



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO	Members of the Alameda County Planning Commission
HEARING DATE	February 20, 2018
RE	Proposed Amendments to County Zoning Ordinance to allow Microbreweries and Microbrewery Related Uses in the A (Agriculture) District

GENERAL INFORMATION

There has been an increased interest in promoting agri-tourism by allowing additional uses such as microbreweries and microbrewery related uses in agricultural areas. The proposed amendments to the County Zoning Ordinance would help to encourage a strong agri-tourism industry by supporting enterprises that are appropriate in agricultural areas and that are consistent with long-term, sustainable agricultural practices and operations, in order to increase the economic viability of working farms and ranches, and to promote economic diversification. Currently, the Zoning Ordinance allows wineries and olive oil mills but microbreweries are not listed as a permitted use in the A (Agriculture) District. Changes to the Zoning Ordinance are necessary for microbreweries to be allowed in agricultural areas.

STAFF RECOMMENDATION

Staff requests that the Planning Commission hear a presentation from staff related to three (3) proposed amendment options, take public comment, and then recommend to the Board of Supervisors one of the options to allow microbreweries and microbrewery related uses in the A (Agriculture) District.

STAFF ANALYSIS

The approach staff has taken on the proposed amendments is to treat microbreweries similar to the way the County regulates wineries and winery related uses. Similar to wineries, the proposed amendments would allow a microbrewery as a permitted use in the A (Agriculture) district, and microbrewery related uses as a conditionally permitted use. Establishment of microbrewery related uses (typically social and cultural events) would require the issuance of a conditional use permit (CUP) whereby an analysis of any potential site-specific effects are considered, and a project is conditioned upon compliance with all applicable federal, state and local statutes, regulations and requirements.

Microbrewery Definition

The Brewer's Association defines a microbrewery as "a brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with 75 percent or more of its beer sold off-site." According to the Brewer Association, microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room or restaurant sales.

Staff reached out to a number of local microbrewery headmasters within the County to discuss the needs, requirements and the annual barrel production at local microbreweries. On average, local microbreweries were producing 5,000-6,000 barrels of beer on an annual basis. In keeping with the County's desire to support enterprises that are appropriate in agricultural areas, staff recommends a maximum annual production of 10,000 barrels. This definition is contained in the ordinance language.

Alternative Ordinance Proposals

After the Planning Commission meeting of October 2nd, 2017 where this item was recommended for approval to the Board of Supervisors, and prior to them hearing the item on January 9th, 2018, the County received a letter from the Mayor of the City of Fremont, Lilly Mei, on November 21, 2017. The letter expressed concern with potential microbreweries with tasting rooms to be established in rural County locations, which are accessed by City roads that were not designed to accommodate traffic associated with such uses. The letter suggested ordinance language addressing this concern, requiring safe and adequate access for new microbreweries. At the hearing on January 9, 2018, the Board was receptive to the concerns of the City of Fremont and elected to proceed with incorporating the suggested language to address road access.

Furthermore, Supervisor Scott Haggerty and Supervisor Richard Valle agreed to host a community meeting in the City of Fremont, which they did on January 29th, 2018. This meeting was well attended by Fremont residences as well as the Mayor, Lilly Mei, and particular concern was expressed about a property accessed via Morrison Canyon Road, a substandard roadway that originates in the City of Fremont and terminates in the County. Morrison Canyon Road is characterized as a remote and rural roadway used by motorists, bicyclists, and hikers, with few properties but very large parcels. The concern expressed is that the substandard roadway should not be shared with patrons going to a brewery or winery, potentially making an already unsafe condition much worse.

Staff has evaluated the traffic issue and found that traffic generated by microbreweries would be comparable to other uses, such as wineries, that are already allowed in the A (Agriculture) District and would be consistent with transportation policies in the County General Plan and Specific Plans applicable in the areas where the facilities would be permitted. Also, there was no site specific analysis done as the ordinance encompasses a large area, and it's unlikely the County would see large numbers of microbreweries that could trigger a regional traffic mitigation effort.

Nevertheless, in an effort to accommodate the City's concerns and to emphasize existing County policies related to coordination with the City of Fremont, Planning staff has developed three (3) alternative ordinance amendment proposals (Attachments A-1, A-2 and A-3) that inserted the following language into Section 17.06.030 (E).

Alternative A-1

The alternative ordinance revision (A-1) speaks directly to the community's public safety and road access concerns of Morrison Canyon. This alternative would not allow uses such as wineries, microbreweries and olive oil mills on Morrison Canyon Road.

Alternative A-2

The alternative ordinance revision (A-2) will require a project to be referred out to other responsible County agencies (Fire, Sheriff, Public Works) for consistency with current County policies/standards related to safety standards, with a final determination by the Planning Director.

Alternative A-3

The alternative ordinance revision (A-3) requires a Site Development Review to evaluate the project as a whole, including a referral to other responsible agencies for consistency with current County policies/standards, including safety.

Recommendations from County Advisory Bodies

On July 25th, 2017, the Agricultural Advisory Committee reviewed the proposed amendments to the Zoning Ordinance and recommended that the Board of Supervisors approve the proposed amendments as presented. On September 13th, after reviewing the proposed ordinance amendments, the District 4 Agriculture Committee recommended approval of the amendments. On September 20th, the Sunol Citizens' Advisory Committee reviewed and recommended approval of the proposed amendments.

On September 25th, 2017, the Castro Valley Municipal Advisory Council reviewed the proposed ordinance amendments and unanimously adopted a motion recommending approval of the ordinance with the following revisions: cultivation, preferably of a crop that is used in the beer made on-site, should be required; and wineries and breweries should be allowed on the same site.

The proposed ordinance language for microbreweries was modeled after the existing ordinance language pertaining to wineries. Outside of the South Livermore Valley Plan Area, wineries are allowed as a permitted use in the A (Agriculture) District with no requirement for the cultivation of grapes on-site. While the ordinance amendments, as currently proposed, do not explicitly address locating a winery and microbrewery on the same parcel, siting both facilities at the same location would not be precluded by the ordinance.

On October 2, 2017, the Planning Commission reviewed the proposed ordinance amendments including Castro Valley Municipal Advisory Council recommendation regarding cultivation. The Planning Commission unanimously adopted a motion recommending approval of the ordinance as proposed.

On January 9, 2018, the Board elected to proceed with the revised language to address road access and host a community meeting in the City of Fremont for additional community input and refer back to the Planning Commission for recommendation.

On January 29, 2018, Supervisor Haggerty and Supervisor Valle hosted a community meeting in the City of Fremont alongside the City of Fremont Mayor Mei. The community residents have a number of concerns with the road access and safety issues regarding Morrison Canyon and the traffic impact to Vargas Plateau Regional Park.

Subsequent Revisions to the Proposed Ordinance Amendments

Since the distribution of the original ordinance amendment language, the Office of the County Counsel advised staff to make minor clarifications to the proposed language. The following changes were made to the proposed ordinance amendments:

- The agri-tourism definition was deleted until a more inclusive agri-tourism ordinance is considered at a later date.
- The word "bonded" was removed from the microbrewery definition since it's not applicable to microbreweries.
- The term "food truck" was replaced with "mobile outdoor business" to be consistent with existing

terminology in the Zoning Ordinance.

