



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

December 4, 2014

CHAIR and PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council adopt an amendment to Chapter 21 (Zoning) of the Long Beach Municipal Code related to alcoholic beverage manufacturing (ABM) and accessory tasting rooms and accept Categorical Exemption (CE) 14-140 (Citywide).

APPLICANT: City of Long Beach
333 W. Ocean Boulevard
Long Beach, CA 90802
(Application No. 1411-07)

DISCUSSION

In February 2014, the City Council requested that the City Manager review current licensing and zoning policies for potential microbreweries and beer production; examine best practices for brew policy in other localities including San Diego and Torrance; engage local brewpubs and the retail community for ideas and input; and report back to the City Council.

The Alcoholic Beverage Manufacturing (ABM) industry (including micro/craft breweries, nanobreweries and brewpubs) has experienced significant growth across the country in the past 30 years. Recently, California has emerged as a leader in this growth, particularly in the micro/craft brewery sector. Currently, California has more micro/craft breweries than any other state, is the largest producer of micro/craft beer in the country, and has had more micro/craft breweries open in 2013 than any other state.

The City's zoning code does not include a definition for ABM or development standards regulating this use. However, the code does define and permit similar uses in certain zoning districts. The manufacturing of food and beverages, including breweries, (Standard Industry Classification [SIC] Code 2082)), is permitted in the Light Industrial (IL) and General Industrial (IG) zoning districts. A Conditional Use Permit (CUP) is required for an eating or drinking establishment engaged in the sale of alcohol in the IL and IG zones. A brewpub or other "similar use," which may sell beer produced on site for on-sale and off-sale consumption is permitted by right in the Downtown Plan area. However, an interpretation from the Zoning Administrator would be required to determine if a stand-

CHAIR and PLANNING COMMISSIONERS

December 4, 2014

Page 2 of 3

alone micro/craft brewery (without the service of food often associated with a brewpub) would be considered a "similar use" to a brewpub and permitted in the Downtown Plan area.

Staff has collaborated with the Long Beach Police Department (LBPD) and the City Attorney's office to establish definitions and development standards related to the use, and to identify zones where the use should be permitted. The proposed code amendments (Exhibit A – Proposed Code Amendments) would permit ABM uses and accessory tasting rooms of limited size and production capacity to be established in all commercial and industrial districts citywide as well as commercially oriented planned development districts.

The associated development standards are intended to protect the health, safety, welfare and interests of residents and commercial neighbors, streamline the review and permitting process, and create a business friendly environment for applicants interested in starting an ABM and accessory tasting room use.

Although the proposed code amendment would allow an ABM use to operate without a CUP, the proposed development standards would replace the conditions of approval that are typically included in the CUP process. Staff believes that this approach will reduce the time and money associated with the CUP process while still providing development and operational parameters necessary to minimize impacts to nearby properties. The proposed development standards include, but are not limited to, the following:

- An ABM use shall comply with all federal, state and local laws and regulations;
- An ABM use located in a commercial zone shall not exceed 6,000 square feet of gross floor area (GFA), unless otherwise permitted by a CUP;
- An ABM use located in a commercial zone may not exceed production of 15,000 barrels per year;
- The purchase, consumption, tasting and sale of alcoholic beverages shall be limited to only those products produced on site;
- A tasting room may not exceed thirty percent (30%) of the GFA of the ABM facility.
- The ABM use or accessory tasting room shall not charge an admission fee, cover charge or require a minimum purchase;
- The site may not be located within five hundred (500) feet of the nearest property line of any public school;
- All production and storage activities shall be located completely within the ABM facility;
- The ABM use shall not operate outside of the following hours:
 - Manufacturing & Production: 7:00 a.m. – 7:00 p.m., Monday – Saturday; and;
 - Tasting Room: 12:00 p.m. – 9:00 p.m., Sunday – Thursday, and 11:00 a.m. – 10:00 p.m., Friday – Saturday.

Permitted Districts:

Alcoholic Beverage Manufacturing (ABM) uses shall be permitted by right, subject to special development standards, in all industrial and commercial zoning districts and in the Downtown Plan area (PD-30).

ABM uses shall be permitted by an Administrative Use Permit in commercial and industrial oriented planned development (PD) districts, except in PD-30, where the use shall be permitted by right.

All ABM uses shall be subject to use specific development standards.

