



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

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January 2, 2018

Agenda Item #21

January 9, 2018

The Honorable Board of Supervisors  
County Administration Building  
1221 Oak Street, Fifth Floor  
Oakland, CA 94612

Dear Board Members:

**SUBJECT:** ADOPTION OF AMENDMENTS TO SECTION 17.04.010 AND CHAPTER 17.06 OF TITLE 17 OF THE GENERAL ORDINANCE CODE TO ALLOW MICROBREWERIES AND MICROBREWERY RELATED USES IN THE A (AGRICULTURE) DISTRICT

**RECOMMENDATION:**

That the Board of Supervisors take one of the following two actions:

1. Approve the proposed amendments to Section 17.04.010 and Chapter 17.06 of Title 17 of the General Ordinance Code and adopt the Mitigated Negative Declaration, attached hereto as Attachment A-1.
2. Direct staff to revise the ordinance amendments as reflected in Attachment A-2, and refer the revised ordinances to the Planning Commission for approval prior to Board consideration of the ordinance amendments.

**BACKGROUND:**

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.

**DISCUSSION/SUMMARY:**

The proposed amendments to the County Zoning Ordinance would allow the development of a microbrewery as a permitted use in the A (Agriculture) District; microbrewery-related uses would be conditionally permitted within the A District only with approval of a conditional use permit by the Board of Zoning Adjustments.

### **Alternative Ordinance Proposals**

The difference between the two alternative ordinance revisions (Attachments A-1 and A-2) is that the second alternative includes a revision to incorporate comments from the City of Fremont. On November 21<sup>st</sup>, 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.

Planning 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 County General Plan documents and Specific Plans applicable in the areas where the facilities would be permitted. Nevertheless, in an effort to accommodate the City's concerns and to emphasize existing County policies, Planning developed an alternative ordinance amendment proposal that inserted the following language into Section 17.06.030 (E)(1): "There must be adequate public road access and capacity in order to provide safe access for the public and emergency vehicles." If the Board elects to proceed with the revised language, the amended ordinance would be referred back to the Planning Commission for a report and recommendation, but another hearing by the Planning Commission is not required pursuant to Government Code section 65857.

### **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 were released on August 29, 2017 for a 30-day public review period which ended on September 29, 2017.

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, the County Public Works Agency, the Livermore Valley Winegrowers Association and the Contra Costa-Alameda County Cattlemen's Association. A complete list of comments received and responses is provided in Attachment C. The NOIA and IS/MND are available for review on the County website at: <https://www.acgov.org/cda/planning/landuseprojects/microbrewery.htm>.

### **Public Meetings and Recommendations from County Advisory Bodies**

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

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

## 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 Board of Supervisors review the proposed ordinance amendments, take public comment, adopt the Mitigated Negative Declaration, and approve the proposed amendments.

Very truly yours,



Chris Bazar, Director  
Community Development Agency

### Attachments:

#### A. Ordinance Proposals

A-1: 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

A-2: Alternative Proposal of 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

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

F. Planning Commission Resolution

G. Board of Supervisor Resolution

**ATTACHMENT A-1**

**ORDINANCE 2017-\_\_\_\_\_**

**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.

## 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.

"Tasting room, on-site" means an establishment where wine, beer, or olive oil produced on the premises are served to the public for on-site consumption; also may include off-sales of beer, wine or olive oil produced on the premises.

### **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. 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.
2. 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.
3. Permanent kitchen facilities are not allowed.
4. 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.

5. 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 III**

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 2017-\_\_\_\_\_**

**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.

## 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:

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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.

“Tasting room, on-site” means an establishment where wine, beer, or olive oil produced on the premises are served to the public for on-site consumption; also may include off-sales of beer, wine or olive oil produced on the premises.

### **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. 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. There must be adequate public road access and capacity in order to provide safe access for the public and emergency vehicles.
2. 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.

3. Permanent kitchen facilities are not allowed.
4. 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.
5. 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



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Environmental Checklist Form

Prepared Pursuant to the California Environmental Quality Act (CEQA)

A. PROJECT DESCRIPTION

1. **Project title:** Proposed Amendments to Alameda County Zoning Ordinance to allow Microbreweries and Microbrewery Related Uses.
2. **Project location:** Alameda County East County Planning Area and Castro Valley Canyonlands
3. **Project sponsor's name and address:**  
Alameda County Community Development Agency, Planning Department  
224 W. Winton Avenue, Suite 111, Hayward, CA 94544
4. **General plan designation:** Large Parcel Agriculture (LPA) and Resource Management (RM)
5. **Zoning:** A (Agriculture)
6. **Description of project:**  
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 (Agriculture) District. Currently, the A (Agriculture) District allows wineries and olive oil mills as permitted uses; and winery and olive oil mill related uses are allowed as conditional uses. However, microbreweries and microbrewery related uses are not allowed as permitted or conditional uses.

*Proposed Amendments*

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 following proposed zoning ordinance amendments would allow microbrewery uses to be permitted by right within the Agricultural zoning district (new text underlined):

**17.06.030 – Permitted Uses****E. Winery, microbrewery or olive oil mill:**

1. 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.
2. 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.
3. Permanent kitchen facilities are not allowed.
4. 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 food trucks are desired and appropriate.
5. 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.

The following amendments would allow microbrewery related uses as conditional uses within the A district (new text underlined):

A Districts-17.06.040 Conditional uses-Board of zoning adjustments.

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

The following proposed definitions would also be added to the Zoning Ordinance (new text underlined):

**17.04.010 Definitions**

“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.

“Tasting room, on-site” means an establishment where wine, beer, or olive oil produced on the premises are served to the public for on-site consumption; also may include off-sales of beer, wine or olive oil produced on the premises.

For the purposes of the analysis in this Initial Study, it is anticipated that no more than five microbreweries would be permitted within the A District in the foreseeable future due to the limited areas in which microbreweries could potentially be located, and development requirements such as adequate road access, septic and water facilities, building envelope location, and visual considerations.

The project would allow a microbrewery as a permitted use in the A (Agriculture) district. The microbrewery would be required to adhere to all applicable federal, state and local statutes, regulations and requirements. Microbrewery related uses would be conditionally permitted within the A District only if approved by the Board of Zoning Adjustments. Establishment of these microbrewery related uses would require an analysis of any potential site-specific effects and the issuance of a conditional use permit which would be conditioned upon compliance with all applicable federal, state and local statutes, regulations and requirements.

The proposed ordinance amendments would apply to lands designated as Large Parcel Agriculture (LPA) and Resource Management (RM) in the County General Plan. Areas designated Water Management Lands (WML) would not be affected. The Large Parcel Agriculture (LPA) and Resource Management (RM) general plan land use designations require a minimum parcel size of 100 acres and allow a maximum building intensity for non-residential uses of .01 Floor Area Ratio (FAR), but not less than 20,000 square feet. The A district requires a minimum parcel size of 100 acres; the more remote areas of the county, where large parcels are predominant or otherwise more suitable, have combining “B-E” districts requiring either 160- or 320-acre minimum parcel sizes.

## **7. Surrounding land uses and setting:**

Alameda County is over 821 square miles in size and is bordered to the west by San Francisco Bay, to the North by Contra Costa County, to the South by Santa Clara County, and to the east by San Joaquin County. The zoning ordinance amendments would apply to the vast majority of the rural and agricultural lands of the County, located in the East County Plan Area and the Castro Valley Canyonlands.

The East County Plan Area encompasses 418 square miles of eastern Alameda County and includes the Cities of Dublin, Livermore, Pleasanton, and a portion of Hayward, as well as surrounding unincorporated areas. The planning area extends from the Pleasanton/Dublin ridgeline to the west to the San Joaquin County line to the east, and from the Contra Costa County line to the north to the Santa Clara County line to the south.

The Castro Valley Canyonlands comprise approximately 24 square miles, extending from the northern county line southward to Niles Canyon Road, generally north, east, and southeast of the urban portion of the unincorporated community of Castro Valley. The southerly portion of the area lies to the east of the unincorporated community of Fairview and the Cities of Hayward and Union City.

The Project would apply only within the aforementioned unincorporated areas. These areas contain a large variety of built and natural settings including farmland and rangeland. The terrain varies from level wide valleys to steep hillsides, with open grassland, scrub oak and woodlands, creeks, ponds, quarries and various degrees of human settlement and roads and highways. The A (Agriculture) District applies to virtually all of the land within these areas.

The County's publicly owned open space lands are enjoyed for their scenic quality and typically used for outdoor recreation, natural resource preservation, and agriculture in its various forms. The publicly owned lands are primarily regional parks owned and managed by the East Bay Regional Park District (EBRPD) and watershed lands owned by public water utilities such as the East Bay Municipal Utility District (EBMUD) and the San Francisco Public Utility Commission (SFPUC).

**8. Other public agencies whose approval may be required:**

Adoption and implementation of the proposed ordinance amendments does not require the approval of any other governmental agency. However, pursuant to the California Department of Alcoholic Beverage Control Act, applicants must obtain the appropriate license for the operation of a microbrewery.

Other State and local agencies may be involved in the County's permitting process. Each Use Permit will be subject to the California Environmental Quality Act (CEQA). The permitting process and CEQA review may include consultation with responsible agencies. Some projects may also require permitting from other jurisdictions based on relevant laws and regulations applicable at the time of review.

**9. Revisions to the Project Description:**

Subsequent to the publication of the Initial Study on August 29, 2017, County Counsel advised staff to make minor clarifications to the proposed zoning ordinance language. Since the East County Area Plan (ECAP) addresses visitor serving commercial uses, the agri-tourism definition in the proposed zoning ordinance amendments was deleted. Additionally, the word "bonded" was removed from the microbrewery definition since it's not applicable to microbreweries. Lastly, the term "food truck" was replace with mobile outdoor business to be consistent with the current adopted policies.