Environmental Analysis

The California Environmental Quality Act (CEQA) requires that an environmental review be conducted for the proposed ordinance amendments and establishes a process for completing the review. A Notice of Intent to Adopt a Mitigated Negative Declaration (NOIA) and an Initial Study/draft Mitigated Negative Declaration (IS/MND) for the proposed Microbrewery Ordinances was released on August 29, 2017 for a 30-day public review period which ended on September 29, 2017.

The minor revisions to the proposed ordinance amendments made subsequent to the public review period are described in a revised project description in the IS/MND. Analysis of the revisions to the proposed ordinance amendments concluded that the ordinance revisions do not constitute a substantial revision, pursuant to Section 15073.5 of the California Environmental Quality Act (CEQA) Guidelines; therefore, recirculation of the IS/MND for additional public review is not required. The NOIA and IS/MND are available for review on the County website at:

<https://www.acgov.org/cda/planning/landuseprojects/microbrewery.htm>.

Under the California Environmental Quality Act, AB 52 (Gatto, 2014), the County sent formal Notification of Project Consideration and Notification of Consultation Opportunity, pursuant to Public Resources Code § 21080.3.1 to all tribes that are culturally and traditionally affiliated within the area. No comments were received in response to the notification.

Summary of Comments Received

The County received seven letters commenting on the IS/MND, from the Governor's Office of Planning and Research, Zone 7 Water Agency, California Department of Transportation, Environmental Health, Public Works Agency, Livermore Valley Winegrowers Association and the Contra Costa-Alameda County Cattlemen's Association. A summary of the comments is provided below. Please see Attachment C for a complete list of comments received and responses.

Staff has consulted with applicable State and County agencies to ensure the proposed microbreweries and microbrewery related uses would be compliant with state and local statutes, regulations and requirements. The County requested comments from the California Alcohol Beverage Control Department and the California Department of Conservation but no comments were received from these agencies.

The County received comments from California Department of Transportation (Caltrans) regarding traffic impact based on analysis of Levels of Service or the near-future Vehicle Miles Traveled. Our local process requires a project to pay road impact fees based on the trips generated during the peak period along the roadways as per the traffic mitigation ordinance; currently set at \$5.60 per gross square foot for the construction of tasting rooms. The County Public Works Agency noted that they are responsible for ensuring that roadway signage and privately maintained signage in the public right-of-way are designed and installed per County requirements.

The Zone 7 Water Agency (Zone 7) reviewed the proposed amendment in the context of providing water supply, flood protection, and groundwater and stream management within the Livermore-Amador Valley. All projects will need to comply with the Eastern Alameda County plans and policies, including, but not limited to, Zone 7's Sustainable Groundwater Management Ordinance and Zone 7's Nutrient Management Plan. Within the Zone 7 service area, the agency will be responsible for issuing drilling and well permits in the Eastern Alameda County.

The Regional Water Board and County Environmental Health will be responsible for permitting onsite wastewater treatment systems in compliance with local statutes, regulations and requirements. Additionally, all food sales and services will adhere to the County Environmental Health regulations and requirements.

On November 21, 2017, the County received a letter from the Mayor of the City of Fremont, Lilly Mei, regarding the proposed amendments to the Alameda County Zoning Ordinance. The letter expressed concern with potential microbreweries with tasting rooms to be established in rural County locations, which are accessed by City roads that were not designed to accommodate traffic associated with such uses.

Public Meetings and Recommendations from County Advisory Bodies

Following is a list of public meetings where the proposed ordinance amendment was reviewed and discussed:

Date	Commission/Committee	Action
July 27, 2017	Agricultural Advisory Committee	Recommended Board Approval
September 13, 2017	District 4 Agriculture Committee	Recommended Board Approval
September 20, 2017	Sunol Citizens' Advisory Committee	Recommended Board Approval
September 25, 2017	Castro Valley Municipal Advisory Council	Recommended Approval with revisions to require on-site planting
October 2, 2017	Planning Commission	Recommended Approval as proposed
November 6, 2017	Transportation and Planning Committee	Received direction from member present to proceed to full Board of Supervisors
December 5, 2017	Board of Supervisors	Continued till January 9, 2018
January 9, 2018	Board of Supervisors	Recommended alternative ordinance revisions to address road access and additional community input

CONCLUSION

The proposed amendments to the County Zoning Ordinance would allow the development of microbreweries and microbrewery related uses in the A (Agricultural) District and provide new definitions for microbreweries and microbrewery related uses. Also, the proposed amendments add a definition for tasting room (on-site) to apply to wineries, olive oil mills, and microbreweries. Staff requests that the Planning Commission review the proposed amendment alternatives to the County Zoning Ordinance, take public comment, and recommend one of the alternatives to the Board of Supervisors for approval.

ATTACHMENTS

- A. Ordinance Proposals A-1, A-2 and A-3
- B. Initial Study/draft Mitigated Negative Declaration (IS/MND) available at <https://www.acgov.org/cda/planning/landuseprojects/microbrewery.htm>
- C. IS/MND Comments (Letter A-G)
- D. IS/MND Responses to Comment
- E. Comments from the City of Fremont

PREPARED BY:	Sharon Grewal, AICP, Planner III
REVIEWED BY:	Albert Lopez, Planning Director

ORDINANCE 2018-_____

AN ORDINANCE AMENDING SECTION 17.04.010 AND CHAPTER 17.06 OF TITLE 17 OF THE GENERAL ORDINANCE CODE OF THE COUNTY OF ALAMEDA REGARDING MICROBREWERIES AND MICROBREWERY RELATED USES

SECTION I

The Board of Supervisors makes the following findings in support of this ordinance:

1. The Alameda County Zoning Ordinance permits certain land uses as of right in the Agriculture District and allows other land uses subject to a conditional use permit; and
2. The Zoning Ordinance currently allows wineries and olive oil mills as permitted uses in the Agriculture District and allows winery and olive oil mill related uses as conditionally permitted uses in the Agriculture District; and
3. The County has studied potentially allowing brewery uses in the Agriculture District and has determined that, similar to wineries and olive oil mills, microbreweries and microbrewery-related uses would also constitute appropriate uses in the Agriculture District; and
4. The proposed amendments to the Zoning Ordinance would help to encourage a strong agri-tourism industry by supporting enterprises that are appropriate in agricultural areas and that are consistent with long-term, sustainable agricultural practices and operations, in order to increase the economic viability of working farms and ranches, and to promote economic diversification in the County's agricultural areas; and
5. In adopting the East County Area Plan (ECAP) in 1994 and Measure D in 2000, the Board of Supervisors and the voters established an urban growth boundary and associated goals and policies to protect agricultural and open space uses while allowing some limited development, including "agricultural processing facilities," "agriculture enhancing commercial uses" and "visitor-serving commercial uses"; and
6. Microbreweries are agricultural processing facilities, similar to wineries and olive presses, in that they process an agricultural food product into a derivative food product; and
7. Microbreweries and microbrewery related uses are agriculture enhancing commercial uses, similar to sampling rooms and bed and breakfasts, in that they will showcase an agricultural derivative product produced on site and will promote agri-tourism in the region; and
8. Microbreweries and microbrewery related uses are visitor-serving commercial facilities similar to wineries, inns, and food and beverage stores, in that they will promote local agricultural products and will promote agri-tourism in the region; and
9. The scale of the microbrewery use, in terms of both production quantity and physical size, will be limited such that the use is clearly subordinate to the area's agricultural production and to limit the visual and economic impacts that would otherwise be associated with a larger scale and more industrial brewery operation; and

