



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

**TO:** Members of the Sunol Citizens' Advisory Committee  
**FROM:** Sharon Grewal, AICP, Planner III  
**MEETING DATE:** September 20, 2017  
**RE:** Proposed Amendments to County Zoning Ordinance to allow Microbreweries and Microbrewery Related Uses in the A (Agriculture) District

**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.

**Summary of the Draft Ordinance**

The East County Area Plan (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.

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. Microbreweries would be considered an agriculture enhancing commercial use.

The proposed amendments to the County Zoning Ordinance would 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.

The proposed amendments 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. Each microbrewery would be subject to the development limitations in Measure D and production would be limited to less than ten thousand (10,000) barrels (310,000 US gallons) of beer annually.

## **California Environmental Quality Act**

The California Environmental Quality Act (CEQA) requires that an environmental review be conducted for the proposed ordinance amendments and establishes a process for completing the review. A Notice of Intent to Adopt a Mitigated Negative Declaration (NOIA) and an Initial Study/draft Mitigated Negative Declaration (IS/MND) for the proposed Microbrewery Ordinances was released on August 29, 2017 for a 30-day public review period which will end on September 29, 2017. The NOIA and IS/MND are available for review on the County website at <https://www.acgov.org/cda/planning/landuseprojects/microbrewery.htm>. The first reading of the ordinance and adoption of the IS/MND by the Board of Supervisors is tentatively scheduled for November 7, 2017.

## **Tentative Schedule for Ordinance Adoption**

The ordinance adoption process will require presenting the draft ordinance at public meetings in all of the affected communities. The table below contains a tentative schedule for these meetings. Staff is awaiting confirmation of placement on the agendas for these meetings.

September 13 <sup>th</sup>	District 4 Agriculture Committee
September 20 <sup>th</sup>	Sunol Citizens' Advisory Committee
September 25 <sup>th</sup>	Castro Valley Municipal Advisory Council
October 2 <sup>nd</sup>	Planning Commission
November 6 <sup>th</sup>	Transportation and Planning
November 7 <sup>th</sup>	Board of Supervisors – First Reading
November 21 <sup>st</sup>	Board of Supervisors – Second Reading

## **Staff Recommendation**

Staff requests that your Committee provide a recommendation on the proposed microbrewery ordinance.

## **Attachment**

- Draft Ordinance to allow Microbreweries and Microbrewery Related Uses

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

AN ORDINANCE ADDING CHAPTER 17 TO TITLE \_\_\_ OF THE GENERAL ORDINANCE  
CODE OF THE COUNTY OF ALAMEDA REGARDING MICROBREWIES AND  
MICROBREWERY RELATED USES

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Chapter 17.04 and 17.06 are added to Title \_\_\_ of the General Ordinance Code of the County of Alameda to read as follows:

**CHAPTER 17.04. Definitions.**

**17.04.010 – Definitions.**

“Agri-tourism” refers to visitor-serving commercial uses that are compatible with agricultural land uses to preserve and enhance the agriculture district by bringing in tourist dollars to supplement sources of income for farmers and ranchers and by increasing the demand for locally produced products.

“Microbrewery” means a commercial, bonded facility for manufacture, blending, fermentation, processing, and packaging of malt liquor that produces less than ten thousand (10,000) barrels (310,000 US 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 that are otherwise disallowed by the definition of microbrewery.

“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.

**CHAPTER 17.06. A (Agricultural) District.**

**17.06.030 – Permitted Uses**

E. Winery, microbreweries or olive oil mills:

1. Microbreweries may include accessory uses such as administrative offices, visitor centers, on-site tasting rooms, production and maintenance facilities, and marketing

activities that 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.
  - a. 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) food truck may be permitted. The food truck 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.

#### **17.06.040 – Conditional uses-Board of zoning adjustment**

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 ZIEGLER, County Counsel

By\_\_\_\_\_  
HEATHER LITTLEJOHN  
Deputy County Counsel