**B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture and Forest Resources            | <input checked="" type="checkbox"/> Air Quality      |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Climate Change and Greenhouse Gas Emissions | <input type="checkbox"/> Cultural Resources          |
| <input type="checkbox"/> Geology /Soils                     | <input type="checkbox"/> Hazards & Hazardous Materials               | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources                           | <input type="checkbox"/> Noise                       |
| <input type="checkbox"/> Population and Housing             | <input type="checkbox"/> Public Services                             | <input type="checkbox"/> Recreation                  |
| <input type="checkbox"/> Transportation and Traffic         | <input checked="" type="checkbox"/> Tribal Cultural Resources        | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance |  |  |

**C. LEAD AGENCY DETERMINATION:**

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature \_\_\_\_\_

Date \_\_\_\_\_



**D. EVALUATION OF ENVIRONMENTAL EFFECTS:**

The Environmental Checklist and discussion that follows is based on sample questions provided in the CEQA Guidelines (Appendix G) which focus on various individual concerns within 17 different broad environmental categories, such as air and water quality, biological resources, climate change, cultural resources, land use, public services, noise and traffic (and arranged in alphabetical order). The Guidelines also provide specific direction and guidance for preparing responses to the Environmental Checklist. The sample questions are meant to be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential environmental impacts that are not listed in the checklist must also be considered. The sample questions are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

Each Checklist question requires a “yes” or “no” reply to indicate if the analysis or assessment (or an available reference document) shows that the project will or will not have a potentially significant environmental impact on the subject aspect of the environment. However, there are three possible types of “no” responses, including: “NO: Less Than Significant with Mitigation”, which means that potentially significant impacts would clearly be avoided or reduced to an acceptable level by changes to the project or mitigation measures that the project proponent and the Lead Agency have agreed to; “NO: Less Than Significant Impact”, which means that while there may have been concerns about possible impacts that require analysis, the “threshold of significance” is not exceeded and the impact is not significant; and “NO: No Impact”, which means that for clearly evident reasons documented by a map, reference document, the nature of the project or the setting, the specific kind of environmental impact addressed by the question is not possible or would be nearly insignificant. The following describes in more detail the four different possible answers to the questions in the Checklist, and the types of discussions required for each response:

- a) **YES: Potentially Significant Impact.** Checked if a discussion of the existing setting (including relevant regulations or policies pertaining to the subject) and project characteristics with regard to the environmental topic demonstrates, based on substantial evidence, supporting information, previously prepared and adopted environmental documents, and specific criteria or thresholds used to assess significance, that the project will have a potentially significant impact of the type addressed by the question.

CEQA requires that if the analysis prompted by the Checklist results in a determination that the project will have one or more potentially significant environmental impacts (and the project proponent does not agree to changes or mitigation measures that would assure the subject impact can be avoided or reduced to less than significant levels, an environmental impact report (EIR) is required. In such instances, the discussion may be abbreviated greatly if the Lead Agency chooses to defer the analysis to preparation of the EIR. However, if the analysis indicates that all such impacts can be avoided or mitigated to less-than-significant levels, a Mitigated Negative Declaration can be prepared and this column will not be used for any question.

- b) **NO: Less Than Significant With Mitigation.** Checked if the discussion of existing conditions and specific project characteristics, also adequately supported with citations of relevant research or documents, determine that the project clearly will or is likely to have particular physical impacts that will exceed the given threshold or criteria by which significance is determined, but that with the incorporation of clearly defined mitigation measures into the project, that the project applicant or proponent has agreed to, such impacts will be avoided or reduced to less-than-significant levels.
- c) **NO: Less Than Significant Impact.** Checked if a more detailed discussion of existing conditions and specific project features, also citing relevant information, reports or studies, demonstrates that, while

some effects may be discernible with regard to the individual environmental topic of the question, the effect would not exceed a threshold of significance which has been established by the Lead or a Responsible Agency. The discussion may note that due to the evidence that a given impact would not occur or would be less than significant, no mitigation measures are required.

- d) **NO: No Impact.** Checked if brief statements (one or two sentences) or cited reference materials (maps, reports or studies) clearly show that the type of impact could not be reasonably expected to occur due to the specific characteristics of the project or its location (e.g. the project falls outside the nearest fault rupture zone, or is several hundred feet from a 100-year flood zone, and relevant citations are provided). The referenced sources or information may also show that the impact simply does not apply to projects like the one involved. A response to the question may also be "No Impact" with a brief explanation that the basis of adequately supported project-specific factors or general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a basic screening of the specific project).

The discussions of the replies to the Checklist questions must take account of the whole action involved in the project, including off-site as well as on-site effects, both cumulative and project-level impacts, indirect and direct effects, and construction as well as operational impacts. Except when a "No Impact" reply is indicated, the discussion of each issue must identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance, with sufficient description to briefly explain how they reduce the effect to a less than significant level.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D) of the Guidelines). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
- b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

1. AESTHETICS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Have a substantial adverse effect on a scenic vista?				x
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				x
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				x
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			x	

**1a, b, & c): No Impact.**

The state scenic highway designations are for routes that have been recognized by the State of California after having been nominated by Alameda County, and where the County has adopted a Corridor Protection Program. Under the State program, scenic corridors consist of land visible from the highway right of way that presents notable scenic and natural features based on topography, vegetation, viewing distance and/or jurisdictional boundaries. There are three officially designated state scenic highways in the project area: Interstate 680 between the Contra Costa County line and Mission Boulevard in Fremont, State Route 84 between Interstate 680 and Mission Boulevard, and a very short, 0.4-mile long segment of Interstate 580 immediately west of the San Joaquin County line. The remainder of I-580, eastward through the County to San Leandro, is designated as eligible but not as an official route. The County's Scenic Route Element, adopted in 1966, serves as the County's Corridor Protection Program and, as such, is required to have policies with sufficient detail to avoid excessive discretionary interpretation and establish an effective strategy to maintain the scenic character of the corridor.

Additionally, the East County Area Plan (ECAP) Policies 108 and 115 would apply to the development of microbreweries to ensure they blend in visually with the surrounding area. Through Measure D, these policies apply to the Canyonlands as well as to East County. With the application of the referenced County adopted policies, any future development of microbreweries would not result in any aesthetic impacts. The project would have no effect on scenic vistas, scenic resources, or the visual character or quality of a site or its surroundings.

**1d): Less than Significant.** The project may include the introduction of new light sources which could adversely affect nighttime views. To minimize the potential impacts of the new lighting and glare, exterior lighting improvements will be subject to the County's existing lighting criteria and policies that require directed lighting to illuminate only the area intended.<sup>1</sup> With these current policies applied, the project will have a less than significant impact on light and glare

<sup>1</sup> Castro Valley General Plan Policy 113A; East County Area Plan Policy 108 and 115.

<b>2. AGRICULTURE AND FOREST RESOURCES</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			x	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			x	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				x
d) Result in the loss of forest land or conversion of forest land to non-forest use?				x
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			x	

**2a, b, e): Less than Significant.** For the purposes of the analysis in this Initial Study, it is anticipated that no more than five microbreweries would be permitted within the A District in the foreseeable future due to the limited areas in which a microbrewery could potentially be located and development requirements such as adequate road access, septic and water facilities, building envelope location, and visual protection.

The zoning ordinance amendments would apply to the vast majority of the rural and agricultural lands of Alameda County, on lands designated as Large Parcel Agriculture (LPA) and Resource Management (RM) in the County General Plan. Microbreweries would be allowed in the LPA and RM land use designations and microbrewery related uses would only be allowed in LPA.

In the County General Plan, the Large Parcel Agriculture (LPA) and Resource Management (RM) land use designations require a minimum parcel size of 100 acres. The more remote areas of the County, where large parcels are predominant or otherwise more suitable, have combining "B-E" districts requiring either 160- or 320-acre minimum parcel sizes.

With respect to the microbrewery and microbrewery related uses allowed within agricultural areas, such uses would be considered "agriculture enhancing commercial uses" and "visitor-serving commercial uses"

that are permitted in the agricultural district pursuant to ECAP Policies 81 to 83, and thus would not conflict with agricultural zoning in the County.<sup>2</sup>

According to the California Department of Conservation, Division of Land Resource Protection – Farmland Mapping and Monitoring Program 2014 Land Use Conversion Table<sup>3</sup>, Alameda County has approximately 3,433 acres of Prime Farmland, 1,109 acres of Farmland of Statewide Importance, and 2,259 acres of Unique Farmland, primarily concentrated in the areas of Mountain House, South Livermore, and Sunol. However, these combined 6,801 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance are relatively limited compared to the over 241,169 acres of land that are separately categorized as Grazing Land, and which makes up the clear majority of the rural areas of the East County and Castro Valley Canyonlands. An additional 75,496 acres of the County are categorized as “Other Lands” without special agricultural capability, due to slope, soil conditions, water supply and other factors. The remainder of the County consists of urban or built-up land (approximately 147,888 acres) located primarily in its westernmost portions near San Francisco Bay, and secondarily in the Tri-Valley Cities of Pleasanton, Dublin and Livermore. ECAP policies support preservation of prime farmland for cultivated agriculture and these policies will help to direct microbrewery development away from prime farmland. Thus, this project would have a less than significant impact on the loss or conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

Under the California Land Conservation Act of 1965 (also known as the Williamson Act), in order to preserve agricultural lands for future generations, uses of land under Williamson Act contract for other than agricultural uses must be compatible with the agricultural use on the land and in a scale that maintains agriculture as the primary use. Microbrewery and microbrewery related facilities may be considered a compatible use under the Williamson Act, subject to certain restrictions. Any microbrewery or microbrewery related facilities would have to meet the principles of compatibility under the Williamson Act (Public Resources Code Section 51238.1), be consistent with the County’s Williamson Act Uniform Rules, and be subordinate to the primary agricultural use. Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

1. The use will not significantly compromise the long-term productive agricultural capability of the contracted property or on other contracted lands in agricultural preserves (Government Code Section 51238.1).
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the contracted property or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the contracted property may be deemed compatible if they relate directly to the production of commercial agricultural products on the contracted property or neighboring lands, including activities such as harvesting, processing, or shipping (Government Code Section 51238.1).
3. The use will not result in the significant removal of adjacent contracted land from agricultural use or open-space use (Government Code Section 51238.1).
4. The use will not result in the significant increase in the density of the temporary or permanent human population that could hinder or impair agricultural operations on the contracted property (Government Code Section 51220.5).