10. Microbrewery and microbrewery related uses must comply with all local ordinances, regulations, guidelines, standards and requirements of all local agencies and departments including obtaining and maintaining applicable County and State permits and licenses.
11. Uses allowed by this subsection must provide adequate public roadway access and capacity in order to provide safe access for the public and emergency vehicles according to local ordinances, regulations, guidelines, standards and requirements.
12. Consistent with policies in the East County Area Plan, the County will coordinate with adjacent cities to ensure or minimize impacts to the incorporated cities.

SECTION II

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Alameda, as follows:

Title 17 of the General Ordinance Code of the County of Alameda is amended as follows:

17.04.010 – Definitions.

Section 17.04.010 of the Alameda County General Code is hereby amended to insert the following definitions in alphabetical order:

“Microbrewery” means a commercial facility for manufacture, blending, fermentation, processing, and packaging of malt liquor that produces less than ten thousand (10,000) barrels (310,000 U.S. gallons) of beer annually. At all times, microbreweries must have a current and applicable California Alcohol Beverage Control License.

“Microbrewery related uses” means various uses accessory to a microbrewery which must be clearly incidental and subordinate to the primary microbrewery use. The term includes various temporary, cultural and social events (catered banquets, receptions, concerts, food and beer festivals, races, etc.) that would not compromise the primary agricultural operation or appearance of the property. The term includes beer marketing activities.

17.06.030 – Permitted Uses

Subsection E of Section 17.06.030 of the Alameda County General Code is hereby amended to read as follows:

E. Winery, microbrewery or olive oil mill:

1. All uses allowed by this subsection must provide adequate public road access and capacity in order to provide safe access for the public and emergency vehicles. Properties having access from the following roadways lack adequate public road access and capacity and are not eligible for all uses allowed by this subsection: Morrison Canyon Road.

2. Microbreweries may include accessory uses such as administrative offices, visitor centers, production and maintenance facilities, and marketing activities, provided such uses are consistent with General Plan policies and any other use permit limitations.
3. The microbrewery visitor center may include an on-site tasting room or day-use facility which may include facility tours and tasting, retail sales of beer, or related items; display of historical or educational items related to the agriculture of the region; or art. The visitor center shall not exceed thirty (30) percent of the indoor floor area of the microbrewery facility.
4. Permanent kitchen facilities are not allowed.
5. One (1) temporary mobile outdoor business may be permitted. The mobile outdoor business must adhere to County Environmental Health requirements. An Administrative Conditional Use Permit (ACUP) may be requested if additional mobile outdoor business are desired and appropriate.
6. The sale of food, complementary food service, or provision of picnic facilities is limited to cold foods prepared off-site, such as but not limited to bread, cheese, crackers, sandwiches or salads, in conjunction with wine, beer, or olive oil tasting and sales, provided such food service remains incidental and subordinate to the tasting and sales.

17.06.040 – Conditional uses - Board of zoning adjustments.

Subsection Q of Section 17.06.040 of the Alameda County General Code is hereby amended to read as follows:

Q. Winery, microbrewery or olive oil mill related uses.

SECTION II

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California,
_____, 2017 by the following called vote:

AYES:

NOES:

EXCUSED:

WILMA CHAN

President of the Board of Supervisors
County of Alameda, State of California

ATTEST: ANIKA CAMPBELL-BELTON,
Clerk of the Board of Supervisors, County of Alameda

By _____

Approved as to Form:
DONNA R. ZIEGLER, County Counsel

By _____
Heather M. Littlejohn
Deputy County Counsel

ORDINANCE 2018-_____**AN ORDINANCE AMENDING SECTION 17.04.010 AND CHAPTER 17.06 OF TITLE 17 OF THE GENERAL ORDINANCE CODE OF THE COUNTY OF ALAMEDA REGARDING MICROBREWERIES AND MICROBREWERY RELATED USES****SECTION I**

The Board of Supervisors makes the following findings in support of this ordinance:

1. The Alameda County Zoning Ordinance permits certain land uses as of right in the Agriculture District and allows other land uses subject to a conditional use permit; and
2. The Zoning Ordinance currently allows wineries and olive oil mills as permitted uses in the Agriculture District and allows winery and olive oil mill related uses as conditionally permitted uses in the Agriculture District; and
3. The County has studied potentially allowing brewery uses in the Agriculture District and has determined that, similar to wineries and olive oil mills, microbreweries and microbrewery-related uses would also constitute appropriate uses in the Agriculture District; and
4. The proposed amendments to the Zoning Ordinance would help to encourage a strong agri-tourism industry by supporting enterprises that are appropriate in agricultural areas and that are consistent with long-term, sustainable agricultural practices and operations, in order to increase the economic viability of working farms and ranches, and to promote economic diversification in the County's agricultural areas; and
5. In adopting the East County Area Plan (ECAP) in 1994 and Measure D in 2000, the Board of Supervisors and the voters established an urban growth boundary and associated goals and policies to protect agricultural and open space uses while allowing some limited development, including "agricultural processing facilities," "agriculture enhancing commercial uses" and "visitor-serving commercial uses"; and
6. Microbreweries are agricultural processing facilities, similar to wineries and olive presses, in that they process an agricultural food product into a derivative food product; and
7. Microbreweries and microbrewery related uses are agriculture enhancing commercial uses, similar to sampling rooms and bed and breakfasts, in that they will showcase an agricultural derivative product produced on site and will promote agri-tourism in the region; and
8. Microbreweries and microbrewery related uses are visitor-serving commercial facilities similar to wineries, inns, and food and beverage stores, in that they will promote local agricultural products and will promote agri-tourism in the region; and
9. The scale of the microbrewery use, in terms of both production quantity and physical size, will be limited such that the use is clearly subordinate to the area's agricultural production and to limit the visual and economic impacts that would otherwise be associated with a larger scale and more industrial brewery operation; and

10. Microbrewery and microbrewery related uses must comply with all local ordinances, regulations, guidelines, standards and requirements of all local agencies and departments including obtaining and maintaining applicable County and State permits and licenses.
11. Uses allowed by this subsection must provide adequate public roadway access and capacity in order to provide safe access for the public and emergency vehicles according to local ordinances, regulations, guidelines, standards and requirements.
12. Consistent with policies in the East County Area Plan, the County will coordinate with adjacent cities to ensure or minimize impacts to the incorporated cities.

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“Microbrewery related uses” means various uses accessory to a microbrewery which must be clearly incidental and subordinate to the primary microbrewery use. The term includes various temporary, cultural and social events (catered banquets, receptions, concerts, food and beer festivals, races, etc.) that would not compromise the primary agricultural operation or appearance of the property. The term includes beer marketing activities.

