



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

H-2

March 24, 2015

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and declare the Ordinance amending Title 21 (Zoning) of the Long Beach Municipal Code related to Alcoholic Beverage Manufacturing and Accessory Tasting Rooms read 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 the amendment to Title 21 (Zoning) of the Long Beach Municipal Code related to Alcoholic Beverage Manufacturing and Accessory Tasting Rooms to the California Coastal Commission for their review and certification; and

Accept the Categorical Exemption CE-14-140. (Citywide)

DISCUSSION

On February 11, 2014, the City Council requested the City Manager to review current licensing and zoning policies related to micro/craft alcoholic beverage production; examine best practices in other localities; engage the local alcoholic beverage manufacturing community for ideas and input; and report back to the City Council.

The Alcoholic Beverage Manufacturing (ABM) industry (including micro/craft breweries, distilleries and wineries) has experienced significant growth across the country in the past 30 years. California, already a national leader in wine production, has also emerged as a leader in the micro/craft brewery sector. Currently, California is the nation's top producer of both wine and micro/craft beer and has more wineries and micro/craft breweries than any other state in the nation. The growth in the ABM industry, including production facilities and their accessory tasting rooms, has provided economic benefits in the form of investment, jobs, and tourism to many communities and local governments across the state.

The Long Beach Municipal Code (LBMC) does not include a specific definition for ABM or clear development standards regulating this use. The LBMC does permit similar uses in specific zoning districts, such as the manufacturing of beverages in certain industrial zones, and brewpubs or other similar uses in the Downtown Plan area. However, a

Conditional Use Permit (CUP) would be required to open a "tasting room" associated with the ABM use in an industrial zone, and a Zoning Administrator interpretation would be required to determine if a stand-alone ABM facility (unlike a brewpub which allows brewing associated with a restaurant) would be allowed in the Downtown Plan area.

Staff researched zoning regulations in other cities regionally, throughout California and across the nation. A number of California cities, including San Diego and Torrance, permit breweries and accessory tasting rooms by right in industrial districts. The City of Anaheim recently adopted an ordinance that permits breweries and tasting rooms to operate by right in industrial, mixed-use and commercial zones throughout the City, subject to compliance with specific development standards. The Anaheim ordinance is similar to those adopted by cities such as Asheville, NC; Minneapolis and Saint Paul, MN; Denver, CO; and Seattle, WA, all of which are recognized for their ABM industry.

On December 4, 2014, the Planning Commission held a public hearing to consider recommended changes to the LBMC. After receiving public testimony, the Planning Commission approved the recommended changes to the LBMC and recommended that the City Council adopt the draft regulations (Exhibit A – Planning Commission Staff Report). Similar to the regulations discussed above, the proposed LBMC amendments seek to provide the community and the City with the protection and assurances of a CUP, while also establishing a streamlined and consistent application, review and permitting process. Applicants would be required to demonstrate their ability to meet and comply with use-specific special development standards prior to approval. Staff believes that this proposal will significantly reduce the time and expense required to open a new ABM use, and also facilitate the creation of neighborhood friendly establishments for residents and visitors to enjoy. Proposed special development standards for ABM uses include, but are not limited to the following:

- The ABM and 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.
- An ABM and tasting room 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 of product per year.
- An ABM use located in a commercial zone must include an accessory tasting room. A tasting room may not exceed thirty percent (30%) of the Gross Floor Area (GFA) of the ABM facility.
- The purchase, consumption, tasting and sale of alcoholic beverages shall be limited to only those products produced on site.
- The ABM use and accessory tasting room shall not charge an admission fee, cover charge or require a minimum purchase.
- An ABM and tasting room use may not be located within five hundred (500) feet of the nearest property line of any preschool, kindergarten, elementary, secondary or high school.
- All on-site production and storage activities shall be located completely within the

ABM facility. Off-site storage is permitted in those zoning districts where storage and warehousing is permitted.

- The ABM and 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;
 - Tasting Room: 12:00 p.m. – 9:00 p.m., Sunday – Thursday, and 11:00 a.m. – 10:00 p.m., Friday – Saturday.
- An ABM use shall have a sewer plan approved by the appropriate City Department prior to the issuance of a Certificate of Occupancy.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 14-140) was issued for the proposed project (Exhibit B), and public hearing notices were published in accordance with LBMC 21.21.302.

