



CITY OF LONG BEACH

H-1

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

November 15, 2016

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, declare the Ordinance amending Sections 21.41.216 (Table 41-1C) and 21.45.114 of Title 21 (Zoning) of the Long Beach Municipal Code, relating to Alcoholic Beverage Manufacturing (ABM) and accessory tasting rooms, read for the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt a Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the implementing ordinances portion of the Certified Local Coastal Program; and,

Accept Categorical Exemption CE-16-236. (Citywide)

DISCUSSION

On April 7, 2015, the City Council adopted Ordinance ORD-15-0010 (ABM Ordinance) allowing small-scale alcoholic beverage manufacturing facilities and accessory tasting rooms to operate in commercial zones within the City. These facilities allow for brewing beer, winemaking, or the distilling of spirits. Previously, these types of uses were limited to zones permitting manufacturing uses, with no method to permit accessory tasting rooms.

Customers may consume products produced on-site in the accessory tasting room and may purchase products for off-site consumption. Typical forms of purchases for off-site consumption are growler fills or individual bottles. Growlers are containers of a standard size (typically 64 ounces) that a customer purchases from the ABM and uses for refills.

The ABM regulations are detailed in Title 21, Section 21.45.114, of the Long Beach Municipal Code (LBMC) and include provisions such as a required 500-foot buffer around schools, hours of operation, floor area limitations, and parking requirements.

Since the 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 ABM development standards. On August 23, 2016, the City Council directed staff and the Planning Commission to review the provisions of the ABM Ordinance, and return within 90 days with opportunities for additional flexibility in the development standards for these facilities.

Staff reviewed the ABM regulations, studied inquiries from prospective breweries, reviewed the regulations for similar establishments in other cities, and compared the Ordinance to other alcohol-related standards in the City. Staff also considered the need to provide the business community with a timely and cost-efficient review process while ensuring that the community standards for alcohol-related uses are maintained. This review revealed that the Ordinance could benefit from additional flexibility and still maintain consistency with the City's existing standards for the regulation of alcohol-related uses. The following section describes the proposed changes, which are provided in red-line/strikethrough format in Exhibit A.

Proposed Amendments:

- In commercial zones, reduce the parking requirement for ABMs to ten spaces per 1,000 square feet for the accessory tasting room, with no additional parking required for the manufacturing area.
- In industrial zones, apply parking to the entire ABM facility at the manufacturing parking ratio, consistent with parking standards for other uses in industrial zones.
- Eliminate preschools and kindergartens from the required 500-foot buffer requirement.
- Add an exemption for ABMs to the required 500-foot distance buffer from elementary, secondary, and high schools within PD-30 (Downtown Plan).
- 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).
- Allow ABM facilities over 6,000 square feet to be considered through an Administrative Use Permit process (AUP) instead of a Conditional Use Permit, resulting in cost savings for the applicants, while still allowing full review and assessment in a noticed public hearing process.

The LBMC 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. On October 20, 2016, the Planning Commission conducted a public hearing and recommended that the City Council approve Zoning Code Amendment No. 1609-25 to revise provisions relating to the regulation of ABM facilities, specifically pertaining to parking regulations, hours of operations, locational requirements, and review processes.

Public hearing notices were distributed on October 31, 2016 and no responses were received as of the date of preparation of this report.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Categorical Exemption (CE 16-236) was issued for the proposed project (Exhibit B).

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 31, 2016 and by Budget Analysis Officer Julissa Jose-Murray on October 25, 2016.

TIMING CONSIDERATIONS

City Council action is requested on November 15, 2016, as the City Council asked on August 23, 2016, that staff and the Planning Commission review this item and return to the City Council within 90 days.

Furthermore, because the request is a Zoning Code amendment, Section 21.25.103.A.1 of the Zoning Regulations require a hearing on this item by the City Council within 60 days of the Planning Commission hearing, which took place on October 20, 2016.

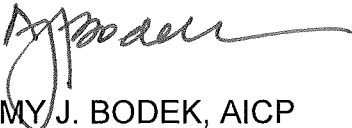
FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:ct
P:\Planning\City Council Items (Pending)\Council Letters\2016\2016-11-15\ABM Ordinance\ABM Council Letter v4.docx

APPROVED:



PATRICK H. WEST
CITY MANAGER

Attachments: Exhibit A – Redline / Strikethrough Proposed Changes
Exhibit B – Categorical Exemption (CE-16-236)
City Council Ordinance
City Council Resolution

Alcoholic Beverage Manufacturing Proposed Changes

Code Section	Code Text (Underline = Addition, Strikethrough = Deletion)													
21.15.055 (Definition)	<p>"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.</p>													
21.15.135 (Definition)	<p>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.</p>													
Chapter 41 Table 41-1C (Parking)	<table border="1"> <thead> <tr> <th data-bbox="414 1071 716 1123"></th> <th data-bbox="719 1071 1118 1123"><u>Commercial Zones</u></th> <th data-bbox="1122 1071 1440 1123"><u>Industrial Zones</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="414 1127 716 1205">1. Manufacturing/ Brewing area</td> <td data-bbox="719 1127 1118 1205">2 spaces per 1,000 SF GFA <u>None</u></td> <td data-bbox="1122 1127 1440 1205" rowspan="2"><u>2 spaces per 1,000 SF GFA of ABM facility</u></td> </tr> <tr> <td data-bbox="414 1209 716 1287">2. Accessory Tasting Room area</td> <td data-bbox="719 1209 1118 1287">105 spaces per 1,000 SF GFA <u>of Accessory Tasting Room only</u></td> </tr> <tr> <td data-bbox="414 1291 716 1402">3. Office space</td> <td colspan="2" data-bbox="719 1291 1440 1402">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</td> </tr> </tbody> </table>				<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	
	<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>												
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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)	<p>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.</p>													
21.45.114 (2)	<p>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 an Administrative Conditional <u>Use Permit (CAUP)</u>.</p>													
21.45.114 (3)	<p>An ABM use located in a commercial zone may not exceed production of fifteen thousand (15,000) barrels per year.</p>													
21.45.114 (4)	<p>An ABM use located in a commercial zone must include an accessory tasting room.</p>													