17.06.030 – Permitted Uses

Subsection E of Section 17.06.030 of the Alameda County General Code is hereby amended to read as follows:

E. Winery, microbrewery or olive oil mill:

1. Uses are permitted provided that the following conditions are met and shall be subject to an approval by the Planning Director:
 - a. It must be determined that there is adequate public road access and capacity in order to provide safe access for the public and emergency vehicles. In

making this determination referrals shall be sent to the Fire Department, Sheriff's Office, and Public Works for their review and comment.

- b. It must be determined that the project meets development standards and requirements for septic and water facilities. In making this determination referrals shall be sent to the Department of Environmental Health and the appropriate Water District for their review and comment.
 - c. It must be determined that the project's architectural style, design and scope must be consistent with the surrounding agricultural area.
2. Microbreweries may include accessory uses such as administrative offices, visitor centers, on-site tasting rooms, production and maintenance facilities, and marketing activities, provided such uses are consistent with General Plan policies and any other use permit limitations.
 3. The microbrewery visitor center may include an on-site tasting room or day-use facility which may include facility tours and tasting, retail sales of beer, or related items; display of historical or educational items related to the agriculture of the region; or art. The visitor center shall not exceed thirty (30) percent of the indoor floor area of the microbrewery facility.
 4. Permanent kitchen facilities are not allowed.
 5. One (1) temporary mobile outdoor business may be permitted. The mobile outdoor business must adhere to County Environmental Health requirements. An Administrative Conditional Use Permit (ACUP) may be requested if additional mobile outdoor business are desired and appropriate.
 6. The sale of food, complementary food service, or provision of picnic facilities is limited to cold foods prepared off-site, such as but not limited to bread, cheese, crackers, sandwiches or salads, in conjunction with wine, beer, or olive oil tasting and sales, provided such food service remains incidental and subordinate to the tasting and sales.

17.06.040 – Conditional uses - Board of zoning adjustments.

Subsection Q of Section 17.06.040 of the Alameda County General Code is hereby amended to read as follows:

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Adopted by the Board of Supervisors of the County of Alameda, State of California,
_____, 2017 by the following called vote:

AYES:

NOES:

EXCUSED:

WILMA CHAN

President of the Board of Supervisors
County of Alameda, State of California

ATTEST: ANIKA CAMPBELL-BELTON,
Clerk of the Board of Supervisors, County of Alameda

By _____

Approved as to Form:
DONNA R. ZIEGLER, County Counsel

By _____
Heather M. Littlejohn
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4. The proposed amendments to the Zoning Ordinance would help to encourage a strong agri-tourism industry by supporting enterprises that are appropriate in agricultural areas and that are consistent with long-term, sustainable agricultural practices and operations, in order to increase the economic viability of working farms and ranches, and to promote economic diversification in the County's agricultural areas; and
5. In adopting the East County Area Plan (ECAP) in 1994 and Measure D in 2000, the Board of Supervisors and the voters established an urban growth boundary and associated goals and policies to protect agricultural and open space uses while allowing some limited development, including "agricultural processing facilities," "agriculture enhancing commercial uses" and "visitor-serving commercial uses"; and
6. Microbreweries are agricultural processing facilities, similar to wineries and olive presses, in that they process an agricultural food product into a derivative food product; and
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10. Microbrewery and microbrewery related uses must comply with all local ordinances, regulations, guidelines, standards and requirements of all local agencies and departments including obtaining and maintaining applicable County and State permits and licenses.
11. Uses allowed by this subsection must provide adequate public roadway access and capacity in order to provide safe access for the public and emergency vehicles according to local ordinances, regulations, guidelines, standards and requirements.
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“Microbrewery related uses” means various uses accessory to a microbrewery which must be clearly incidental and subordinate to the primary microbrewery use. The term includes various temporary, cultural and social events (catered banquets, receptions, concerts, food and beer festivals, races, etc.) that would not compromise the primary agricultural operation or appearance of the property. The term includes beer marketing activities.

17.06.030 – Permitted Uses

Subsection E of Section 17.06.030 of the Alameda County General Code is hereby amended to read as follows:

E. Winery, microbrewery or olive oil mill:

1. Shall be subject to Site Development Review to evaluate public roadways, septic and water facilities, building envelope, design, and all other applicable County policies.

2. Microbreweries may include accessory uses such as administrative offices, visitor centers, on-site tasting rooms, production and maintenance facilities, and marketing activities, provided such uses are consistent with General Plan policies and any other use permit limitations.
3. The microbrewery visitor center may include an on-site tasting room or day-use facility which may include facility tours and tasting, retail sales of beer, or related items; display of historical or educational items related to the agriculture of the region; or art. The visitor center shall not exceed thirty (30) percent of the indoor floor area of the microbrewery facility.
4. Permanent kitchen facilities are not allowed.
5. One (1) temporary mobile outdoor business may be permitted. The mobile outdoor business must adhere to County Environmental Health requirements. An Administrative Conditional Use Permit (ACUP) may be requested if additional mobile outdoor business are desired and appropriate.
6. The sale of food, complementary food service, or provision of picnic facilities is limited to cold foods prepared off-site, such as but not limited to bread, cheese, crackers, sandwiches or salads, in conjunction with wine, beer, or olive oil tasting and sales, provided such food service remains incidental and subordinate to the tasting and sales.

17.06.040 – Conditional uses - Board of zoning adjustments.

Subsection Q of Section 17.06.040 of the Alameda County General Code is hereby amended to read as follows:

Q. Winery, microbrewery or olive oil mill related uses.

SECTION II

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

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President of the Board of Supervisors
County of Alameda, State of California

ATTEST: ANIKA CAMPBELL-BELTON,
Clerk of the Board of Supervisors, County of Alameda

By _____

Approved as to Form:
DONNA R. ZIEGLER, County Counsel

By _____
Heather M. Littlejohn
Deputy County Counsel



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TRS RELAY: 711 WWW.EBPARKS.ORG

December 4, 2017

SENT VIA E-MAIL

The Honorable Wilma Chan
President of the Board of Supervisors
County of Alameda
121 Oak Street, Suite 536
Oakland, California 94612

**RE: Board of Supervisors Planning Meeting of December 5, 2017
Proposed Amendments to Alameda County Zoning Ordinance to Allow
Microbreweries and Microbrewery Related Uses**

Dear President Chan:

The East Bay Regional Park District ("Park District") appreciates the opportunity to provide comments on the proposed amendments to the Alameda County Zoning Ordinance to allow microbreweries and related uses in the unincorporated county.

The Park District is concerned that the proposed Microbrewery Ordinance would allow microbreweries "by right" in areas zoned for Agriculture. The Park District urges the Board of Supervisors to consider amending the proposed Zoning Ordinance to make microbreweries a conditional use instead. As a conditional use, the Alameda County's Board of Zoning Adjustments will be able to review proposed microbreweries and consider potential impacts on traffic, roads, water supply and other public concerns.

