

CALIFORNIA COASTAL COMMISSION

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Th15a

March 24, 2016

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Charles Posner, Supervisor of Planning
Zach Rehm, Coastal Program Analyst

RE: Amendment Request No. 2-16 (LCP-5-LOB-16-0008-2) to the City of Long Beach Local Coastal Program, for Commission Action at its April 14, 2016 meeting in Santa Rosa.

Local Coastal Program Amendment No. 2-16

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. Amendment Request No. 2-16 would amend the City's implementing ordinances to permit alcoholic beverage manufacturing establishments in commercial and industrial zones, and in planned development areas under certain circumstances. The LCP amendment request affects only the implementation plan (IP) portion of the certified LCP (Zoning Regulations – Title 21 of the Long Beach Municipal Code). The proposed changes to the City's zoning code are contained in City Council Ordinance No. ORD-15-0010 (See Attachment). The LCP amendment request was submitted for Commission certification by City Council Resolution No. RES-15-0030. The City of Long Beach Planning Commission held a public hearing for the alcoholic beverage manufacturing ordinance on December 4, 2014, and the City Council held a public hearing on March 24, 2015. The City submitted LCP Amendment Request No. 2-16 on February 23, 2016 and Commission staff deemed the LCP amendment request complete effective that date.

STAFF RECOMMENDATION

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The City's new alcoholic beverage manufacturing ordinance permits alcoholic beverage manufacturing establishments in commercial and industrial zones, and in planned development areas under certain circumstances. The amendment adds alcoholic beverage manufacturing to the land use table and designates the zones in which the land use is allowable. The amendment would not affect the existing underlying zoning designation of any parcel. The amendment request has been determined to be major because the ordinance authorizes a land use in zones where it was not previously authorized and establishes parking standards for new alcoholic beverage manufacturing establishments and associated tasting rooms. The changes proposed in this LCP amendment will not adversely affect coastal resources, and the proposed changes are consistent with the certified LUP. Staff is recommending that the Commission, after a public hearing, certify the LCP amendment request as submitted. The motion to accomplish this recommendation is on page two.

I. MOTION AND RESOLUTION

Motion:

I move that the Commission reject Amendment No. 2-16 to the City of Long Beach Implementing Ordinances as submitted by the City.

Staff recommends a **NO** vote. Failure of this motion will result in certification of the amendment to the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify the IP Amendment as Submitted

The Commission hereby certifies Amendment Request No. 2-16 to the LCP Implementing Ordinances for the City of Long Beach as submitted and adopts the findings set forth below on grounds that the Implementing Ordinances conform with, and are adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementing Ordinances complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. FINDINGS

A. Description of the LCP Amendment Request

Long Beach LCP Amendment Request No. 2-16 would amend the City's implementing ordinances to permit alcoholic beverage manufacturing establishments in all commercial and industrial zones, citywide. Alcoholic beverage manufacturing would also be permitted in planned development areas where commercial uses are already specified as allowable, and where further than 500 feet from any school. Chapter 21.32 of the Long Beach Municipal Code includes Table 32-1, which establishes allowable uses in Commercial Districts. Table 33-2 of that chapter establishes allowable uses in Industrial Districts. The LCP Amendment would add Alcoholic Beverage Manufacturing as an allowable use in each table, and would add Accessory Tasting Room as an allowable accessory use in each table.

Section 21.15.135 would be added to the zoning code (IP) to define Alcoholic Beverage Manufacturing as "a facility that is used for the production of alcoholic beverages including beer, wine, and distilled spirits... and may include an accessory tasting room as an accessory use." That section also indicates that accessory tasting rooms may not exceed 30% of the gross floor area of the entire alcoholic beverage manufacturing facility and that, while food may be offered, full service kitchens are not permitted. Section 21.15.055 would be added to define Accessory Tasting Room as "an accessory use associated with an alcoholic beverage manufacturing facility that is devoted to the purchase, consumption, and tasting of beer, wine, or distilled spirits produced on site. Section 21.45.114 would be added to the zoning code call out specific development and operational standards for alcoholic beverage manufacturing facilities, including a requirement that any alcoholic beverage manufacturing facility in a commercial zone include an accessory tasting room and not exceed 6,000 square feet (facilities up to