As a compatible use, Section I.B.3.c of the County’s Uniform Rule 2 would limit any microbrewery or microbrewery related use built on land under Williamson Act contract to ten acres or ten percent of the parcel size, whichever is less.

<sup>2</sup> East County Area Plan Policy 81-83

<sup>3</sup> California Department of Conservation, <http://www.conservation.ca.gov/dlrp/finmp/Pages/Alameda.aspx>

This project would have a less than significant impact on Williamson Act contracts or conflict with existing zoning for agricultural uses.

**2c and d): No Impact.** No forest lands are located within or adjacent to locations where the project could affect land use. The project would not involve any direct loss of forest land or lands currently under timber preserve. Thus, no impacts on forestry resources would occur.

<b>3. AIR QUALITY</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				x
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		x		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			x	
d) Expose sensitive receptors to substantial pollutant concentrations?			x	
e) Create objectionable odors affecting a substantial number of people?			x	

**13a): No Impact.** The project is located in Alameda County, which lies within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards are attained and maintained in the Bay Area. BAAQMD revised the CEQA Air Quality Guidelines, which outline BAAQMD recommended procedures for evaluating regional air pollutants including criteria air pollutants, greenhouse gases (evaluated in a following section), local risk and hazards (from toxic air contaminants and fine particulate matter), carbon monoxide, odor, and air pollutants associated with construction activities.

Impacts could be significant if the project would conflict with or obstruct implementation of BAAQMD's 2017 Clean Air Plan. Since most of the 2017 Clean Air Plan's control measures are targeted to area-wide improvements, large stationary source reductions or large employers, those measures are not applicable to the project, and the project would not impede their implementation. Furthermore, a project that is consistent with development assumptions included within a jurisdiction's General Plan which was considered in the development of the Clean Air Plan will not cause an obstruction to the implementation of the 2017 Clean Air Plan. The minor increase in microbrewery and related uses would not represent an increase in development beyond that anticipated under the County General Plan, and therefore would not interfere with implementation of the 2017 Clean Air Plan. There would be no impact due to a potential conflict with the Clean Air Plan.

**13b): Less than Significant with Mitigation for Construction.** The project would consist of typical construction activities for new facilities including grading, filling, development of the building, and application of architectural coatings. Exhaust emissions associated with construction equipment and activities would be generated during construction. In addition to exhaust emissions, emissions of fugitive dust would also be generated by project construction activities associated with earth disturbance, and travel on unpaved project driveways and roads. BAAQMD basic control measures (BAAQMD, 2012) including fugitive dust emissions and exhaust emission control measures will insure that the impacts would be less than significant.

**Less than Significant for Operation:** Because the scale of each individual microbrewery would be limited by the 10,000 barrel per year production cap in the proposed ordinance and also by the development restrictions imposed by the County General Plan, microbrewery operations are expected to result in a minimal increase in vehicular traffic consisting primarily of trucks delivering supplies to each microbrewery site and transporting finished product off-site, and also automobile traffic generated by employees and by visitors to on-site tasting rooms. Where a conditional use permit is granted for event centers as a microbrewery related use, the conditions of approval for the permit will address any site-specific air quality impacts that may result from increased traffic. Based upon the project scale and operation, the project will not result in an exceedance of applicable thresholds or standards, and would not violate any air quality standard or contribute to an existing or projected air quality violation. This represents a less than significant impact.

**c) Less than Significant Impact.** Alameda County is designated as nonattainment for the 1-hour state ambient air quality standard and the 8-hour state and national ambient air quality standards. The County is designated as unclassified for the national PM10 and is designated as nonattainment for the state and national PM2.5 standards. The County uses the significance thresholds for air quality impacts adopted by BAAQMD in its 2011 CEQA Guidelines. The applicable thresholds for operational-related air quality effects indicate a project's emissions would be considered significant if they were to exceed 54 lbs/day of ROG, 54 lbs/day of NOX, 82 lbs/day of PM10, and/or 54 lbs/day of PM2.5. The Air District's 2011 CEQA Guidelines include substantial evidence for operational screening levels for criteria air pollutants. These screening levels provide a conservative indication of whether a project could result in potentially significant air quality impacts related to emission of criteria air pollutants during operation. If a proposed project does not exceed the screening levels, then criteria air pollutant emissions are considered to be less than significant. The land use type for screening of operational criteria pollutant emissions that is the most similar to microbreweries is light industrial. The screening size threshold for this type of land use is 541,000 square feet. The 10,000 barrel per year production cap in the proposed ordinance and the development restrictions imposed by the East County Area Plan will ensure that no microbrewery that is permitted under the project would exceed this screening size. Although designated as nonattainment for a criteria pollutant, the project would not result in a cumulative considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.

**d) Less than Significant Impact.** The project area is located in an area dominated by agricultural activities with few sensitive receptors in the area. The project will generate an incremental increase in pollutant concentrations during project construction and operation. New construction related activities will generate temporary pollutants associated with heavy machinery and vehicle trips to and from the site for construction workers. Construction emissions will be minor and temporary in nature. The project will generate an incremental increase in operational pollutants associated with vehicle trips to and from the site and for brewery-related activities and visitor-serving uses. The project is small in scale and nature and will not result in a substantial amount of emissions. Inclusion of the best management practices recommended by BAAQMD described below would minimize any potential air quality impacts to nearby sensitive receptors. Therefore, the project's potential to impact sensitive receptors is less than significant.

## **Mitigation**

### **AIR-1. Best Management Practices**

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All stockpiles of debris, soil, sand and any other material that can be windblown shall be covered. Trucks transporting these materials shall be covered.
- All paved construction areas and adjacent streets shall be damp swept daily.



- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways.
- Vegetation shall be replanted in disturbed areas as soon as possible after completion of construction.
- All haul trucks transporting soils, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracks on adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Construction equipment shall be shut off when not in use to minimize idling times. Signage shall be placed for construction workers at all access points onto the site.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted at the site with the telephone number and person to contact at the Lead Agency regarding dust complaints. This contact person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**13e): Less than Significant Impact.** The Proposed Project would not create any new sources of odor. During construction, use of diesel powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. This represents a less than significant impact.

4. BIOLOGICAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			x	
b) Have a substantial adverse effect on any riparian, aquatic or wetland habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?			x	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			x	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			x	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			x	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				x
g) Result in conversion of oak woodlands that will have a significant effect on the environment?				x

**4a, b, c, d and e): Less than Significant** Because no discretionary permit would be required for a microbrewery, a site-specific biological review would not be required for individual applications, but each facility must adhere to all applicable federal, state and local statutes, regulations and requirements. Establishment of microbrewery related uses would require the issuance of a conditional use permit by the County and examination of any site-specific effects. The conditional use permits would be conditioned upon compliance with all applicable federal, state and local statutes, regulations and requirements, including but not limited to:

- a. The federal Endangered Species Act that prohibits killing, harming, or otherwise "taking" listed animal species;
- b. The federal Migratory Bird Treaty Act that prohibits killing, possessing, or trading of migratory birds except in accordance with regulations, including protection of active nests from destruction and all nests of species protected by the MBTA, whether active or not;

- c. The federal Clean Water Act that includes programs addressing both point-source and nonpoint-source pollution, inclusive of Section 404 and Section 401 requirements for the discharge of dredged and fill material into waters of the United States;
- d. The California Endangered Species Act (Fish and Game Code of California, Chapter 1.5, Sections 2050-2116), which prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered;
- e. The California Fish and Game Code, which includes regulations governing the use of, or impacts to, many of the state's fish, wildlife, and sensitive habitats including rivers, streams and lakes;
- f. The Porter-Cologne Water Quality Control Act, including its authorization of the SWRCB to issue CWA certifications for projects that would discharge to state waters and the RWQCB authority over any fill activities within state waters, including isolated waters or wetlands that may be outside the jurisdiction of the USACE.
- g. The Alameda County Tree Ordinance, as amended, being Chapter 12.11 of Title 12 of the Alameda County General Ordinance Code, which applies to trees within the public right-of-way), and
- h. Any applicable policies, principles or guidelines intended to protect and preserve important environmental resources and significant natural features as included in County Area Plans, Master Plans or Specific Plans.

Any future development of new structures or reuse of existing structures associated with microbrewery related uses pursuant to the project would be individually evaluated against biological resource criteria at each location, based on the regulatory requirements listed above. With effective implementation of these existing regulations, the project will not result in impacts to special status species, riparian habitats, other sensitive natural communities, federally protected wetlands, or native resident or migratory wildlife corridors.