As drafted, the proposed Microbrewery Ordinance will allow the development of significant infrastructure in parcels zoned for Agriculture as a "by right" permitted use without the need for public hearings or public comment. The facilities allowed per the Microbrewery Ordinance, include visitor centers, on-site tasting rooms, production facilities, and retail sale of beer and food. The extent of permitted uses allowed under this proposed ordinance have the potential to increase traffic and use of rural roads that are not designed to support such commercial uses. In addition to vehicle use, Alameda County's rural roads are popular routes for cyclists, and allowing microbreweries as of right may lead to user conflicts.

The Park District shares the City of Fremont's concerns regarding potential development of a microbrewery near Vargas Plateau Regional Park and the Morrison Canyon and Vargas Road area. These roads are narrow and difficult to negotiate when there is on-coming traffic and bicyclists. If

Board of Directors

Beverly Lane
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Ward 1

Dee Rosario
Ward 2

Colin Coffey
Ward 7

Robert E. Doyle
General Manager

The Honorable Wilma Chan

December 4, 2017

Page | 2

additional development, such as a microbrewery and tasting room were constructed in this area, it would place an undue burden on these roads for which they are not designed.

The Park District requests that the Board of Supervisors consider instead making microbreweries a conditional use. This would allow the County Board of Zoning Adjustments to fully vet and evaluate such a proposed use to ensure that the development of a microbrewery in a particular location is consistent with public health and safety and that all impacts are fully mitigated.

Thank you for your consideration of these comments.

Sincerely,



Robert E. Doyle
General Manager

cc: Alameda County Board of Supervisors Valle, Haggerty, Miley and Carson
East Bay Regional Park District Board of Directors



**SIERRA
CLUB**
FOUNDED 1892

Southern Alameda County Group

(Unincorporated Castro Valley, Fairview, Ashland/Cherryland, and San Lorenzo, and cities of Hayward, Newark and Fremont)

January 29, 2018

The Honorable Board of Supervisors
County Administration Building
1221 Oak Street, Fifth Floor
Oakland, CA 94610

Subject: [Comments regarding Proposed](#) Amendments to the General Ordinance Code to Allow Microbreweries and Microbrewery Related Uses in the A (Agriculture) District

[Dear Mr. President and Honorable members of the Board:](#)

[On behalf of the Sierra Club, we submit the following three points to make regarding the proposed amendments to the Zoning Ordinance. In doing so, we submit that](#) -the County was shortsighted when it adopted the previous version of the Ordinance permitting commercial retail uses on agricultural parcels without adequate regulation and without an associated agricultural nexus.

1. We would not support an Accessory Use being approved on a parcel where there is no associated Primary Use. The current staff recommendation would allow for a secondary, retail accessory use to stand alone. The approval of a Brewery on land where there is no nexus with agricultural production related to the brewing of beer should not be permitted and is contrary to the County mandate to protect and preserve agriculture. Wineries in the County are associated with Vineyards. Olive Mills produce at least a portion of their oil from trees on the parcel. If Brewery and Tasting Room are not accessory to a primary agricultural use on the parcel they should not be permitted.
2. If there is a nexus to the Primary Agricultural Use then retail uses could be considered, but should only be granted through the CUP process and not as a Permitted Use "By Right" as it is in the current ordinance. Wine and beer tasting by the public is a Retail activity by definition and must be accessory to the primary agricultural use of the parcel. If the staff recommendation is adopted the owner of a rural agriculturally zoned parcel could open a brewery with a retail sales tasting room without the conditional oversight a similar commercial retail facility would be subject to in other zoning districts, and would not be required to have any agricultural production on the parcel related to the permitted use. We contend that permitting unregulated commercial retail uses on

agriculturally zoned parcels violates the County's mandate to protect and preserve agricultural land as required by the East County Area Plan and Measure D.

3. In all cases we support the request by the City of Fremont contained in Mayor Mei's letter dated November 21, 2017 requesting that language suggested by staff be amended into the ordinance requiring roadways leading to any use under the ordinance meet the minimum County standard for public access and access by fire trucks and public safety vehicles.

"There must be adequate public road access and capacity in order to provide safe access for the public and emergency vehicles".

Cordially,

A handwritten signature in black ink, appearing to read "Glenn Kirby". The signature is fluid and cursive, with the first name "Glenn" written in a larger, more prominent script than the last name "Kirby".

Glenn Kirby
Sierra Club
Southern Alameda County Group

2530 San Pablo Ave., Suite I, Berkeley, CA 94702 Tel. (510) 848-0800 Email: info@sfbaysc.org



Office of the Mayor

3300 Capitol Avenue, Building A | P.O. Box 5006, Fremont, CA 94537-5006

510 284-4011 *ph* | 510 284-4001 *fax* | www.fremont.gov

November 15, 2017

Supervisor Wilma Chan, President
Alameda County Board of Supervisors
121 Oak Street, Suite 536
Oakland, CA 94612

Subject: Proposed Amendments to Alameda County Zoning Ordinance to Allow Microbreweries and Microbrewery Related Uses

Dear Supervisor Chan:

This letter is written to express the City of Fremont's opposition to the proposed Microbrewery Ordinance, as currently drafted, scheduled for consideration by the Alameda County Board of Supervisors on December 5, 2017. Of particular concern is the potential for microbreweries with tasting rooms to establish in rural County locations, which are accessed by City roads that were not designed to accommodate traffic associated with such uses. Furthermore, tasting room patrons who drink too much could have difficulty navigating these winding roads resulting in increased calls for service from the Fremont Police and Fire Departments in areas that are extremely challenging to access.

At the very least, the City requests that action on the proposed Microbrewery Ordinance be postponed until modifications are made to include specific criteria that would prohibit microbreweries with tasting rooms on rural roads that are incapable of supporting the volume of traffic that could result from the use. In addition, the County should host a community meeting in Fremont on this topic as much concern has been raised by residents about development activity in the Morrison Canyon and Vargas Road area and speculation that a microbrewery and tasting room are planned.

We appreciate the opportunity to provide comments on the proposed ordinance and look forward to your response to our request.

Sincerely,

A handwritten signature in blue ink that reads "Lily Mei".

Lily Mei
Mayor

cc: Alameda County Board of Supervisors Valle, Haggerty, Miley and Carson
Fremont City Councilmembers Jones, Bacon, Salwan and Bonaccorsi
Albert Lopez, Planning Director
Sharon Grewal, AICP, Planner III



Responses to Comments

The California Environmental Quality Act (CEQA) requires that an environmental review be conducted for the proposed ordinance amendments and establishes a process for completing the review. A Notice of Intent to Adopt a Mitigated Negative Declaration (NOIA) and an Initial Study/draft Mitigated Negative Declaration (IS/MND) for the proposed Microbrewery Ordinances was released on August 29, 2017 for a 30-day public review period and ended on September 29, 2017.