15,000 feet could be authorized with a Conditional Use Permit). Table 41-1C of Municipal Code Chapter 21.41 would be amended to add parking standards for alcoholic beverage manufacturing and accessory tasting room facilities. Manufacturing/brewing areas would require 2 vehicle parking spaces per 1,000 square feet of gross floor area. Accessory tasting rooms would require 15 vehicle parking spaces per 1,000 square feet of gross floor area. Additional parking would be required for office space exceeding 1,000 square feet. Long Beach City Council Ordinance No. ORD-15-0010 adopting the proposed changes to the zoning code is attached.

B. Consistency with the Certified Land Use Plan

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The certified LUP sets forth policies to manage development in a dense, complex city. The introduction to the certified LUP states: “A built city is not a clean slate upon which land uses and circulation systems can be drawn and redrawn until the best relationships are achieved. Many accommodations within existing urban systems must be made, and community lifestyle and special needs recognized.”

Neither the City of Long Beach certified Land Use Plan nor the certified Implementation Plan (the zoning code) currently defines Alcoholic Beverage Manufacturing or includes it in use tables. The City’s land use plan and zoning code have previously been interpreted to allow alcoholic beverage manufacturing in some industrial districts and the City has allowed microbreweries in the Downtown Plan area. The proposed LCP amendment would define alcoholic beverage manufacturing, authorize the use in more zoning designations citywide, and set specific development and operational standards.

One of the specific standards set by the ordinance is the parking requirements for new alcoholic beverage manufacturing and tasting room facilities. Those standards are set to require less parking than a full service restaurant would require, but more parking than a general manufacturing facility would require. The parking standard for accessory tasting rooms is 15 parking spaces per 1,000 square feet of gross floor area, which is 25% less than would be required for a full service restaurant (20 spaces/1,000 sq. ft.). The slightly reduced standard may encourage alcoholic beverage manufacturing patrons to walk, bike, or use public transit instead of driving, which would be consistent with public safety goals, Coastal Act public access policies, and Long Beach LUP policies encouraging alternative transportation.

The City states that the intent of the new regulations is to set specific standards and streamline the review process for alcoholic beverage manufacturing facilities. Any new alcoholic beverage manufacturing facility in the coastal zone which would have previously required a coastal development permit will still require a coastal development permit. Section 21.25.903.B.2 of the Long Beach zoning code provides that all development projects which require additional discretionary review shall require a coastal development permit.

The changes proposed in this LCP amendment are changes that make the zoning ordinances and the certified IP more specific. All of the proposed changes conform with, and are adequate to carry out, the provisions of the certified LUP. The proposed LCP amendment is consistent with the policies of the LUP and will not result in any adverse impacts to coastal resources.

C. California Environmental Quality Act

The City of Long Beach is the lead agency for the purposes of California Environmental Quality Act review of the proposed LCP amendment. On November 14, 2014, the City issued a Categorical

Exemption (CE-14-140) for the proposed changes to the zoning regulations. Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission's regulatory program require that a proposal not be approved or adopted if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, for the reasons discussed in this report, the proposed LCP amendment complies with the California Environmental Quality Act because: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LCP Amendment may have on the environment. The Commission finds that the proposed LCP amendment will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

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 41-1C OF CHAPTER 21.41; AND BY ADDING SECTIONS 21.15.055, 21.15.135, 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	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Alcoholic Beverage Manufacturing and Accessory Tasting Room										
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	

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										tasting room uses shall be permitted in all Planned Development (PD) Districts allowing commercial uses, subject to Section 21.45.114.
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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	
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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1 Section 3. Table 41-1C of Chapter 21.41 of the Long Beach Municipal
2 Code is amended to add Alcoholic Beverage Manufacturing and accessory Tasting Room
3 to read as follows:
4

5 **TABLE 41-1C**
6 **Required Number of Parking Spaces for**
7 **Commercial, Industrial/Manufacturing and All Other Uses**

8 Use	9 Required Number of Spaces
10 Alcoholic Beverage Manufacturing and 11 Accessory Tasting Room	
12 1. Manufacturing/Brewing area	2 spaces per 1,000 SF GFA
13 2. Accessory Tasting Room area	15 spaces per 1,000 SF GFA
14 3. Office space	If greater than 25% of total GFA 4 spaces per 15 1,000 SF GFA; if less than 25% total GFA, the 16 area shall be included in the 17 manufacturing/brewing area calculation.