**4f and g): No Impact.** Project implementation will not conflict with any local policies or ordinances protecting biological resources. Development within the project area is governed by the applicable elements of the Alameda County General Plan (Castro Valley General Plan and the East County Area Plan), the Alameda County Zoning Ordinance (Title 17), and the Alameda County General Code. These governing documents contain goals and policies that call for the conservation and protection of listed species and critical habitats resulting in guiding development to avoid, minimize or mitigate impacts to biological resources. Any new uses established pursuant to the proposed ordinance amendments would be subject to the applicable goals, policies, and regulations for the protection and conservation of biological resources. There are no HCPs in Alameda County and therefore there is no potential for the project to conflict with the provisions of an HCP<sup>4</sup>.

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<sup>4</sup> ECOS Environmental Conservation Online System  
<http://ecos.fws.gov/ecp0/conservationPlan/region?region=8&type=HCP>

5. CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			x	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			x	

**5a and b) Less than Significant Impact.** Construction of microbreweries and microbrewery related uses in accordance with the proposed ordinance, may generate a temporary incremental increase in greenhouse gas (GHG) emissions. Due to the limited scale and duration of construction for each facility, GHG emissions from construction related activities would be negligible.

Some GHG emissions would also result from the production of beer at microbreweries that are developed as a result of adoption of the proposed ordinance. The Brewers Association's *Energy Usage, GHG Reduction, Efficiency and Load Management Manual* estimates the average energy usage ranges for the operation of breweries of all sizes. Energy used in a brewery breaks down into two primary units. Thermal energy in the form of natural gas is used to generate hot water and steam, which is then used in brewing, packaging and general building heating. Electrical energy is used to power all equipment, with the largest user being refrigeration. Thermal sources average 70% of the energy consumed in the brewery; however, it usually only accounts for 30% of the actual energy cost.<sup>5</sup>

Electrical usage is estimated at 12 to 22 kilowatt hours per barrel (kWh/bbl) (or 0.012 to 0.022 megawatt hours per barrel (MWh/bbl)) and natural gas usage is estimated at 1.3 to 1.5 therms per barrel (therms/bbl). Using the high ends of these ranges and emission factors provided by Pacific Gas & Electric (PG&E) (based on the carbon footprint of the power they supply) to calculate a conservative estimate for GHG emissions resulting from microbrewery operations, the table below shows that electricity and natural gas usage at a microbrewery producing the maximum 10,000 barrels per year allowed by the proposed ordinance, would result in the emission of approximately 123.65 metric tons of carbon dioxide per year (MTCO<sub>2</sub>/yr).

Estimated GHG Emissions from Electricity and Natural Gas Usage for Microbrewery Operations				
Type of Energy	Estimated Average Energy Usage per Barrel Produced	Estimated Annual Energy Usage for 10,000 Barrel per Year Max. Output	PG&E Emission Factors	Estimated GHG Emissions from Microbrewery Operations
Electricity	0.022 MWh/bbl	220 MWh/year	0.2 MTCO <sub>2</sub> /MWh	44.00 MTCO <sub>2</sub> /yr
Natural Gas	1.5 therms/bbl	15,000 thms/year	0.00531 MTCO <sub>2</sub> /thm	79.65 MTCO <sub>2</sub> /yr
Total				123.65 MTCO <sub>2</sub> /yr

In accordance with State CEQA Guidelines, each lead agency must determine applicable thresholds of significance based on substantial evidence in the record. As standard practice, Alameda County relies on the Bay Area Air Quality Management District (BAAQMD) *CEQA Thresholds Options and Justification Report* (2009), which provides substantial evidence for use of thresholds published in the 2017 *BAAQMD*

<sup>5</sup> Brewers Association Energy Usage, GHG Reduction, Efficiency and Load Management Manual

*CEQA Guidelines.* As such, Alameda County applies a threshold of 1,100 MTCO<sub>2</sub>e/yr., or 4.6 MTCO<sub>2</sub>e/yr per service population, as its thresholds in assessing the significance of any project's individual GHG emissions. The estimated GHG emissions of 123.65 MTCO<sub>2</sub>/yr from microbrewery operations falls well below the BAAQMD threshold of 1,100 MTCO<sub>2</sub>e/yr. Thus, the Greenhouse Gas Emissions from the proposed project will be less than significant and meets applicable local and state plans, policies and regulations adopted for the purpose of reducing the emissions of greenhouse gases.

6. CULTURAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			x	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			x	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			x	
d) Disturb any human remains, including those interred outside of formal cemeteries?			x	

**6a, b, c & d): Less than Significant.**

The California Environmental Quality Act (CEQA, 1970, as amended, Section 21084.1) identifies historic resources as those listed in or eligible for listing in the California Register of Historic Resources, based on a range of criteria, such as association with events or patterns of events that have made significant contributions to broad patterns of historical development in the United States or California, including local, regional, or specific cultural patterns (California Register Criterion 1). Alternatively, structures which are directly associated with important persons in the history of the state or the country (Criterion 2), which embody the distinctive characteristics of type, period or other aesthetic importance (Criterion 3), or which has the potential to reveal important information about the prehistory or history of the state or the nation (such as archaeological sites) may qualify as a historic resource (Criterion 4). In addition to meeting at least one of the above criteria, structures must typically be over 50 years old (a state guideline rather than a statutory requirement) and have retained sufficient historic integrity to be clearly evident as a historic resource through a combination of location, design, setting, materials, workmanship, feeling and association with historic patterns. The definition of "integrity" in this context is based on criteria established by the National Register of Historic Places, which include, in basic terms, historical patterns and events (Criterion A), association with important persons in the past (Criterion B) and distinctive characteristics unique to a type, period, style, method of construction, the work of a recognizable master builder, or possessing high artistic value (Criterion C). Any alteration or demolition of any prehistoric or historic district, site, building or structure, the National Historic Preservation Act and its implementing regulations (16 USC Section 470 et seq., 36 CFR Part 800, 36 CFR Part 60 and 36 CFR Part 63) and state CEQA Guidelines (Section 21084.1 of the Public Resources Code) will require the County to consider such effects on historic properties, including any substantial adverse change such as demolition, destruction, relocation or alteration that would impair a resource's historic significance.

Alameda County conducted a survey in 1993 to identify properties in the East County area which might meet the state criteria for listing on the state Register, the Preliminary Inventory of Historical Resources: Eastern Alameda County, 1993<sup>6</sup>, which was substantially updated in 2005 as the East Alameda County Cultural Resource Survey. Development projects on sites with buildings that were identified in the East County Survey as potential historic resources may require the completion of a professional historic resource evaluation report, meeting state or federal criteria for such reports, and/or require environmental

6 Alameda County Planning Department, *Preliminary Inventory of Historical Resources: Eastern Alameda County*, 1993.

review under CEQA to determine if the project may have an adverse effect on the significance of cultural resources.

Section 15064.5 of the CEQA Guidelines requires certain basic measures to be completed in the event of discovery of archaeological or paleontological resources (including human remains). These procedures provide for temporary protection of any resource that is discovered until a determination can be made about its importance. These procedures are also considered necessary to address the potential of discovering presently unknown human remains that may have been interred outside of formal cemeteries or paleontological resources. Alameda County's policies regarding archaeological and historic resources (including Native American tribal cultural resources) are that they should be preserved and maintained "to the maximum extent possible including but not limited to those listed on official State and National Registers." When site preparation and construction activities are proposed, the County's policy follows the State laws that require adequate identification of the resources, and, where appropriate, preservation. Additional requirements for cultural resources management include Code Chapter 1.7, Section 5097.5 (Archaeological, Paleontological, and Historical Sites) of the California Public Resources Code, and the disposition of Native American burials as governed by Section 7050.5 of the California Health and Safety Code and Sections 5097.94 and 5097.98 of the Public Resources Code.

The project would allow a microbrewery as a permitted use in the A (Agricultural) District and while, as such, a site-specific examination may not be required, any microbrewery that is developed must adhere to all applicable federal, state and local statutes, regulations and requirements. All microbrewery related uses will be conditionally permitted within the A District only if approved by the board of zoning adjustments. Establishment of microbrewery related uses would require an examination of any site-specific effects and the issuance of a conditional use permit by the County. Permits would be conditioned upon compliance with all applicable federal, state and local statutes, regulations and requirements. With effective implementation of these existing federal, state and local regulations, the project will not cause a substantial adverse change in the significance of a historical resource, a change in the significance of an archaeological resource, or directly or indirectly destroy a unique paleontological resource or a tribal cultural resource.

7. GEOLOGY AND SOILS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			x	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			x	
ii) Strong seismic ground shaking?			x	
iii) Seismic-related ground failure, including liquefaction?			x	
iv) Landslides?			x	
b) Result in substantial soil erosion or the loss of topsoil?			x	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			x	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			x	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			x	

**7a through e):** Less than Significant: The project must adhere to all applicable federal, state and local statutes, regulations, ordinance, guidelines, and requirements including the Alquist-Priolo Earthquake Fault Zoning Map, the California Seismic Hazards Mapping Act, the California Building Standards Code, and County grading, building and environmental health permit requirements.

All microbrewery related uses will be conditionally permitted within the A District only if approved by the board of zoning adjustments. Establishment of these microbrewery related uses would require an examination of any site-specific effects and the issuance of a conditional use permit from the County; and those permits would be conditioned upon compliance with all applicable federal, state and local statutes, regulations and requirements including the Alquist-Priolo Earthquake Fault Zoning Map, the California Seismic Hazards Mapping Act, the California Building Standards Code, and County grading, building and environmental health permit requirements.