The following is the response to comments received by mail or electronic mail during the public review and comment period on the Initial Study/draft Mitigated Negative Declaration (IS/MND). Responses focus on comments that pertain to the adequacy of the analysis in the IS/MND or to other aspects pertinent to the potential effects of the Project on the environment, pursuant to CEQA. Comments that address topics beyond the purview of the IS/MND or CEQA are noted as such for the public record. Individual comments are attached to the Responses to Comments:

- Letter A. Governor's Office of Planning and Research State Clearinghouse
- Letter B. California Department of Transportation (Caltrans)
- Letter C. Alameda County Public Works Agency
- Letter D. Alameda County Department of Environmental Health
- Letter E. Zone 7 Water Agency
- Letter F. Livermore Valley Winegrowers Association
- Letter G. Contra Costa-Alameda County Cattlemen's Association

Letter A Response – State Clearinghouse

The letter from the California Office of Planning and Research (State CEQA Clearinghouse) indicates that the County has complied with CEQA in processing the public review of the IS/MND. No response is necessary.

Letter B Response – California Department of Transportation (Caltrans)

The County received comments from California Department of Transportation (Caltrans) regarding traffic impact based on analysis of Levels of Service or the near-future Vehicle Miles Traveled. As with any development, at the time of building permit within the unincorporated area of the County, the project would be required to pay traffic mitigation fees based on the trips generated during the peak period along the roadways as per the traffic mitigation ordinance. It is not dependent on vehicles miles traveled. The ordinance can be found on the County website:

https://library.municode.com/ca/alameda_county/codes/code_of_ordinances?nodeId=TIT15BUCO_CH15.44CUTRIMMIFE. No response is necessary.

Letter C Response – Alameda County Public Works Agency

The Public Works Agency ensures roadway signage and privately maintained signage in the public right-of-way are design and installed per County requirements. The current road impact fee of \$5.60 per gross square foot would apply to the construction of tasting rooms. No response is necessary.

Letter D Response – Alameda County Department of Environmental Health

The Regional Water Board and Environmental Health will be responsible for permitting onsite wastewater treatment systems in compliance with local statutes, regulations and requirements. Additionally, all food sales and services including pre-packaged food items from permitted food facilities will adhere to the County Environmental Health regulations and requirements. Permanent kitchen facilities consisting of one or more of the following: sink, cooking facility or refrigerator that is permanently located onsite will not be allowed. No response is necessary.

Letter E Response – Zone 7 Water Agency

The Zone 7 Water Agency (Zone 7) reviewed the proposed amendment in the context of providing water supply, flood protection, and groundwater and stream management within the Livermore-Amador Valley. All projects will need to comply with the Eastern Alameda County plans and policies, including, but not limited to, Zone 7's Sustainable Groundwater Management Ordinance and Zone 7's Nutrient Management Plan. It is noted that the agency will be responsible for issuing drilling and well permits in the Eastern Alameda County rather than previously stated as a Public Works Agency responsibility. No response is necessary.

Letter F Response – Livermore Valley Winegrowers Association

The Livermore Valley Winegrowers Association sent a letter of support for the proposed amendment. No response is necessary.

Letter G Response – Contra Costa-Alameda County Cattlemen's Association

The Contra Costa-Alameda County Cattlemen's Association has no comments. No response is necessary.

LETTER A



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA

Governor's Office of Planning and Research State Clearinghouse and Planning Unit



Ken Alex
Director

October 2, 2017

Alameda County
224 W. Winton Avenue, Room 111
Hayward, CA 94544

Subject: Proposed Amendments to Alameda County Zoning Ordinance to allow Microbreweries and Microbrewery Related
SCH#: 2017082095

Dear :

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 29, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2017082095
Project Title Proposed Amendments to Alameda County Zoning Ordinance to allow Microbreweries and
Lead Agency Microbrewery Related
Alameda County

Type MND Mitigated Negative Declaration
Description The proposed project entails amendments to the county of Alameda Zoning Ordinance to allow the development of microbreweries and microbrewery related uses in the A District. Currently, the A District allows wineries and olive oil mills as permitted uses; and winery and olive mill related uses are allowed as conditional uses. However, microbreweries and microbrewery related uses are not allowed as permitted or conditional uses.

Lead Agency Contact

Name
Agency Alameda County
Phone (510) 670-6120
email
Address 224 W. Winton Avenue, Room 111
City Hayward
Fax
State CA **Zip** 94544

Project Location

County Alameda
City
Region
Lat / Long
Cross Streets
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use agriculture

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Septic System; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Conservation; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 2; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission; Delta Protection Commission; Delta Stewardship Council

Date Received 08/31/2017 **Start of Review** 08/31/2017 **End of Review** 09/29/2017

LETTER B

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

FAX (510) 286-5559

TTY 711

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clear
9/29/17
E



*Making Conservation
a California Way of Life*

Governor's Office of Planning & Research

September 27, 2017

SEP 27 2017

STATE CLEARINGHOUSE

SCH # 2017082095

GTS # 04-ALA-2017-00187

GTS I.D. 7695

ALA- VAR - VAR

Ms. Sharon Grewal

Alameda County

224 West Winton Avenue, Room 111

Hayward, CA 94544

Proposed Amendments to Alameda County Zoning Ordinance to allow Microbreweries and Microbrewery Related Uses – Mitigated Negative Declaration (MND)

Dear Ms. Grewal:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the MND.

Project Understanding

Alameda County is proposing to adopt amendments to the County General Code to allow microbrewery and microbrewery related uses. Proposed amendments to the County's Zoning Ordinance would provide definitions for microbreweries and microbrewery related uses; and would allow for the development of microbreweries and microbrewery related uses on lands that are zoned A (Agriculture), consistent with the County's General Plan. Also, the proposed amendments define agri-tourism; and add a definition for tasting room (on-site) that would apply to tasting rooms for wineries, olive oil mills, and microbreweries. The affected area is unincorporated Alameda County.

Lead Agency

As the Lead Agency, Alameda County (County) is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Special Events

Microbreweries that propose special events will be required to submit a transportation analysis that specifies the maximum number of people permitted per event and the maximum number of events per year. In addition, the analysis should clarify special provisions made to accommodate an increase in parking demand during special events.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development. Recently approved guidance for incorporating SB 743 (Local Development-Intergovernmental Review Program Interim Guidance, November 2016) intends to ensure that development projects align with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, necessary multimodal roadway improvements, and VMT as the primary transportation impact metric. Although the Office of Planning and Research's (OPR) guidelines regarding SB 743 are currently a technical advisory, they are expected to be formalized with a VMT analysis requirement once the rulemaking process is complete.

In Caltrans' Smart Mobility 2010: A Call to Action for the New Decade, this project falls under **Place Type 5: Rural and Agricultural Lands** – Rural Towns, which includes settlement patterns with widely-spaced towns separated by farms, vineyards, orchard, or grazing lands, which can significantly affect land uses, character and mobility needs. This place type has a mix of housing, services and public institutions in compact form to serve surrounding rural areas. Given this Place Type and vehicle oriented use, which typically leads to high levels of VMT and corresponding low levels of active transportation, we recommend project-level travel demand analysis that evaluates VMT, where warranted, for future projects stemming from the proposed amendment. This should include the following:

- A vicinity map, regional location map, and site plan clearly showing the project's location in relation to the STN. Clearly identify State right-of-way, bicycle paths, and transit facilities within the study area.
- A VMT analysis pursuant to the County's guidelines or, if the County has no guidelines, the OPR's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15 percent below existing (i.e. baseline) county-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies—such as Caltrans—are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the County.
- Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained during construction.