This matter was reviewed by Deputy City Attorney Amy Webber on March 3, 2015 and by Budget Management Officer Victoria Bell on March 5, 2015.

TIMING CONSIDERATIONS

City Council action is requested on March 24, 2015, to update the existing zoning regulations and allow ABM business with greater opportunity to locate in Long Beach.

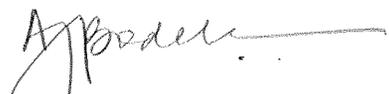
FISCAL IMPACT

There will be no fiscal impact as a result of the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:


PATRICK H. WEST
CITY MANAGER

AJB:JW:bb
P:\Planning\City Council Items (Pending)\Council Letters\2015\2015-03-24\3.24.15 Alcohol Beverage Manufacturing v5.docx

- Attachments:
- City Council Ordinance Redlined
 - City Council Ordinance
 - City Council Resolution
 - Exhibit A – Planning Commission Staff Report from December 4, 2014
 - Exhibit B – Categorical Exemption

ALCOHOLIC BEVERAGE MANUFACTURING ORDINANCE

REDLINED VERSION

Section 1. Table 32-1 of Chapter 21.32 of the Long Beach Municipal Code is amended by adding Alcoholic Beverage Manufacturing and Accessory Tasting Room to read as follows:

TABLE 32-1 Uses in All Other Commercial Zoning Districts										
	Neighborhood			Community				Regional	Other	
Alcoholic Beverage Manufacturing and Accessory Tasting Room	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
<u>Alcohol Beverage Manufacturing*</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	*Subject to special development standards (see Section 21.45.114). Alcoholic Beverage Manufacturing and Accessory tasting room uses shall be permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.114.
<u>Accessory Tasting Room*</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	

Section 2. Table 33-2 of Chapter 21.33 of the Long Beach Municipal Code is amended by adding Alcoholic Beverage Manufacturing and Accessory Tasting Room to read as follows:

Table 33-2					
Uses In Industrial Districts					
Use	IL	IM	IG	IP	*Notes and Exceptions
<u>15. Alcoholic Beverage Manufacturing*</u> <u>(SIC code 208)*</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>*Subject to special development standards (see Section 21.45.114). Alcoholic Beverage Manufacturing and Accessory tasting room uses shall be permitted in all Planned Development (PD) Districts allowing Commercial uses, subject to Section 21.45.114.</u>
<u>15.1 Accessory Tasting Room*</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N</u>	

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Section 3. Table 41-1C of Chapter 21.41 of the Long Beach Municipal Code is amended to add Alcoholic Beverage Manufacturing and accessory Tasting Room to read as follows:

TABLE 41-1C	
Required Number of Parking Spaces for Commercial, Industrial/Manufacturing and All Other Uses	
Use	Required Number of Spaces
<u>Alcoholic Beverage Manufacturing and Accessory Tasting Room</u>	
<u>1. Manufacturing/Brewing area</u>	<u>2 spaces per 1,000 SF GFA</u>
<u>2. Tasting Room area</u>	<u>15 spaces per 1,000 SF GFA</u>
<u>3. Office space</u>	<u>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>

Section 4. Section 21.15.135 is added to the Long Beach Municipal Code to read as follows:

21.15.135 Alcoholic Beverage Manufacturing

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.

Section 5. Section 21.15.2985 is added to the Long Beach Municipal Code to read as follows:

21.15.2985 Accessory Tasting Room

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.

Section 6. Section 21.45.114 is added to the Long Beach Municipal Code to read as follows:

21.45.114 Alcohol Beverage Manufacturing and Accessory Tasting Rooms

The following special development standards shall apply to Alcohol Beverage Manufacturing (ABM) uses and Accessory Tasting Rooms:

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.

2. An ABM and accessory tasting room 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).

3. An ABM use located in a commercial zone may not exceed production of 15,000 barrels per year.

4. An ABM use located in a commercial zone must include an accessory tasting room.

5. An ABM and accessory tasting room use 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.

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.