Any future development of new or reuse of existing structures pursuant to the project would be based on the regulatory requirements listed above. With effective implementation of these existing regulations, the project will not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides; result in substantial soil erosion or loss of topsoil; be located on a geologic unit or unstable soil; be



located on expansive soil; or have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

<b>8. HAZARDS AND HAZARDOUS MATERIALS</b> Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			x	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			x	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			x	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			x	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			x	

**8a) Less than Significant Impact.** The proposed project would not involve the routine transport, use, or disposal of hazardous materials. The proposed ordinance is likely to result in the construction of new microbreweries and microbrewery related uses. Construction activities would require the use and transport of potentially hazardous materials including oils and combustible fuels but these materials would not be stored in large quantities on-site. Future construction of microbreweries would be required to comply with federal, state, and local regulatory requirements, including the Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation, and Liability Act, Hazardous Materials Transportation Act Title 22, CCR Title 27, and the County Fire Code, which regulates the transportation, use, and disposal of hazardous materials. Therefore, impacts associated with the use, transportation or accidental release of potentially hazardous materials would be less than significant with the inclusion of standard best management practices (BMPs) during and after project construction.

**8b) Less than Significant Impact.** Construction of microbreweries has the potential to release fuels and other hazardous particles into the environment, potentially causing human exposure to the hazards. However, as described in a), above, the project will implement best management practices pertaining to

hazardous material usage requiring the safe handling and storage of hazardous materials in accordance with all applicable local, state and federal laws. As such, this represents a less than significant impact.

**8c) Less than Significant Impact.** Sunol Glen School in Sunol and Mountain House School near the Altamont Pass are located in rural areas of the East County where microbreweries could potentially be located nearby. Because microbrewery operations do not require the usage of hazardous materials, any microbreweries constructed as a result of the project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school. The project would have a less than significant impact.

**8d) Less than Significant Impact.** All microbreweries would be required to adhere to all applicable federal, state and local statutes, regulations and requirements. This includes any development of a site which is included on a list of hazardous materials sites. The Department of Toxic Substance Control is the responsible State agency and is responsible for maintaining a data management system for tracking cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination or sites where there may be reasons to investigate further. EnviroStor is the Department of Toxic Substances Control's data management system and it will be utilized to identify sites containing hazardous materials. As a result, there will be a less than significant impact and the project would not create a significant hazard to the public or the environment.

**8e and f) No Impact.** Future microbreweries developed under the proposed ordinances may be located within the airport influence area (AIA) delineated in the Livermore Municipal Airport Land Use Compatibility Plan (ALUCP). However, microbreweries allowed under the project would be small-scale and would be subject to all applicable size, height, and setback limitations established in the ALUCP to avoid the creation of hazards with respect to airport safety. Therefore, the project would not constitute a safety hazard for people residing or working in the project area.

**8g) No Impact.** The project would adhere to all federal, state and local regulations including the County Emergency Operation Plan<sup>7</sup> and the Local Hazard Mitigation Plan.<sup>8</sup> Thus, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. As such, no impacts are associated with interfering with applicable emergency response or evacuation plans.

**8h) Less than Significant Impact.** The project would allow the development of microbreweries and microbrewery related uses in rural agricultural areas of unincorporated Alameda County which consist primarily of rangeland, vineyards and very low-density residential development. Development of the facilities will be in conformance with the California Building Code pertaining to wildland fire interface, the Safety Element of the County General Plan, Subdivision Map Act, County Fire Code, CALFIRE and County Building Code. Compliance with all applicable regulations will ensure that the project does not expose people or structures to a significant risk of loss, injury or death involving wildland fires. As such, wildland fire risks associated with the project would be considered less than significant.

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<sup>7</sup> Alameda County Emergency Operation Plan.

<https://www.acgov.org/ready/documents/EmergencyOperationsPlan.pdf>

<sup>8</sup> Alameda County 2016 Local Hazard Mitigation Plan <http://www.alamedacountyhmp.com/>

<b>9. HYDROLOGY AND WATER QUALITY</b> Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Violate any water quality standards, conflict with water quality objectives, fail to meet waste discharge requirements, significantly degrade any surface water body or groundwater, or adversely affect the beneficial uses of such waters, including public uses and aquatic, wetland and riparian habitat?			x	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			x	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (i.e. within a watershed)?			x	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff (e.g., due to increased impervious surfaces) in a manner which would result in flooding on- or off-site (i.e. within a watershed)?			x	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes?			x	
f) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?			x	
g) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?			x	
h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				x
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				x
j) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure				x

9. HYDROLOGY AND WATER QUALITY Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
of a levee or dam?				
k) Inundation by seiche, tsunami, or mudflow?				x

**9a, and f): Less Than Significant Impact.** 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 the CRWQCB, Alameda County Health Department, and Zone 7 Water Agency.

**9b): Less Than Significant Impact.** The County Public Works Agency is responsible for issuing drilling and wells permits. The permitting requirements for drilling and wells would require an assessment of potential water supply impacts as part of the review and approval process. Permits will not be issued if a development has a possibility of depleting groundwater supplies or interfering substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater level. The facilities will require wastewater disposal to meet existing regulations. Due to existing groundwater conditions associated with high nitrate concentrations, in some areas of the East County proposed wastewater disposal and irrigation must meet approved waste discharge requirements from the California Regional Water Quality Control Board, San Francisco Bay Region (CRWQCB) and Zone 7 Water Agency. Microbreweries built as a result of the project would likely use water from an onsite well which would result in increased water use from the groundwater basin. The review and permitting process will assure that the activities would have a less than significant impact on groundwater supplies and would introduce a less than significant impact related to the depletion of the groundwater supply.

**9c, d and e): Less Than Significant Impact.** Construction of a new facility would result in grading and soil-disturbing activities and the installation of new impervious surfaces. These activities could result in increased discharge of stormwater to drainage facilities, which could cause additional erosion and associated siltation of local water bodies. However, the County will require the implementation of a stormwater control plan to manage stormwater runoff in compliance with the County's requirements. Implementation of a stormwater control plan will reduce potential drainage/runoff impacts to a less than significant level.

**9g): Less Than Significant Impact.** The Clean Water Act (CWA) is the primary law regulating pollution of the nation's waterways. The US Environmental Protection Agency's 303(d) Program assists states, territories and authorized tribes in submitting lists of impaired waters and developing Total Maximum Daily Loads (TMDL). A TMDL establishes the maximum amount of a pollutant allowed in a waterbody and serves as the starting point or planning tool for restoring water quality.<sup>9</sup> All microbrewery and microbrewery related uses would be required to adhere to all applicable federal, state and local statutes,

<sup>9</sup> United States Environmental Protection Agency (EPA)  
<https://www.epa.gov/tmdl>

regulations and requirements including polluting a water body listed as impaired under Section 303(d) of the Clean Water Act.

**9h, i, j and k): No Impact.** The project must comply with local law and with all applicable requirements established by the Alameda County Public Works Agency, the Alameda County Planning Department, and the Zone 7 Water Agency or other agency having jurisdiction over flood control. With compliance with these laws and regulations, microbreweries constructed as a result of the proposed project would not expose people or property to flood hazards or increasing any risks associated with flood exposure. No flood related impacts would occur.

A risk of seiche can occur if development occurs adjacent to an inland body of water and a seismic event, such as an earthquake, causes significant water displacement. The project will not include any land use changes that would introduce elevated risk of tsunami or seiche.

10. LAND USE AND PLANNING Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Physically divide an established community.				x
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				x
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				x

**10a through c): No Impact:** State planning law requires the County to adopt a zoning ordinance that is consistent with the County's General Plan. The East County Area Plan (ECAP), was adopted in 1994, amended by the Board of Supervisors in 1996 and 1998, and then again by the voter Initiative Ordinance Measure D (Initiative) in November of 2000. ECAP allows visitor-serving commercial uses in agricultural areas; and microbrewery and microbrewery related uses would be considered visitor-serving commercial facilities. Such facilities include wineries, inns, and food and beverage stores and are limited to facilities that promote agriculture and are subordinate and directly related to the area's agricultural production.<sup>10</sup>

In the Castro Valley Canyonlands, Measure D applied the same restrictions with respect to minimum parcel size, amount and nature of development, development envelopes, floor area ratios and maximum floor areas, and permissible uses as are imposed in the Resource Management Description of Land Use Designations in the ECAP. In addition, several ECAP policies regarding agriculture and development outside the Urban Growth Boundary were also applied to the Canyonlands.

ECAP Policy 82 permits limited agriculture enhancing commercial uses that primarily support the area's agricultural production, are not detrimental to existing or potential agricultural use, demonstrate an adequate and reliable water supply, and comply with other policies and programs of the Initiative.<sup>11</sup> Microbreweries would be considered as an agriculture enhancing commercial use and all local land use policies including the County General Plan would be adhered to by all applicants.

The project entails amendments to the County of Alameda Zoning Ordinance to allow the development of microbreweries and microbrewery related uses in the A (Agricultural) District. Currently, the A District allows wineries and olive oil mills, but microbreweries are not listed as a permitted or conditional use. Proposed amendments to the Zoning Ordinance provide new definitions for microbreweries and microbrewery related uses. Also, the proposed amendments define agri-tourism and add a definition for tasting room (on-site) to apply to wineries, olive oil mills, and microbreweries.

All new 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. There is no evidence to indicate that

<sup>10</sup> Alameda County East County Area Plan Policy 81

<sup>11</sup> Alameda County East County Area Plan Policy 82

issuance of a permit pursuant to the ordinance amendments would have the potential to divide an established community. There is no habitat conservation plan (HCP) or natural community conservation plans (NCCP) that is operative within Alameda County; therefore, there is no possibility of a conflict with such plans.



<b>11. MINERAL RESOURCES</b> Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				x
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				x

**11. a, b): No Impact.** In Alameda County, “regionally significant” mineral resources include extensive sand and gravel deposits, which are found primarily in ancient lakebeds and broad river channels (notably in the Livermore-Amador Valley and the Sunol Valley), and basaltic hard and fractured rock deposits that are found in limited locations on hillsides and ridgetops. Most of these deposits are either under extraction or permitted for future extraction, but a small number of remaining unpermitted deposits are found in scattered locations in East County and remotely in the ridgelines extending southward from Castro Valley parallel to Palomares Canyon.