Ms. Grewal, Alameda County
September 27, 2017
Page 3

Transportation Impact Fees

Microbrewery project submittals should identify travel demand or VMT for the project and estimate the costs of public transportation improvements necessitated by the project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jannette Ramirez at (510) 286-5535 or jannette.ramirez@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

LETTER C

Grewal, Sharon, CDA

From: Rogers, John
Sent: Friday, September 1, 2017 2:30 PM
To: Grewal, Sharon, CDA
Cc: Valderrama, Arthur; Lepere, Bill
Subject: Zoning Ordinance Amendments for Microbreweries in A Districts

Sharon-

Couple of comments related to possible impacts to PWA regulations resulting from the subject proposed amendments to Title 17:

- PWA has previously adopted special regulations in Chapter 12.08 of the County Code covering the design and installation of roadway signage that provides directions to private wineries in agricultural areas; these signs are primarily located in various traffic intersections in the unincorporated areas south of Livermore. The regulations were based upon the assumptions that such signage is 1) associated with public access for retail wine tasting and sales, 2) part of an overall signage plan that is managed by a private organization (Livermore Valley Winegrowers Association), and 3) needed to support safe use of the County roadways in the area by tourists and other visitors. I would anticipate that we could require similar intersection sign regulations for future rural microbreweries, although it would seem doubtful that there will be a Brewers Association for us to deal with (and the scale would obviously be smaller, given that there are 40-some retail wineries in South Livermore).
- The same Chapter 12.08 regulations include provisions covering the design, installation, and maintenance of other individual privately-maintained winery signs in the public ROW at the property entrances. While PWA has not actively enforced some of these existing provisions, I would presume that we would want to extend our authority to regulate similar driveway entrance signs for microbreweries.
- PWA has in Chapter 15.44 of the Code established a "road impact" fee associated with building permits authorizing the construction of winery tasting/sales areas, along with a general blanket fee exemption for wineries that do not have such publically accessible areas. Presumably, we should determine whether similar fees and exemptions should be applied to rural microbreweries. (The current fee for a tasting room is \$5.60 per gross sq. ft.).

John Rogers, PWA

LETTER D

Grewal, Sharon, CDA

From: McElligott, Elizabeth, CDA
Sent: Friday, September 29, 2017 1:50 PM
To: Grewal, Sharon, CDA
Subject: FW: Microbrewery Ordinance Amendment from CDA
Attachments: IS-MND-Microbrewery.pdf

Sharon,

Environmental Health's comments are attached.

Liz McElligott

From: Browder, Ronald, Env. Health
Sent: Friday, September 29, 2017 1:16 PM
To: McElligott, Elizabeth, CDA <elizabeth.mcelligott@acgov.org>
Subject: FW: Microbrewery Ordinance Amendment from CDA

Hello Liz,

Please find below comments concerning the proposed Microbrewery Ordinance amendments from the DEH Food and Land/Water programs. Let me know if you have any questions. Thanks!

From: Roe, Dilan, Env. Health
Sent: Thursday, September 28, 2017 6:47 PM
To: Browder, Ronald, Env. Health <ronald.browder@acgov.org>
Cc: Weiss, Karen, Env. Health <Karen.Weiss@acgov.org>; Khan, Muhammed, Env. Health <muhammed.khan@acgov.org>; Greenwood, Jackie, Env. Health <jackie.greenwood@acgov.org>; Torres, Ronald, Env. Health <ronald.torres@acgov.org>; Mathew, Raju, Env. Health <raju.mathew@acgov.org>; Strother, Valerie, Env. Health <valerie.strother@acgov.org>; Bartus, Cynthia, Env. Health <cynthia.bartus@acgov.org>
Subject: RE: Microbrewery Ordinance Amendment from CDA

Although the proposed amendments to the ordinance does not have specific language regarding the permitting of onsite wastewater treatment systems by the Regional Water Board and Environmental Health the Initial Study does address these issues. The writer is trying to understand the process and gets the overall intent of it so I do not have comment.

Hydrology and Water Quality (p 26-27)

"The project will not substantially degrade water quality. Microbreweries constructed as a result of the project would generate wastewater associated with microbrewery processing activities such as rinsing floors, tanks, bottles, barrels and equipment. Wastewater disposal facilities must meet approved waste discharge requirements from the California Regional Water Quality Control Board, San Francisco Bay Region (CRWQCB) for management of the process wastewater to be generated by the facility. Permit approvals will also be required from CRWQCB, Alameda County Health Department and Zone 7 Water Agency."

Utilities and Service Systems (p. 40-41)

"A microbrewery built as a result of the proposed project would require the construction of a wastewater advanced treatment system for treating effluent and a new septic system for sanitary uses. The septic tank for domestic purposes

would be designed to provide adequate capacity to serve the proposed uses on the property and would meet the County's Environmental Health Department's design and siting requirements for septic systems. Approximate location of the septic system and wastewater treatment facilities will be confirmed during the County review and approval processes. Due to current regulatory requirements, potential impacts related to wastewater treatment, environmental effect, and adequate capacity would be less than significant."

"The Environmental Health Department of the Alameda County Health Care Services Agency oversees and inspects septic and leach field systems, which are utilized throughout the rural areas of the Castro Valley Canyonlands and East County. These areas have very few if any connections to public wastewater treatment systems. The Environmental Health Department is responsible for ensuring that each system complies with the Water Board requirements, and that they are located, designed, constructed and operated effectively to prevent surfacing or percolation of sewage effluent in a manner that could adversely affect public health or safety."

Dilan Roe, PE, C73703
Chief – Land Water Division
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA
510.567.6767; Ext. 36767
QIC: 30440
dilan.roe@acgov.org

From: Bartus, Cynthia, Env. Health
Sent: Thursday, September 28, 2017 1:05 PM
To: Browder, Ronald, Env. Health <ronald.browder@acgov.org>
Cc: Weiss, Karen, Env. Health <Karen.Weiss@acgov.org>; Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>; Khan, Muhammed, Env. Health <muhammed.khan@acgov.org>; Greenwood, Jackie, Env. Health <jackie.greenwood@acgov.org>; Torres, Ronald, Env. Health <ronald.torres@acgov.org>; Mathew, Raju, Env. Health <raju.mathew@acgov.org>; Strother, Valerie, Env. Health <valerie.strother@acgov.org>
Subject: RE: Microbrewery Ordinance Amendment from CDA
Importance: High

Good Afternoon Mr. Browder,

This was discussed by the Ops Managers and we would like to submit the following comments to Sharon Grewal at Alameda County Planning Department/CDA. Please review and let me know so I may forward these to Ms. Grewal by this afternoon's deadline.

Regarding pg. 2, Item #5 add the following:

"All food sales and service must adhere to County Environmental Health Requirements which may include plan review and permitting."