18 Section 4. Section 21.15.055 is added to the Long Beach Municipal
19 Code to read as follows:
20

21 **21.15.055 Accessory Tasting Room**

22 Accessory Tasting Room means an accessory use associated with
23 an Alcoholic Beverage Manufacturing (ABM) facility use that is devoted to
24 the purchase, consumption and tasting of beer, wine or distilled spirits
25 produced on site. Consumption, tasting and purchase of alcoholic
26 beverages shall be limited to product produced on site. An accessory
27 tasting room may also include ancillary retail sales directly associated with
28 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.

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1 Section 5. Section 21.15.135 is added to the Long Beach Municipal
2 Code to read as follows:

3 21.15.135 Alcoholic Beverage Manufacturing

4 Alcoholic Beverage Manufacturing (ABM) means a facility that is
5 used for the production of alcoholic beverages including beer, wine and
6 distilled spirits in accordance with a valid alcohol production license from
7 the State of California. An ABM use may include an accessory tasting
8 room as an accessory use. The accessory tasting room may not exceed
9 thirty percent (30%) of the gross floor area (GFA) of the ABM facility, not
10 including restrooms serving the accessory tasting room or ABM facility.
11 Food may be sold in a form that is ready to eat at the time of sale; a full
12 service kitchen is not permitted in ABM facilities or accessory tasting
13 rooms.

14
15 Section 6. Section 21.45.114 is added to the Long Beach Municipal
16 Code to read as follows:

17 21.45.114 Alcohol Beverage Manufacturing and Accessory Tasting
18 Rooms

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

- 21 1. An ABM and accessory tasting room use shall comply with
22 all federal, state and local laws and regulations, including a valid license
23 from the California Alcohol Beverage Control (ABC) Board for the specific
24 type of alcoholic beverage manufacturing occurring on site.
- 25 2. An ABM and accessory tasting room use located in a
26 commercial zone shall not exceed six thousand (6,000) square feet of
27 gross floor area (GFA), unless otherwise permitted by a Conditional Use
28 Permit (CUP).

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

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

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

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

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

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

18 Manufacturing & Production: 7:00 a.m. – 7:00 p.m. Monday – Saturday; and
19 Accessory Tasting Room: 12:00 p.m. – 9:00 p.m. Sunday – Thursday and
20 11:00 a.m. – 10:00 p.m. Friday – Saturday.

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

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

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

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

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

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

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

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

22 17. No more than ten percent (10%) of the square footage of the
23 windows and transparent doors of the premises shall be allowed to bear
24 advertising, signs or any other obstructions. All advertising, signage or
25 other obstructions shall be placed and maintained to ensure a clear and
26 unobstructed view of the establishment's interior. Window signs
27 displaying prices shall be prohibited. No advertising or signage shall be
28 placed in the area above three (3) feet or below six (6) feet in height of all

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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.

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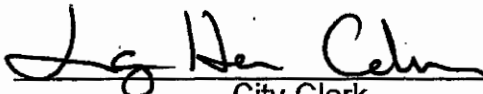
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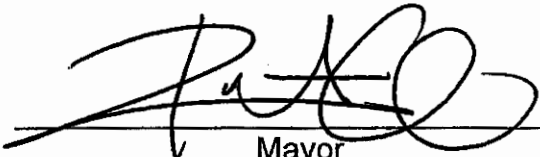
I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of April 7, 2015, by the following vote:

Ayes: Councilmembers: Gonzalez, Price, Mungo, Andrews,
Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Lowenthal.


City Clerk


Mayor

Approved: 4/17/15
(Date)

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