



Town Council Agenda Report

Date: October 8, 2019 Item No. 5

To: Honorable Mayor and Town Council

Subject: SECOND READING OF ORDINANCE 517 OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE BY MODIFYING CHAPTER 9.08 "DEFINITIONS" AND CHAPTER 9.35 "COMMERCIAL AND OFFICE DISTRICTS" AS IT RELATES TO ARTISAN BEVERAGE MAKERS AND ALCOHOL SALES, AND CHAPTER 9.57 "PUBLIC FACILITY DISTRICTS" TO ALLOW RESTAURANTS AS A PERMITTED USE.

From: Douglas Robertson, Town Manager

Submitted by: Pam Cupp, Senior Planner
Planning Department

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 517

SUMMARY:

At its September 24, 2019 meeting, the Town Council reviewed and introduced Ordinance No. 517. This Ordinance will add definitions for artisan beverage makers and several different types of beer manufacturers and update the permitted use table for commercial and office districts as it relates to alcohol sales. Ordinance No. 517 will also allow restaurants within the Public Facility (P-F) zoning districts. Ordinance No. 517 has been scheduled for adoption at the October 8, 2019 Town Council Meeting.

Fiscal Impact:

Not Applicable

Attachments:

Ordinance No. 517

ORDINANCE NO. 517

AN ORDINANCE OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.08 “DEFINITIONS” AND CHAPTER 9.35 “COMMERCIAL AND OFFICE DISTRICTS” AS IT RELATES TO ARTISAN BEVERAGE MAKERS AND ALCOHOL SALES AND CHAPTER 9.57 “PUBLIC FACILITY DISTRICTS” TO ALLOW RESTAURANTS AS A PERMITTED USE.

WHEREAS, The General Plan of the Town of Apple Valley was adopted by the Town Council on August 11, 2009; and

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

WHEREAS, On May 1, 2019, the Town Council initiated a Development Code Amendment, to allow restaurants as a permitted use in the Public Facility (PF) zoning district;

WHEREAS, On May 1, 2019 the Town Council initiated a Development Code Amendment to introduce new categories of alcoholic beverage production and services;

WHEREAS, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

WHEREAS, on August 21, 2019, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Development Code Amendment No. 2019-007, receiving testimony from the public and adopting Planning Commission Resolution No. 2019-007 forwarding a recommendation to the Council; and

WHEREAS, Specific changes are proposed to the Development Code of the Town of Apple Valley Municipal Code by modifying Chapter 9.08 “Definitions” and Chapter 9.35 “Commercial and Office Districts” as it relates to artisan beverage makers and alcohol sales and modify Chapter 9.57 “Public Facility Districts” to allow restaurants as a permitted use;

WHEREAS, Development Code Amendment No. 2019-007 is consistent with the Town's General Plan and Title 9 "Development Code" of the Municipal Code of the Town of Apple Valley and shall promote the health, safety, and general welfare of the citizens of the Town of Apple Valley; and

WHEREAS, The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA,

which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, On September 13, 2019, Development Code Amendment No. 2019-007 was duly noticed in the Apple valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, On September 24, 2019, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2019-007, receiving testimony from the public and

NOW, THEREFORE, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

Section 1. Find that the changes proposed by Development Code Amendment No. 2019-007 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

Section 2. Pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it can be determined that the Code amendment is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as with the proposed Code Amendment, that there is no possibility that the proposal approved under Development Code Amendment No. 2019-007 will have a significant effect on the environment and, therefore, the Amendment is EXEMPT from further environmental review.

Section 3. Amend Chapter 9.08 to include the following definitions placed in alphabetical order:

“Artisan Beverage Maker

A small business that independently produces custom beverages including but not limited to micro-breweries, craft distilleries, cider makers, coffee roasters, soda maker or cocktail mixers that may include tasting, food service and entertainment.”

“Beer Manufacturer

- A. Large Beer Manufacturer. A brewery operation that produces over 60,000 barrels per year.
- B. Small Beer Manufacturer. A brewery operation that produces less than 60,000 barrels per year.