Definitions:

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 a tasting room as an accessory use. The accessory tasting room may not exceed thirty percent (30%) of the building area. 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.

Tasting Room:

Means: An accessory use associated with an ABM 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. A tasting room may also include ancillary retail sales directly associated with the primary ABM use. A tasting room may not exceed thirty percent (30%) of the building area of the ABM facility, not including restrooms serving the 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.

Special Development Standards:

All ABM uses shall comply with the following standards:

1. An ABM use shall comply with all federal, state and local laws and regulations.
2. An ABM use located in a commercial zone shall not exceed 6,000 square feet of gross floor area (GFA), unless otherwise permitted by a Conditional Use Permit (CUP). An ABM use located in an industrial zone shall not be limited in size.
3. An ABM use located in a commercial zone may not exceed production of 15,000 barrels per year.

4. An ABM may not be located within five hundred (500) feet of the nearest property line of any public school, as measured from the nearest property line of the site on which the alcohol manufacturing use is located.
5. All production and storage activities shall be located completely within the ABM facility.
6. The display of alcoholic beverages shall not be located outside of a building or within five (5) feet of any public entrance to the building.
7. The ABM use shall not operate outside of the following hours:
 - Manufacturing & Production: 7:00 a.m. – 7:00 p.m. Monday – Saturday; and
 - Tasting Room: 12:00 p.m. – 9:00 p.m. Sunday – Thursday and 11:00 a.m. – 10:00 p.m. Friday – Saturday.
8. 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.
9. To the greatest extent feasible, access and loading bays are discouraged from facing toward a street.
10. The purchase, consumption, tasting and sales of alcoholic beverages shall be limited to only those products produced on site.
11. Ancillary retail sales shall be limited to only those retail items directly associated with the on-site ABM facility and accessory tasting room.
12. The ABM use or accessory tasting room shall not charge an admission fee, cover charge or require a minimum purchase.
13. A sewage plan and all on site infrastructure shall be approved by the City Public Works Department prior to issuing of Certificate of Occupancy.
14. The ABM use shall comply with Chapter 8.80 Noise of the Long Beach Municipal Code.
15. A security plan, including a surveillance and lighting plan, satisfactory to the Chief of Police shall be submitted to and approved by the Police Department prior to issuing of a Certificate of Occupancy. The security plan is intended to prevent nuisance activity or behavior associated with the ABM use and to encourage compatibility with neighboring uses.

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 including products, shelving, display items and/or coolers. All advertising, signage, product, shelving, display items and/or coolers 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.
17. No publicly accessible exterior pay telephones shall be located on the ABM use premises.
18. Tours of the ABM facility shall occur on regularly scheduled days and times. The operator shall ensure that tours do not negatively impact adjacent businesses or property owners.
19. ABM uses located adjacent to or across from residential areas shall be restricted from utilizing natural ventilation practices that may negatively impact neighboring residences.

Parking and Loading Requirements:

Parking requirements for the ABM use shall be provided as follows:

- Manufacturing/Brewing area: 2 spaces / 1,000 square feet GFA
- Tasting Room area: 15 spaces / 1,000 square feet GFA
- Office Space: If greater than 25% of total GFA 4 spaces / 1,000 square feet GFA, if less than 25% total GFA the area shall be included in manufacturing/brewing area calculation.



NOTICE of EXEMPTION from CEC

EXHIBIT B

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. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 14-140

Project Location/Address: Citywide

Project/Activity Description: Recommendation that the Planning Commission recommends that the City Council adopt an amendment to Chapter 21 (Zoning) of the Long Beach Municipal Code related to alcoholic beverage manufacturing (ABM) and accessory tasting rooms and accept Categorical Exemption (CE) 14-140.

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

Applicant Name: City of Long Beach

Mailing Address: 333 W. Ocean Boulevard, Long Beach, CA 90802

Phone Number: (562) 570-6922 _____ Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1411-07 _____ Planner's Initials: BB _____

Required Permits: ~~XXXX~~ Amendments to the zoning code

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15308 - Class A, Actions by
regulatory agencies for protection of the environment.

Statement of support for this finding: _____
Changes to regulations regarding land uses with
no direct environmental changes.

Contact Person: Bruce Birgefeld Contact Phone: (562) 570-6922

Signature: Pat W. Fiebelmaier Date: 11/17/14