7. The display of alcoholic beverages shall not be located outside of an ABM and accessory tasting room facility.

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: 12:00 p.m. – 9:00 p.m. Sunday – Thursday and 11:00 a.m. – 10:00 p.m. Friday – Saturday.

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.

10. To the greatest extent feasible, access and loading bays are discouraged from facing toward a street.

11. The purchase, consumption, tasting and sales of alcoholic beverages shall be limited to only those products produced on site.

12. Ancillary retail sales shall be limited to only those retail items directly associated with the on-site ABM facility and accessory tasting room.

13. The ABM use or accessory tasting room shall not charge an admission fee, cover charge or require a minimum purchase.

14. A sewage plan and all on site infrastructure shall be approved by the appropriate City departments.

15. The ABM use shall comply with Chapter 8.80 "Noise" of the Long Beach Municipal Code.

16. A security plan, including a video surveillance 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.

17. 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.

18. No publicly accessible exterior pay telephones shall be located on the ABM and accessory tasting room use premises.

19. 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.

20. 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.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING TABLE 32-1 OF CHAPTER 21.32, TABLE 33-2 OF CHAPTER 21.33, AND TABLE 41-C OF CHAPTER 21.41; AND BY ADDING SECTIONS 21.15.135, 21.15.2985, AND 21.45.114, 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 32-1 of Chapter 21.32 of the Long Beach Municipal Code is amended by adding Alcoholic Beverage Manufacturing and Accessory Tasting Room to read as follows:

TABLE 32-1 Uses in All Other Commercial Zoning Districts										
	Neighborhood			Community				Regional	Other	
Alcoholic Beverage Manufacturing and Accessory Tasting Room	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Alcohol Beverage Manufacturing*	Y	Y	Y	Y	Y	Y	Y	Y	Y	*Subject to special development standards (see Section 21.45.114). Alcoholic Beverage Manufacturing and Accessory
Accessory Tasting Room*	A	A	A	A	A	A	A	A	A	

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

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Table 33-2 Uses In Industrial Districts						
Use	IL	IM	IG	IP	*Notes and Exceptions	
15. Alcoholic Beverage Manufacturing* (SIC code 208)*	Y	Y	Y	N	*Subject to special development standards (see Section 21.45.114). Alcoholic Beverage Manufacturing and Accessory tasting room uses shall be permitted in all Planned Development (PD) Districts allowing Commercial uses, subject to Section 21.45.114.	
15.1 Accessory Tasting Room*	A	A	A	N		

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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.

Section 4. Section 21.15.135 is added to the Long Beach Municipal Code to read as follows:

21.15.135 Alcoholic Beverage Manufacturing

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.

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1 Section 5. Section 21.15.2985 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.2985 Accessory Tasting Room

4 Accessory Tasting Room means an accessory use associated with
5 an Alcoholic Beverage Manufacturing (ABM) facility use that is devoted to
6 the purchase, consumption and tasting of beer, wine or distilled spirits
7 produced on site. Consumption, tasting and purchase of alcoholic
8 beverages shall be limited to product produced on site. An accessory
9 tasting room may also include ancillary retail sales directly associated with
10 the primary ABM use. An accessory tasting room may not exceed thirty
11 percent (30%) of the gross floor area (GFA) of the ABM facility, not
12 including restrooms serving the accessory tasting room or ABM facility.
13 Food may be sold in a form that is ready to eat at the time of sale; a full
14 service kitchen is not permitted in an accessory tasting room.

15
16 Section 6. Section 21.45.114 is added to the Long Beach Municipal
17 Code to read as follows:

18 21.45.114 Alcohol Beverage Manufacturing and Accessory Tasting
19 Rooms

20 The following special development standards shall apply to Alcohol
21 Beverage Manufacturing (ABM) uses and Accessory Tasting Rooms:

22 1. An ABM and accessory tasting room use shall comply with
23 all federal, state and local laws and regulations, including a valid license
24 from the California Alcohol Beverage Control (ABC) Board for the specific
25 type of alcoholic beverage manufacturing occurring on site.