Each of the quarries operate under the provisions of a Surface Mining Permit issued by the County and have to adhere to the State of California Surface Mining and Reclamation Act (SMARA), and the boundaries of these quarries are well established. Nearly all of these quarry sites have a General Plan land use designation of Water Management, reflecting their ultimate reclamation use as beneficial to various water management objectives. Any microbreweries or microbrewery related uses that are constructed as a result of the proposed zoning ordinance amendments will not be located within areas with the land use designation of Water Management; therefore, the project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

12. NOISE Would the project result in:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			x	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				x
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			x	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			x	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				x
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				x

**12a, c, and d): Less Than Significant Impact.** The threshold of significance for noise effects is determined by state law, embodied in the Alameda County General Plan Noise Element and Noise Ordinance. The Noise Element requires noise generated by new projects to meet the acceptable exterior noise levels standards of the Noise and Land Use Compatibility Guidelines. Microbrewery related uses will require a conditional use permit (CUP) which will include conditions to reduce noise.

Generally, new development may result in new noise that could disturb existing residents, such as added traffic noise, new outdoor activities or commercial activities. Development may also result in the introduction of persons into environments with existing high noise levels. Temporary noise resulting from construction activity may also be substantial. In addition, microbrewery operational noise may increase on the project site compared to the existing noise setting. Increased noise levels on the site during microbrewery related events would be the primary sources of noise. In instances where outdoor amplification for events is used, noise levels will not exceed 65 dBA per Alameda County requirements. As such, the increase in noise level will be minor in nature, and will be addressed in the conditions of approval of the required CUP. As a result, the project represents a less than significant impact.

**12b, e and f): No Impact.** The threshold of significance for noise effects is determined by state law, embodied in the Alameda County General Plan Noise Element and Noise Ordinance. The Noise Element requires noise generated by new projects to meet the acceptable exterior noise levels standards of the Noise and Land Use Compatibility Guidelines. In all regards, compliance will be required with applicable noise limits and regulations already operative under the County's General Plan and Noise Ordinance. As a result, the project would not result in exposure of persons to or generation of noise levels in excess of standards established in the General Plan or the County's noise ordinance, nor would the activities authorized under the ordinance amendments result in generation of excessive groundborne

vibration or noise levels or have a substantial permanent increase in ambient noise levels or have a substantial temporary or periodic increase in ambient noise levels.

<b>13. POPULATION AND HOUSING</b> Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				x
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				x
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				x

**13a, b, and c): No Impact.** It is anticipated that no more than five microbreweries will be permitted within the A District in the foreseeable future due to the limited areas in which a microbrewery could potentially be located. No form of subdivision is considered, no new housing or infrastructure that could induce housing growth is contemplated and no housing would be demolished. As a result, the project will not induce population growth in the area or displace existing housing or people necessitating the construction of housing elsewhere.

<b>14. PUBLIC SERVICES</b>  Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Fire protection?			x	
b) Police protection?			x	
c) Schools?				x
d) Parks?				x
e) Other public facilities?				x

**14a and b): Less than Significant.** Fire protection in the East County and Castro Valley Canyonlands are provided by the Alameda County Fire Department, which has a wide range of fire stations and equipment spread throughout the unincorporated areas of the County. The ordinance amendments clarify and require compliance with all local laws of all local agencies and departments, including those of the Alameda County Planning Department and the Alameda County Fire Department. With compliance with these applicable laws and regulation, impacts related to fire protection would be less than significant.

Law enforcement in the area is provided by the Alameda County Sheriff's Office, which has one substation that serves the East County and one substation that serves the Eden Area, which includes the Castro Valley Canyonlands. The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered Sheriff's facilities in order to maintain acceptable service ratios, response times or other performance objectives. Impacts related to police protection would be less than significant.

**14c, d and e): No Impact.**

The project does not include any form of subdivision or residential uses that would necessitate new school facilities, and the project would not generate any public school students. Similarly, the project does not include any new park or recreational facilities, and the project would not generate any increased demands for parks or recreational facilities. No new or expanded public service facilities are proposed or anticipated to address the contemplated uses.

<b>15. RECREATION</b> Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				x
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				x

**15a and b): No Impact.** The project does not include any form of subdivision or residential uses and there is no expectation that the project will have an effect on neighborhood parks, public recreational facilities or regional parklands. The project would not generate any increased demands for parks or recreational facilities and no new or expanded recreation facilities are proposed or anticipated to address the contemplated uses. There would be no impact on recreation.

<b>16. TRANSPORTATION</b> Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			x	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			x	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				x
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				x
e) Result in inadequate emergency access?				x
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				x

**16a and b): Less than Significant.** The project includes consideration of ordinance amendments that are anticipated to lead to the permitting of no more than five microbreweries within the A (Agriculture) District in the foreseeable future. Traffic related to the operation of the microbreweries would result from visitor trips, employee commutes, and delivery of supplies. Traffic generated by microbreweries would be comparable to other uses, such as wineries, that are already allowed in the A (Agriculture) District. Because the number and scale of the microbreweries would be limited, and they would be dispersed geographically throughout the project area, the cumulative traffic generated would have a negligible effect on traffic circulation and would be consistent with transportation policies in County General Plan documents and Specific Plans applicable in the areas where the facilities would be permitted. Thus, the project will not conflict with County transportation policies adopted to ensure adequate transportation facilities in the County.

**16c): No Impact.** The project does not include significant changes in population or require any changes to air traffic patterns. Business-related air travel associated with the project activities would likely use existing airports with existing air traffic patterns and are not anticipated to result in a significant increase in demand that would necessitate changes in air traffic. Therefore the project will have no impact on air traffic patterns or levels that might result in a substantial safety risk.

**16d and e): No Impact.** The project does not include permitting of any new improvements that might change traffic patterns or circulation. Any construction of new structures, and any improvements associated with the project including driveway encroachments, new roads or road improvements, site distance, and adequate access and turn-around space for emergency vehicles would be subject to regulations and permitting requirements including review by County Planning, Public Works, Fire Department, and responsible agencies. Therefore, the project would not create hazards or result in inadequate emergency access.

**16f): No Impact.** The Alameda County Bicycle and Pedestrian Master Plan is the County's vision for safe, attractive, and convenient opportunities for bicycling and walking in the unincorporated areas. The project would not conflict with this plan or any other adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.



<b>17. TRIBAL CULTURAL RESOURCES</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) or		x		
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		x		

**17a and b): Less than Significant with Mitigation.** Section 15064.5 of the CEQA guidelines require certain basic measures to be completed in the event of discovery of archaeological or paleontological resources (including human remains). These procedures provide for temporary protection of any resource that is discovered until a determination can be made about its importance. These procedures are also considered necessary to address the potential for discovering currently unknown human remains that may have been interred outside of formal cemeteries or known paleontological resources. Alameda County's policies regarding archaeological and historic resources (including Native American tribal cultural resources) are that they should be preserved and maintained "to the maximum extent possible including but not limited to those listed on official State and National Registers." When site preparation and construction activities are proposed, the County's policy follows the State laws that require adequate identification of the resources, and, where appropriate, preservation. Additional requirements for cultural resources management include Code Chapter 1.7, Section 5097.5 (Archaeological, Paleontological, and Historical Sites) of the California Public Resources Code, and the disposition of Native American burials as governed by Section 7050.5 of the California Health and Safety Code and Sections 5097.94 and 5097.98 of the Public Resources Code.

The project would allow a microbrewery as a permitted use in the A (Agricultural) District and while, as such, a site-specific examination may not be required, any microbrewery that is developed must adhere to all applicable federal, state and local statutes, regulations and requirements. All microbrewery related uses will be conditionally permitted within the A District only if approved by the board of zoning adjustments. Establishment of microbrewery related uses would require an examination of any site-specific effects and the issuance of a conditional use permit by the County. Permits would be conditioned upon compliance with all applicable federal, state and local statutes, regulations and requirements. With effective implementation of these existing federal, state and local regulations, the project will not cause a substantial adverse change in the significance of a historical resource, a change in the significance of an archaeological resource, or directly or indirectly destroy a unique paleontological resource or a tribal cultural resource.

Alameda County has initiated the formal consultation with the applicable California Native American Tribes in accordance with the provisions of AB 52 (PRC Section 21084.2). Impacts from the unanticipated discovery of tribal cultural resources during construction would be potentially significant.

#### Mitigation Measure

Mitigation Measure TCR-1 would be required to protect tribal cultural resources in the event of their discovery during construction.

**TCR-1 Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, Alameda County shall consult with a qualified archaeologist and begin or continue Native American consultation procedures. If Alameda County determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

Impacts would be less than significant with mitigation incorporated.

18. UTILITIES AND SERVICE SYSTEMS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			x	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			x	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			x	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			x	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			x	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				x
g) Comply with federal, state, and local statutes and regulations related to solid waste?				x

**18a): Less than Significant with Mitigation.** 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 locations 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 effects, and adequate capacity would be less than significant.

**18b, c, d, and e.): 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 percolating of sewage effluent in a manner that could adversely affect public health or safety.

The Alameda County Flood Control and Water Conservation District (ACFCWCD) manages the construction and maintenance of stormwater drainage facilities; in East County, Zone 7 of the ACFCWCD (the Zone 7 Water Agency) manages both water delivery and stormwater drainage systems.

The East Bay Municipal Utility District (EBMUD) manages water delivery to the urban unincorporated areas of Alameda County. Most of the rural areas of the County, including the East County and Castro Valley Canyonlands rely on on-site groundwater pumping for water supply and have no public water connection. Stormwater in the area flows generally into open creeks and water bodies, but may pass through or into improved downstream water channels such as Arroyo Mocho or San Lorenzo Creek.