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 (Industrial Zone): 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
lbs.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

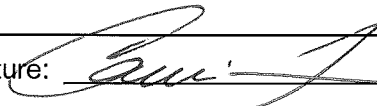
Project Activity/Description: Revise provisions in Title 21 (Zoning Ordinance)
relating to Alcoholic Beverage Manufacturing facilities, specifically
pertaining to parking requirements, hours of operations, locational
requirements, and review processes.

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: Carrie Tai Contact Phone: 562-570-6411

Signature:  Date: 10/19/2016

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING TABLE 41-1C OF CHAPTER 21.41, AND SECTION 21.45.114 (2), (5) and (8), ALL RELATING TO ALCOHOLIC BEVERAGE MANUFACTURING AND ACCESSORY TASTING ROOMS

The City Council of the City of Long Beach ordains as follows:

Section 1. Table 41-1C of Chapter 21.41 of the Long Beach Municipal Code relating to Alcoholic Beverage Manufacturing and Accessory Tasting Room Use is amended to read as follows:

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

TABLE 41-1C

Required Number of Parking Spaces for Commercial, Industrial/Manufacturing and All Other Uses

Use	Required Number of Spaces	
Alcoholic Beverage Manufacturing and Accessory Tasting Room	Commercial Zones	Industrial Zones
1. Manufacturing/Brewing area	None	
2. Accessory Tasting Room area	10 spaces per 1,000 SF GFA of Accessory Tasting Room only	2 spaces per 1000 SF GFA of ABM facility
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	

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Section 2. Section 21.45.114 (2), (5) and (8) of the Long Beach Municipal Code is amended to read as follows:

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 an Administrative Use Permit (AUP).

5. An ABM and accessory tasting room may not be located within five hundred (500) feet of the nearest property line of any elementary, secondary, or high school, as measured from the nearest property line of the site on which the alcohol manufacturing use is located, unless located in PD-30 (Downtown Plan), or permitted by Conditional Use Permit (CUP) in accordance with Section 21.52.201.

8. The ABM and accessory tasting room use shall not be open to the public, except for the following hours:

Manufacturing & Production: 7:00 a.m. – 7:00 p.m. Monday – Saturday; and

Accessory Tasting Room (Industrial Zone): 12:00 p.m. – 9:00 p.m. Sunday – Thursday, and 11:00 a.m. – 10:00 p.m. Friday – Saturday.

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). The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20____, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS
TO THE LONG BEACH ZONING REGULATIONS TO THE
CALIFORNIA COASTAL COMMISSION FOR APPROVAL

WHEREAS, on _____, 2016, the City Council of the City of
Long Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21
of the Long Beach Municipal Code, relating to Alcoholic Beverage Manufacturing and
Accessory Tasting Rooms; and

WHEREAS, it is the desire of the City Council to submit the above
referenced zoning regulation amendments to the California Coastal Commission for its
review; and

WHEREAS, the Planning Commission and City Council gave full
consideration to all facts and the proposals respecting the amendments to the zoning
regulations at properly noticed and advertised public hearings; and

WHEREAS, the City Council, in accordance with the recommendation of
the Planning Commission, approved the proposed amendments to the zoning regulations
by adopting amendments to Chapter 21.141.216 (Table 41-1C) and 21.45.114 related to
Alcoholic Beverage Manufacturing and Accessory Tasting Rooms. The proposed zoning
regulation amendments are to be carried out in a manner fully consistent with the Coastal
Act and become effective in the Coastal Zone immediately upon Coastal Commission
certification and approval; and

WHEREAS, the City Council hereby finds that the proposed zoning
amendments will not adversely affect the character, livability or appropriate development
in the City of Long Beach and that the amendments are consistent with the goals,

1 objectives and provisions of the City's General Plan.

2 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
3 follows:

4 Section 1. The amendment to the Long Beach Zoning Regulations of the
5 City of Long Beach adopted on _____, 2016, by Ordinance No.
6 _____, a copy of which is attached to and incorporated in this resolution as
7 Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest
8 review as to that part of the ordinance that directly affects land use matters in that portion
9 of the California Coastal Zone within the City of Long Beach.

10 Section 2. The Director of Development Services of the City of Long
11 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
12 with appropriate supporting materials, to the California Coastal Commission with a
13 request for its earliest action, as an amendment to the Local Coastal program that will
14 take effect automatically upon Coastal Commission approval pursuant to the Public
15 Resources Code or as an amendment that will require formal City Council adoption after
16 Coastal Commission approval.

17 Section 3. This resolution shall take effect immediately upon its adoption
18 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2016, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664