26 2. An ABM and accessory tasting room use located in a
27 commercial zone shall not exceed six thousand (6,000) square feet of
28 gross floor area (GFA), unless otherwise permitted by a Conditional Use

1 Permit (CUP).

2 3. An ABM use located in a commercial zone may not exceed
3 production of fifteen thousand (15,000) barrels per year.

4 4. An ABM use located in a commercial zone must include an
5 accessory tasting room.

6 5. An ABM and accessory tasting room may not be located
7 within five hundred (500) feet of the nearest property line of any preschool,
8 kindergarten, elementary, secondary, or high school, as measured from
9 the nearest property line of the site on which the alcohol manufacturing
10 use is located.

11 6. All production activities shall be located completely within the
12 ABM facility. All on-site storage shall be located within the ABM facility.
13 Off-site storage is permitted in those zoning districts where storage and
14 warehousing is permitted.

15 7. The display of alcoholic beverages shall not be located
16 outside of an ABM and accessory tasting room facility.

17 8. The ABM and accessory tasting room use shall not be open
18 to the public, except for the following hours:
19 Manufacturing & Production: 7:00 a.m. – 7:00 p.m. Monday – Saturday; and
20 Accessory Tasting Room: 12:00 p.m. – 9:00 p.m. Sunday – Thursday and
21 11:00-a.m. – 10:00 p.m. Friday – Saturday.

22 9. Service trucks used for the purposes of loading and
23 unloading materials, ingredients, products, and equipment shall be
24 restricted to the hours of 8:00 a.m. – 6:00 p.m. Monday – Friday and 11:00
25 a.m. – 6:00 p.m. on Saturday; the use of service trucks for the purposes of
26 loading and unloading materials, ingredients, equipment and finished
27 product shall be prohibited on Sunday.

28 10. To the greatest extent feasible, access and loading bays are

1 discouraged from facing toward a street.

2 11. The purchase, consumption, tasting and sales of alcoholic
3 beverages shall be limited to only those products produced on site.

4 12. Ancillary retail sales shall be limited to only those retail items
5 directly associated with the on-site ABM facility and accessory tasting
6 room.

7 13. The ABM use or accessory tasting room shall not charge an
8 admission fee, cover charge or require a minimum purchase.

9 14. A sewage plan and all on site infrastructure shall be
10 approved by the appropriate City departments.

11 15. The ABM and accessory tasting room use shall comply with
12 Chapter 8.80 "Noise" of the Long Beach Municipal Code.

13 16. A security plan, including a video surveillance system and
14 exterior lighting plan, satisfactory to the Chief of Police shall be submitted
15 to and approved by the Police Department prior to the issuing of a
16 Certificate of Occupancy. The video surveillance system shall be installed
17 to assist with monitoring the property on both the interior and exterior. A
18 Digital Video Recorder (DVR), capable of exporting images in TIFF, BMP,
19 or JPG format shall be used. Recording shall be retained for no less than
20 thirty (30) days. Exterior lighting shall clearly illuminate the common areas
21 surrounding the building including, but not limited to, the entrance and exit
22 doors, as well as the business address.

23 17. No more than ten percent (10%) of the square footage of the
24 windows and transparent doors of the premises shall be allowed to bear
25 advertising, signs or any other obstructions. All advertising, signage or
26 other obstructions shall be placed and maintained to ensure a clear and
27 unobstructed view of the establishment's interior. Window signs
28 displaying prices shall be prohibited. No advertising or signage shall be

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placed in the area above three (3) feet or below six (6) feet in height of all windows measured from grade.

18. No publicly accessible exterior pay telephones shall be located on the ABM and accessory tasting room use premises.

19. 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.

20. 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.

Section 7. 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.

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: _____

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

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Absent: Councilmembers:

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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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 _____, 2015, 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 21.15, 21.32, 21.33, 21.41, and 21.45 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,

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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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 _____, 2015, 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 _____, 2015, 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



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-

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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.

EXHIBIT A

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 Département 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 CEQA

EXHIBIT B

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. 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: ~~Permits~~ Amendments to the zoning code

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION ~~15308~~ 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: Brant Birkeland Contact Phone: (562) 570-6922

Signature: Brant W. Birkeland Date: 11/14/14