**18f and g): No Impact.** Solid waste generated from the project will likely be handled at permitted landfills regulated by the Alameda County Waste Management Authority (ACWMA). The major landfill in Alameda County is the Altamont Landfill and Resource Recovery facility located at 10850 Altamont Pass Road, Livermore. This landfill has over 60 million cubic yards of remaining capacity which is anticipated to be sufficient to accommodate solid waste disposal through 2025. The other operating landfill is the Vasco Road Sanitary Landfill, located at 4001 North Vasco Road, Livermore. It has remaining capacity of over 7 million cubic yards and is expected to cease operations in 2022. Approval of the project would not substantially affect the ability of solid waste collection and disposal services to accommodate waste disposal within existing capacity limits particularly in view of the County's ongoing mandate to meet waste diversion requirements in the County Integrated Waste Management Plan, 2017, including composting, recycling, public education, and other programs to promote waste diversion goals. Therefore, no significant impacts to utilities and services would occur as a result of the proposed project's implementation.

	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
<b>19. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				x
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				x
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				x

No potentially significant effects on the environment have been identified in the preceding sections of this Initial Study.

**19a): No Impact.** As drafted, the proposed ordinance amendments would allow microbrewery and related uses in agricultural zoning districts within the East County and Castro Valley Canyonlands. As discussed in the preceding sections of this Initial Study, the ordinance amendments would have a less than significant impact on biological resources and would have no impact on cultural resources given the limitations on the zones where microbrewery activities could be permitted.

**19b): No Impact.** CEQA Guidelines (Section 15355[b]) defines cumulative impacts as those resulting from closely related past, present, and reasonably foreseeable projects. CEQA Guidelines (Section 15125[a]) also defines the analytical baseline as the conditions on the ground at the time that the Initial Study is prepared. Impacts of past projects are generally considered as part of these baseline conditions. As drafted, the proposed ordinance amendments contain regulatory requirements that ensure that a variety of environmental concerns are addressed on a cumulative basis. The project plus cumulative development would not result in any significant and unmitigated effects on these resources. Project implementation would not involve cumulatively significant impacts.

**19c): No Impact.** The subject ordinance contain regulations that address potential impacts on humans such as air quality and tribal cultural resource. Implementation of mitigation measures AIR-1, and TCR-1 would reduce the level of significance; therefore, the project would not have substantial direct or indirect adverse effects on human beings with incorporation of mitigation measures.

**E. SOURCES**

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**F. MITIGATION MEASURES TO BE INCLUDED IN THE PROJECT AND AGREED TO BY THE PROJECT SPONSOR AND ALL SUBSEQUENT PROPERTY OWNERS AND PERMITTEES**

The following mitigation measures are required to reduce potentially significant impacts of the proposed project to a "Less Than Significant" or "No Impact" level. These mitigation measures shall be made conditions of approval for the project. For every mitigation measure, the Permittee will be responsible for implementation actions, schedule, funding and compliance with performance standards, unless otherwise stated in the measure.

**AIR-1. Best Management Practices**

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All stockpiles of debris, soil, sand and any other material that can be windblown shall be covered. Trucks transporting these materials shall be covered.
- All paved construction areas and adjacent streets shall be damp swept daily.
- Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways.
- Vegetation shall be replanted in disturbed areas as soon as possible after completion of construction.
- All haul trucks transporting soils, sand, or other loose material off-site shall be covered.
- All visible mud or dirt tracks on adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Construction equipment shall be shut off when not in use to minimize idling times. Signage shall be placed for construction workers at all access points onto the site.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted at the site with the telephone number and person to contact at the Lead Agency regarding dust complaints. This contact person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**TCR-1 Unanticipated Discovery of Tribal Cultural Resources.**

In the event that cultural resources of Native American origin are identified during construction, Alameda County shall consult with a qualified archaeologist and begin or continue Native American consultation procedures. If Alameda County determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.



**G. AGREEMENT BY PROJECT SPONSOR**

Project Sponsor, acting on behalf of all present and future property owners and Permittees, understands the mitigation measures set forth above and agrees to be bound by them if they are adopted as a result of project approval. Monitoring reports shall be provided to the Planning Director and Director of Public Works at appropriate stages in the development process.

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Project Sponsor's Signature

---

Date

---

Project Sponsor's Printed Name and Title

# 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

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**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.

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**Lead Agency Contact**

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

---

**Project Location**

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

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** agriculture

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**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

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**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

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**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  
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www.dot.ca.gov

clear  
9/29/17  
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*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](mailto: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**

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**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](mailto: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](mailto:ronald.browder@acgov.org)>  
**Cc:** Weiss, Karen, Env. Health <[Karen.Weiss@acgov.org](mailto:Karen.Weiss@acgov.org)>; Khan, Muhammed, Env. Health <[muhammed.khan@acgov.org](mailto:muhammed.khan@acgov.org)>; Greenwood, Jackie, Env. Health <[jackie.greenwood@acgov.org](mailto:jackie.greenwood@acgov.org)>; Torres, Ronald, Env. Health <[ronald.torres@acgov.org](mailto:ronald.torres@acgov.org)>; Mathew, Raju, Env. Health <[raju.mathew@acgov.org](mailto:raju.mathew@acgov.org)>; Strother, Valerie, Env. Health <[valerie.strother@acgov.org](mailto:valerie.strother@acgov.org)>; Bartus, Cynthia, Env. Health <[cynthia.bartus@acgov.org](mailto: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](mailto: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](mailto:ronald.browder@acgov.org)>  
Cc: Weiss, Karen, Env. Health <[Karen.Weiss@acgov.org](mailto:Karen.Weiss@acgov.org)>; Roe, Dilan, Env. Health <[Dilan.Roe@acgov.org](mailto:Dilan.Roe@acgov.org)>; Khan, Muhammed, Env. Health <[muhammed.khan@acgov.org](mailto:muhammed.khan@acgov.org)>; Greenwood, Jackie, Env. Health <[jackie.greenwood@acgov.org](mailto:jackie.greenwood@acgov.org)>; Torres, Ronald, Env. Health <[ronald.torres@acgov.org](mailto:ronald.torres@acgov.org)>; Mathew, Raju, Env. Health <[raju.mathew@acgov.org](mailto:raju.mathew@acgov.org)>; Strother, Valerie, Env. Health <[valerie.strother@acgov.org](mailto: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 a 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, ~~REPS~~**

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](mailto: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](mailto:ronald.browder@acgov.org)>  
**Subject:** FW: Microbrewery Ordinance Amendment from CDA

fyi

**Cynthia Bartus, ~~REPS~~**

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](mailto: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](mailto: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](mailto: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](mailto: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](http://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



## **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=TIT15BU\\_CO\\_CH15.44CUTRIMMIFE](https://library.municode.com/ca/alameda_county/codes/code_of_ordinances?nodeId=TIT15BU_CO_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 compliant 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 steam 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.



**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](http://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,

  
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





## **ATTACHMENT F**





**RESOLUTION NO. 17-15 - AT MEETING HELD October 16, 2017**

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF ALAMEDA  
REGARDING  
ORDINANCE AMENDING SECTION 17.04.010 AND CHAPTER 17.06 OF TITLE 17 OF THE  
ALAMEDA COUNTY GENERAL ORDINANCE CODE TO ALLOW MICROBREWERIES AND  
MICROBREWERY RELATED USES IN THE A (AGRICULTURE) DISTRICT OF THE  
UNINCORPORATED AREA OF ALAMEDA COUNTY.**

**Introduced by Commissioner Moore  
Seconded by Commissioner Kelley**

**WHEREAS**, the Alameda County Planning Commission held a public hearing on the proposed Ordinance (comprised of an amendment to Chapter 17.06 and amendments to Section 17.04.010 of Title 17), on October 16, 2017 in the Public Hearing Room of the Alameda County Administration Building, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law, and at which time the Commission took public testimony; and

**WHEREAS** a draft Initial Study/Mitigated Negative Declaration ("IS/MND") was prepared by the County. The draft IS/MND in its entirety was circulated for public review as required by the California Environmental Quality Act ("CEQA") for a period of 30 days, beginning August 29, 2017; and

**WHEREAS** this Planning Commission held a duly noticed public hearing to consider the draft IS/MND for the Ordinance at the hour of 3:00 p.m. on Monday, October 16, 2017, in the Public Hearing Room of the Alameda County Administration Building, 224 West Winton Avenue, Hayward, California; and

**WHEREAS** this Planning Commission did recommend that the Board of Supervisors adopt the proposed amendments to the Alameda County General Ordinance Code regulating microbrewery and microbrewery related uses in Section 17.04.010 and Chapter 17.06 of Title 17 of the Zoning Ordinance amendment; and

**WHEREAS** this Planning Commission did adopt the Final Initial Study/Mitigated Negative Declaration; and

**WHEREAS** this Planning Commission has reviewed the revised IS/MND and on the basis of the record before the Planning Commission, the Planning Commission finds that there is no substantial evidence that the revised proposed Ordinance will have a significant effect on the environment.

**WHEREAS**, revised proposed amendments to Title 17 of the General Ordinance Code will allow microbreweries as a permitted use and microbrewery related uses as a conditional use in the "A" (Agricultural) District; and

**WHEREAS**, the Planning Commission is authorized and obligated to make recommendations to the Board of Supervisors on matters related to planning and zoning; and

**WHEREAS**, the testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

**WHEREAS**, the complete record for this process is in the custody of the Alameda County Planning Department, and may be found at Room 111, 224 West Winton Avenue, Hayward, California 94544.

