tasting and purchase of alcoholic beverages shall be limited to product produced on site. An accessory tasting room may also include ancillary retail sales directly associated with the primary ABM use. An accessory tasting room may not exceed thirty percent (30%) of the gross floor area (GFA) of the ABM facility, not including restrooms serving the accessory tasting room or ABM facility. Food may be sold in a form that is ready to eat at the time of sale; a full-service kitchen is not permitted in an accessory tasting room.		
21.15.135 (Definition)	Alcoholic Beverage Manufacturing (ABM)" means a facility that is used for the production of alcoholic beverages including beer, wine and distilled spirits in accordance with a valid alcohol production license from the State of California. An ABM use may include an accessory tasting room as an accessory use. The accessory tasting room may not exceed thirty percent (30%) of the gross floor area (GFA) of the ABM facility, not including restrooms serving the accessory tasting room or ABM facility. Food may be sold in a form that is ready to eat at the time of sale; a full-service kitchen is not permitted in ABM facilities or accessory tasting rooms.		
Chapter 41 Table 41-1C (Parking)		<u>Commercial Zones</u>	<u>Industrial Zones</u>
	1. Manufacturing/ Brewing area	2 spaces per 1,000 SF GFA <u>None</u>	<u>2 spaces per 1,000 SF GFA of ABM facility</u>
	2. Accessory Tasting Room area	105 spaces per 1,000 SF GFA <u>of Accessory Tasting Room only</u>	
	3. Office space	If greater than 25% of total GFA 4 spaces per 1,000 SF GFA; if less than 25% total GFA, the area shall be included in the manufacturing/brewing area calculation	
21.45.114 (1)	An ABM and accessory tasting room use shall comply with all federal, state and local laws and regulations, including a valid license from the California Alcohol Beverage Control (ABC) Board for the specific type of alcoholic beverage manufacturing occurring on site.		
21.45.114 (2)	An ABM and accessory tasting room use located in a commercial zone shall not exceed six thousand (6,000) square feet of gross floor area (GFA), unless otherwise permitted by <u>an Administrative Conditional</u> Use Permit (CA UP).		
21.45.114 (3)	An ABM use located in a commercial zone may not exceed production of fifteen thousand (15,000) barrels per year.		
21.45.114 (4)	An ABM use located in a commercial zone must include an accessory tasting room.		

Code Section	Code Text (Underline = Addition, Strikethrough = Deletion)
21.45.114 (5)	An ABM and accessory tasting room may not be located within five hundred (500) feet of the nearest property line of any preschool, kindergarten, elementary, secondary, or high school, as measured from the nearest property line of the site on which the alcohol manufacturing use is located, <u>unless located in PD-30 (Downtown Plan), or permitted by Conditional Use Permit (CUP), in accordance with Section 21.52.201.-</u>
21.45.114 (6)	All production activities shall be located completely within the ABM facility. All on-site storage shall be located within the ABM facility. Off-site storage is permitted in those zoning districts where storage and warehousing is permitted.
21.45.114 (7)	The display of alcoholic beverages shall not be located outside of an ABM and accessory tasting room facility.
21.45.114 (8)	The ABM and accessory tasting room use shall not be open to the public, except for the following hours:
	Manufacturing and Production: 7:00 a.m. - 7:00 p.m. Monday - Saturday; and
	Accessory Tasting Room <u>(Industrial Zone)</u> : 12:00 p.m. - 9:00 p.m. Sunday - Thursday and 11:00 a.m. - 10:00 p.m. Friday - Saturday.
	<u>Accessory Tasting Room (Commercial Zone): 12:00 p.m. - 9:00 p.m. Sunday - Thursday and 11:00 a.m. - 11:00 p.m. Friday - Saturday. Additional hours may be permitted through an Administrative Use Permit (AUP).</u>
21.45.114 (9)	Service trucks used for the purposes of loading and unloading materials, ingredients, products, and equipment shall be restricted to the hours of 8:00 a.m. - 6:00 p.m. Monday - Friday and 11:00 a.m. - 6:00 p.m. on Saturday; the use of service trucks for the purposes of loading and unloading materials, ingredients, equipment and finished product shall be prohibited on Sunday.
21.45.114 (10)	To the greatest extent feasible, access and loading bays are discouraged from facing toward a street.
21.45.114 (11)	The purchase, consumption, tasting and sales of alcoholic beverages shall be limited to only those products produced on site.
21.45.114 (12)	The ABM use or accessory tasting room shall not charge an admission fee, cover charge or require a minimum purchase.
21.45.114 (13)	A sewage plan and all on site infrastructure shall be approved by the appropriate City departments
21.45.114 (14)	The ABM and accessory tasting room use shall comply with Chapter 8.80 "Noise" of the Long Beach Municipal Code

Code Section	Code Text (Underline = Addition, Strikethrough = Deletion)
21.45.114 (15)	A security plan, including a video surveillance system and exterior lighting plan, satisfactory to the Chief of Police shall be submitted to and approved by the Police Department prior to the issuing of a Certificate of Occupancy. The video surveillance system shall be installed to assist with monitoring the property on both the interior and exterior. A Digital Video Recorder (DVR), capable of exporting images in TIFF, BMP, or JPG format shall be used. Recording shall be retained for no less than thirty (30) days. Exterior lighting shall clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors, as well as the business address.
21.45.114 (16)	No more than ten percent (10%) of the square footage of the windows and transparent doors of the premises shall be allowed to bear advertising, signs or any other obstructions. All advertising, signage or other obstructions shall be placed and maintained to ensure a clear and unobstructed view of the establishment's interior. Window signs displaying prices shall be prohibited. No advertising or signage shall be placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.
21.45.114 (17)	No publicly accessible exterior pay telephones shall be located on the ABM and accessory tasting room use premises.
21.45.114 (18)	Tours of the ABM and accessory tasting room use shall occur on regularly scheduled days and times. The operator shall ensure that tours do not negatively impact adjacent businesses or property owners.
21.45.114 (19)	ABM and accessory tasting room uses located adjacent to or across from residential areas shall be restricted from utilizing natural ventilation practices that may negatively impact neighboring residences and may be required to install mechanical air filtration systems to the satisfaction of the Director of Development Services.



NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbds.longbeach.gov

TO: ☒ Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

☐ L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE-16-236

Project Location/Address: Citywide

Project Activity/Description: Revise provisions in Title 21 (Zoning Ordinance)
relating to Alcoholic Beverage Manufacturing facilities, specifically
pertaining to parking requirements, hours of operations, locational
requirements, and review processes.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: City of Long Beach - Carrie Tai, Current Planning Officer

Mailing Address: 333 West Ocean Boulevard 5th Floor

Phone Number: 562-570-6411

Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1609-25 Planner's Initials: _____

Required Permits: Zoning Code Amendment, Local Coastal Program amendment

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15308 - Actions by Regulatory Agencies for
Protection of the Environment

Statement of support for this finding: The proposed amendments relate to the
regulation of Alcoholic Beverage Manufacturing facilities, for the purpose
of ensuring that no negative impacts could result in negative effects to
the surrounding environment.

Contact Person: _____ Contact Phone: _____

Signature: _____ Date: _____