C. Micro-brewery. A small-scale brewery operation that generally produces approximately 15,000 barrels a year. Its beer products are primarily intended for local and/or regional consumption and they include a restaurant or bar on their manufacturing plant.

D. Brewpub. A very small brewery with a restaurant where the beer it produces is sold in draft form exclusively at its own premises. This operation may sell other supplier's bottled beer, including other hand-crafted or micro-brewed beers as well as wine or spirits to patrons for on-site consumption."

Section 4. Amend Section Line Item "3" of Section "C" "Commercial Uses" of Table 9.35.030-A "Permitted Uses" to read as follows:

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	C-S	C-R	C-V	M-U
3. Alcoholic Beverage Sales and/or Production (Applicable ABC License Types)						
a. Liquor stores, no on-site consumption (20,21)	-	P	P	P	P	CUP
b. Convenience stores, no on-site consumption (20,21)	SUP	P	P	P	P	CUP
c. Grocery Stores, no on-site consumption (20,21,86)	-	P	P	P	P	P
d. Retail sales with on-site consumption beer and wine only (40,42,86) (25% or more of floor area dedicated to off-sale retail)	-	SUP	SUP	SUP	SUP	SUP
e. Commercial Recreational Facilities (41,47)	-	P	P	P	P	P
f. Restaurants, on-site consumption (41,47)	SUP	P	P	P	P	P
g. Taverns, bars, on-site consumption beer or wine only (40,42)	-	SUP	SUP	SUP	SUP	SUP
h. Tavern, Bar, Nightclub on-site consumption (48)	-	CUP	CUP	CUP	CUP	CUP
i. Small Beer Manufacturer (23,77)	-	-	SUP	-	-	-
j. Micro-brewery/Brewpub including food or beverage service (23,75,77)		SUP	SUP	-	SUP	
k. Craft Distillery (6,74)	-	-	CUP	-	-	-
l. Craft Distillery with Restaurant (6,20,74)	-	CUP	CUP	-	CUP	-
m. Large Beer Manufacturer (1)			P			

Section 5. Modify Section F of Table 9.35.030-A to add line item 3 as follows:

TYPE OF USE ⁽¹⁾	DISTRICT ⁽¹⁾					
	O-P	C-G	O-P	C-R	O-P	M-U

<i>F. Manufacturing/Production/Wholesale Uses</i>						
3. Artisan Beverage Makers						
a. Non-alcoholic - production only	-	-	P	-	-	-
b. Non-alcoholic with food or beverage service	-	P	P	-	P	P
c. Small Beer Manufacturer	-	-	SUP	-	-	-
d. Micro-brewery/Brewpub including food or beverage service	-	SUP	SUP	-	SUP	-
e. Craft Distillery	-	-	CUP	-	-	-
f. Craft Distillery with Restaurant	-	CUP	CUP	-	CUP	-

Section 6. Add line item “7” to Section F “Public and Semi-Public Uses” of Table 9.57.030-A “Permitted Uses” as follows:

TYPE OF USE	P-F DISTRICT
7. Restaurants – Indoor only, no drive-in or drive-thru	P

Section 7. It is hereby acknowledged that the following businesses are recognized as legal nonconforming alcohol establishments. Any modification to floor area, Alcoholic Beverage Control license type or public nuisance determination will trigger loss of non-conforming status and the appropriate entitlement process as identified within Table 9.35.030-A “Permitted Uses” will be required prior to any approvals.

ABC Type 48	Frogees Cocktails at 21820 Highway 18
ABC Type 23, 77	Off the Grid Brewing Company at 13615 John Glenn Road, Suite A
ABC Type 20, 42	The Wine Seller located at 19341 Bear Valley Road, Suites 201/202
ABC Type 42	The Social at 13692 Apple Valley Road, Suites 240 & 250

Section 8. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

Section 9. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 10. Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Approved and Adopted by the Town Council and signed by the Mayor and attested to by the Town Clerk this 8th day of October, 2019.

Honorable Larry Cusack, Mayor

ATTEST:

Ms. La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Thomas Rice, Town Attorney

Mr. Douglas B. Robertson, Town Manager