**NOW, THEREFORE,**

**BE IT RESOLVED**, that an Initial Study/Mitigated Negative Declaration is the appropriate and proper environmental analysis for the proposed amendments to the Alameda County General Ordinance Code, was duly prepared by the County and complies with the requirements of CEQA; and

**BE IT FURTHER RESOLVED** that this Commission does hereby adopt the Final Initial Study/Mitigated Negative Declaration; and

**BE IT FURTHER RESOLVED** that this Commission does hereby recommend that the Board of Supervisors adopt the revised proposed amendments to the Alameda County General Ordinance Code to allow microbrewery and microbrewery related uses in in the "A" (Agricultural) District as provided in Exhibit A.

**ADOPTED BY THE FOLLOWING VOTE:**

**AYES:** Commissioners Gin, Goff, Moore, Kelley; Rhodes, Chair; Ratto

**NOE:**

**EXCUSED:**

**ABSENT:** Commissioners Kastriotis

**ABSTAINED:**

ALBERT LOPEZ, PLANNING DIRECTOR AND SECRETARY,  
ALAMEDA COUNTY PLANNING COMMISSION

## **ATTACHMENT G**



**THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA,  
STATE OF CALIFORNIA**

**THE FOLLOWING RESOLUTION WAS ADOPTED DECEMBER 5, 2017:  
NUMBER R- 2017-**

**RESOLUTION ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
(IS/MND) PREPARED FOR THE ZONING ORDINANCE AMENDMENTS ALLOWING  
MICROBREWERIES AND MICROBREWERY RELATED USES**

**WHEREAS** the County of Alameda did initiate the preparation of the proposed amendments to Chapter 17.06 and Sections 17.04.010 of Title 17 of the Alameda County Ordinance Code ("Ordinances"); and

**WHEREAS** a draft Initial Study/Mitigated Negative Declaration ("IS/MND") was prepared by the County to evaluate the potential environmental impact of the Ordinances pursuant to the California Environmental Quality Act ("CEQA"). The draft IS/MND in its entirety was circulated for public review as required by CEQA for a period of 30 days, beginning August 29, 2017; and

**WHEREAS** subsequent to the public review period, minor revisions were made to the IS/MND, which revisions do not constitute a substantial revision pursuant to Section 15073.5 of the California Environmental Quality Act (CEQA) Guidelines; and, therefore, recirculation of the IS/MND for additional public review was not required; and

**WHEREAS** this Board did hold a public hearing on the Ordinances and the IS/MND at the hour of 1:00 PM on Tuesday, the fifth day of December 2017, in the Board Chambers, County Administration Building, 1221 Oak Street, Oakland, for which notice was given as required by law and at which the Board took public testimony; and

**WHEREAS** this Board has reviewed the IS/MND together with any comments received during the public review process and on the basis of the record before the Board finds that there is no substantial evidence that the proposed Ordinances or the proposed resolutions will have a significant effect on the environment; and

**WHEREAS** the documents and other material which constitute the record of proceedings upon which this Board's decision is based are located at the offices of the County of Alameda's Planning Department at 224 West Winton Avenue, Hayward, California, 94544;

**NOW THEREFORE BE IT RESOLVED** that this Board of Supervisors finds, on the basis of the whole record before it, that there is no substantial evidence that the proposed Ordinances will have a significant effect on the environment; and

**BE IT FURTHER RESOLVED** that this Board of Supervisors finds that an Initial Study/Mitigated Negative Declaration is the appropriate and proper environmental analysis for the proposed ordinance amendments and complies with the requirements of CEQA; and

**BE IT FURTHER RESOLVED** that this Board of Supervisors finds that the Initial Study/Mitigated Negative Declaration was duly prepared by the County of Alameda and reflects the lead agency's independent judgment and analysis; and

**RESOLUTION NO. R-2017-\_\_\_\_**  
**DECEMBER 5, 2017**  
**PAGE 2 OF 3**

**BE IT FURTHER RESOLVED** that this Board of Supervisors does hereby adopt the Initial Study/Mitigated Negative Declaration for the Ordinances; and

**BE IT FURTHER RESOLVED** that this Board of Supervisors does hereby adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit A to this Resolution.

**BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA**

**RESOLUTION NO. R-2017-  
DECEMBER 5, 2017  
PAGE 3 OF 3**

**THE FOREGOING** was **PASSED** and **ADOPTED** by a majority vote of the Board of Supervisors of the County of Alameda this 5<sup>th</sup> day of **December, 2017** to wit:

**AYES:**

**NOES:**

**EXCUSED:**

**PRESIDENT, BOARD OF SUPERVISORS**

**APPROVED AS TO FORM:**

**DONNA R. ZIEGLER, COUNTY COUNSEL**

By: \_\_\_\_\_

Heather M. Littlejohn  
Deputy County Counsel

File No: \_\_\_\_\_

Agenda No. \_\_\_\_\_

Document No. \_\_\_\_\_



I certify that the foregoing is a correct  
copy of a Resolution adopted by the  
Board of Supervisors, County of Alameda,  
State of California

**ATTEST:**  
Clerk of the Board  
Board of Supervisors

By: \_\_\_\_\_  
Deputy





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## Mitigation Monitoring and Reporting Program

### Zoning Ordinance Amendment to Allow Microbreweries *County of Alameda Community Development Agency*

#### **Introduction**

The purpose of this program is to describe the mitigation monitoring process for the project and to describe the role and responsibilities of the County of Alameda's Community Development Agency (CDA) for its implementation under the California Environmental Quality Act (CEQA).

The purpose of a mitigation monitoring program is to ensure that measures adopted to mitigate or avoid significant environmental impacts are implemented. This document is prepared in compliance with CEQA Guidelines §15097. CDA views the mitigation monitoring program as a working guide to facilitate not only the implementation of mitigation measures, but also the monitoring and compliance activities of CDA and monitors it may designate.

#### **Project Background**

The Zoning Ordinance Amendment to Allow Microbreweries (the "Ordinance Amendment") was the subject of an Initial Study/Mitigated Negative Declaration ("IS/MND") released for public review on August 29, 2017 for a 30-day public review period. The IS/MND determined that the implementation of the regulations set forth in the Ordinance Amendment would have no impact or less than significant impacts requiring no mitigation in the following areas:

- Aesthetics/Visual
- Agriculture and Forest Products
- Biological Resources
- Climate Change and Greenhouse Gas Emissions
- Cultural Resources
- Geology/Soils
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems

The IS/MND determined that mitigation measures would be required in two environmental resource areas to reduce potential impacts to a less-than-significant level. They are as follows:

- Air Quality
- Tribal Cultural Resources

The IS/MND concluded that with implementation of the mitigation measures identified in the document, all potentially significant impacts would be reduced to levels of less than significant.

### **Roles and Responsibilities**

As the lead agency under CEQA, the County of Alameda is required to monitor the project to ensure that the adopted mitigation measures are implemented effectively. The County Board of Supervisors is responsible for adopting the Mitigated Negative Declaration and the Ordinance Amendment which would allow microbreweries in the A (Agriculture) Zoning District in the unincorporated areas of Alameda County. The Director of the County's Community Development Agency, in consultation with other County departments and agencies, will oversee and administer the permit application review and approval processes and will be responsible for verifying compliance with the mitigation measures included in the MND and the Mitigation Monitoring and Reporting Program (the "MMRP") as set forth below.

Zoning Ordinance Amendment to Allow Microbreweries Mitigation Monitoring and Reporting Program					
Commitments and Mitigation Measures		Timing	Implementation Responsibility	Verification	
Air Quality				Monitoring Action	Monitoring Responsibility
<b>Mitigation Measure AQ-1: Construction Period Dust Suppression – Best Management Practices</b>  The Project shall demonstrate compliance with the following basic construction mitigation measures or best management practices (BMPs):  a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.  b. All stockpiles of debris, soil, sand and any other material that can be windblown shall be covered. Trucks transporting these materials shall be covered.  c. All paved construction areas and adjacent streets shall be damp swept daily.  d. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways.  e. Vegetation shall be replanted in disturbed areas as soon as possible after completion of construction.  f. All haul trucks transporting soils, sand, or other loose material off-site shall be covered.  g. All visible mud or dirt tracks on adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.  h. All vehicle speeds on unpaved roads shall be limited to 15		During construction of a microbrewery facility	Holders of a Conditional Use Permit for the development of microbrewery related uses and contractors used for the construction of the facility	Observation of construction work in progress	County CDA (Planning Director or his/her designee)

Zoning Ordinance Amendment to Allow Microbreweries Mitigation Monitoring and Reporting Program				
Commitments and Mitigation Measures	Timing	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility Date/Initials
<p>mph.</p> <p>i. All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>j. Construction equipment shall be shut off when not in use to minimize idling times. Signage shall be placed for construction workers at all access points onto the site.</p> <p>k. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>l. A publicly visible sign shall be posted at the site with the telephone number and person to contact at the Lead Agency regarding dust complaints. This contact person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>				
<b>Tribal Cultural Resources</b>				
<p><b>Mitigation Measure TRC-1: Unanticipated Discovery of Tribal Cultural Resources</b></p> <p>In the event that cultural resources of Native American origin are identified during construction, Alameda County shall consult with a qualified archaeologist and begin or continue Native American consultation procedures. If Alameda County determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native</p>	During construction of a microbrewery facility	Holders of a Conditional Use Permit for the development of microbrewery related uses and contractors used	Observation of construction work in progress	County CDA (Planning Director or his/her designee)

Zoning Ordinance Amendment to Allow Microbreweries Mitigation Monitoring and Reporting Program				
Commitments and Mitigation Measures	Timing	Implementation Responsibility	Verification	
			Monitoring Action	Monitoring Responsibility
American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.		for the construction of the facility		Date/Initials