We also have the following comments/questions to submit:

1. What is the definition of ***"permanent kitchen facilities"*** as proposed in the Microbrewery Ordinance Amendments?
2. If a permitted food facility (restaurant, caterer, etc.) provides pre-portioned, pre-packaged food items to a microbrewery which are opened by the patron the minimum equipment requirements would include an employee hand wash sink, commercial refrigerator, janitorial sink and restroom. The microbrewery would be required to submit plans and obtain a health permit to operate for these food sales or service.
3. Tasting rooms that serve only beer and crackers or pretzels are exempt from a health permit to operate according to the California Health and Safety Code/Retail Food Code. Sales of bottled water or other pre-

packaged beverages such as soda or tea is allowed without a permit from the Department of Environmental Health (DEH).

4. If there are sales of non-potentially hazardous (non-refrigerated), pre-packaged foods (chips, nuts, crackers, candies, olives, etc.) under 25 square feet, then no permit from DEH is required.

Please let me know if you have any feedback before I send this to CDA.

Cynthia Bartus, *REGIS*

Supervising Environmental Health Specialist
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502-6540
(510) 567-6714
(510) 337-9432 facsimile
cynthia.bartus@acgov.org
<http://www.acgov.org/aceh>

From: Browder, Ronald, Env. Health
Sent: Tuesday, September 26, 2017 5:01 PM
To: Bartus, Cynthia, Env. Health; Roe, Dilan, Env. Health; Khan, Muhammed, Env. Health
Cc: Weiss, Karen, Env. Health
Subject: FW: Microbrewery Ordinance Amendment from CDA

Thanks CB. I look forward to comments from both EP and Land/Water Divisions.

From: Bartus, Cynthia, Env. Health
Sent: Tuesday, September 26, 2017 4:48 PM
To: Browder, Ronald, Env. Health <ronald.browder@acgov.org>
Subject: FW: Microbrewery Ordinance Amendment from CDA

fyi

Cynthia Bartus, *REGIS*

Supervising Environmental Health Specialist
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502-6540
(510) 567-6714
(510) 337-9432 facsimile
cynthia.bartus@acgov.org
<http://www.acgov.org/aceh>

From: Bartus, Cynthia, Env. Health
Sent: Tuesday, September 26, 2017 4:45 PM
To: Bartus, Cynthia, Env. Health; Greenwood, Jackie, Env. Health; Mathew, Raju, Env. Health; Strother, Valerie, Env. Health; Torres, Ronald, Env. Health
Cc: Khan, Muhammed, Env. Health; Roe, Dilan, Env. Health
Subject: Microbrewery Ordinance Amendment from CDA

Good Afternoon,

Mr. Browder has asked for comments on the following attachment (a small portion of the larger document) regarding proposed changes to the County Ordinance with regard to microbreweries.

Comments are due to CDA/Planning by Thursday, September 28 at 5pm.

I would like to discuss this as a roundtable issue at Wednesday's Ops Manager meeting.

The comments I would like to propose to CDA are in regard to Page 2, Item #5

Add "All food sales and service must adhere to County Environmental Health requirements which may include plan review and permitting." Or we could use a very general statement added to Item #5 "and adheres to County Environmental Health requirements." as shown in Item #4 regarding the food truck.

I have passed the entire document along to Muhammed and Dilan for their comments with regard to Land Use.

There is reference to septic systems on page 21 #7(e).

There is reference to a land use plan on page 28 10(b).

I discussed this in the parking lot with Muhammed today and he expressed that the wastewater from these microbreweries would be considered industrial strength and they would need approval from the Regional Water Quality Control Board.

Thank you,

Cynthia

Cynthia Bartus, REHS

Supervising Environmental Health Specialist

Alameda County DEH

(510) 567-6714

tie line 3-6714

cynthia.bartus@acgov.org

<http://www.acgov.org/aceh>

LETTER E



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7
100 NORTH CANYONS PARKWAY, LIVERMORE, CA 94551-9486 • PHONE (925) 454-5000

September 25, 2017

Sharon Grewal, AICP
Alameda County Planning Department
224 West Winton Avenue, Room 111
Hayward, CA 94544
e-mail to sharon.grewal@acgov.org

Re: IS/MND for Microbrewery Ordinance Amendments

Zone 7 Water Agency (Zone 7, or Zone 7 of the Alameda County Flood Control and Water Conservation District) has reviewed the referenced Initial Study / Mitigated Negative Declaration (IS/MND) in the context of Zone 7's mission to provide water supply, flood protection, and groundwater and stream management within the Livermore-Amador Valley. We have a few comments for your consideration:

1. Page 26, item 9b:

- a) The IS/MND states that the County Public Works Agency is responsible for issuing drilling and well permits. Please correct this statement to reflect that Zone 7 issues drilling and well permits in Eastern Alameda County within the Zone 7 service area.
- b) The IS/MND should reflect that projects will need to comply with Eastern Alameda County plans and policies, including, but not limited to, Zone 7's Sustainable Groundwater Management Ordinance and Zone 7's Nutrient Management Plan.

On behalf of Zone 7, I appreciate the opportunity to comment on this project. If you have any questions on this letter, please feel free to contact me at (925) 454-5005 or via email at erank@zone7water.com

Sincerely,

Elke Rank

cc: Carol Mahoney, Amparo Flores, Matt Katen, file

LETTER F

Grewal, Sharon, CDA

From: Chris Chandler <cchandler@lvwine.org>
Sent: Wednesday, September 27, 2017 12:45 PM
To: Grewal, Sharon, CDA
Cc: Matt Ford
Subject: Proposed Microbrewery Ordinance Amendments Comment

Sharon Grewal, Planner
Alameda County
Community Development Agency, Planning Department

Dear Sharon:

The Livermore Valley Winegrowers Association (LVWA) represents over 40 wineries and growers throughout the Livermore Valley American Viticultural Area (AVA). As the leading voice for wineries, we thank you for the opportunity to weigh in on the proposed zoning ordinance to allow microbreweries and related uses.

We support guidelines and projects that will enhance and promote agri-tourism in Livermore Valley. We welcome capital investment in visitor-serving businesses and facilities that will complement the existing agri-tourism amenities. We fully support hospitality-related projects and their anticipated contributions to the overall economic growth, success and viability of the region.

Thank you,

Chris Chandler, Executive Director
Livermore Valley Winegrowers Association
Live a little more
www.LVwine.org
925.447.9463
AIRPORT OPEN HOUSE
Saturday, October 7



LETTER G



September 22, 2017

Sharon Grewal
AICP
Alameda County Planning Dept
224 West Winton Ave. Room 111
Hayward, CA 94554

RE: County General Code amendments pertaining to Microbrewery and related uses.

Ms. Grewal,

The Contra Costa-Alameda County Cattlemen's Association (CCACCA) understands Alameda County is proposing to adopt amendments to the County General Code to allow microbrewery and microbrewery related uses in unincorporated Alameda County.

The CCACCA board of directors has no issues with the Microbrewery Amendments to the Zoning Ordinance as laid out in your packet of information dated August 29, 2017.

Regards,

Clayton W. Koopmann

President, Contra Costa-Alameda County Cattlemen's Association

By Kim Bonde, CCACCA Secretary

