

ATTACHMENT “1”

DRAFT RESOLUTION NO. 19-XX - AT MEETING HELD APRIL 1, 2019

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF ALAMEDA
REGARDING
AN AMENDMENT OF THE EAST COUNTY AREA PLAN AND
AN ORDINANCE AMENDING CHAPTER 17.30 OF THE ALAMEDA COUNTY
GENERAL ORDINANCE CODE TO MODIFY REQUIREMENTS FOR PERMITTING
BED AND BREAKFAST ESTABLISHMENTS IN
THE SOUTH LIVERMORE VALLEY AREA,
CA-CULTIVATED AGRICULTURE OVERLAY ZONE**

**Introduced by Commissioner
Seconded by Commissioner**

WHEREAS one of the basic objectives of the County’s Policies concerning the South Livermore Valley Area is to encourage tourism and commerce related to cultivated agriculture generally, and to winemaking and vineyard culture specifically; and

WHEREAS a typical and common component of tourism and commerce is the offering of hospitality in the form of overnight lodging appropriate to the region where tourism is practiced; and

WHEREAS The Board of Supervisors, in approving the South Livermore Valley Area Plan (1993) and subsequent resulting policy revisions to the East County Area Plan (1994) determined Bed and Breakfast Establishments and Small Restaurants to be appropriate conditionally-permitted land uses in the CA-Cultivated Agriculture Zone of the South Livermore Valley Area in eastern Alameda County, as these commercial uses were seen to enhance the possibilities for and likelihood of important tourism, essential to the economic health of the region; and

WHEREAS the development of Bed and Breakfast Establishments, small restaurants and similar agriculture-serving commercial uses has been slower than originally anticipated, with very limited development, much less than anticipated by the South Livermore Valley Area Plan and associated documents; and

WHEREAS great interest has been shown by the Community and the Winegrowers in promoting greater overnight tourism in the region, commensurate with that originally envisioned and analyzed in the South Livermore Valley Area Plan and resulting East County Area Plan policies; and

WHEREAS a commercial demand has been demonstrated for additional overnight lodging opportunities in the region based on various supporting data and reports gathered by the County in recent months; and

WHEREAS a simple modification to the Alameda County Code of Ordinances, Title 17 - Zoning, Section 17.30, Article VII, Combining CA (Cultivated Agriculture) District, allowing greater latitude in design and construction of small lodging facilities on parcels in the CA-Cultivated Agriculture Overlay Zone by removing a restriction observed to inhibit proposals for such facilities, would have the effect of enhancing the attractiveness of developing Bed and Breakfast Establishments in the South Livermore Valley Area; and

WHEREAS this Ordinance Amendment is consistent with existing ECAP Program 125 and proposed changes to that policy in that it serves the desire to encourage small-scale agriculture-serving commercial uses that promote the area's image as a wine region, for the benefit of the economic health of the region; and

WHEREAS in 1992, the Draft South Livermore Valley Area Plan (SLVAP) was subject to CEQA environmental review, with included analysis of the impacts of up to 25 Bed and Breakfast Establishments in the SLVA; the Draft EIR was issued in June 1992, and the Final EIR was issued in November 1992 after a public review period; and, the EIR specified some significant environmental impacts, most avoidable but with a subset of them unavoidable by any mitigation measures available; on February 23, 1993, the EIR for the program was certified, and the SLVAP was adopted by the Alameda County Board of Supervisors, with most if not all of the mitigation measures specified in the EIR included; and

WHEREAS under CEQA guidelines Section 15162, after an EIR has been prepared, a subsequent or supplemental EIR may not be required unless:

1. Subsequent changes are proposed in the project which will require important revisions of the previous EIR due to the involvement of new significant environmental impacts not considered in a previous EIR on the project;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken...which will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR; or
3. New information of substantial importance to the project becomes available, and
 - A. the information was not known and could not have been known at the time the previous EIR was certified as complete, and
 - B. the new information shows any of the following:
 - (a) The project will have one or more significant effects not discussed previously in the EIR;
 - (b) Significant effects previously examined will be substantially more severe than shown in the EIR;
 - (c) Mitigation measures or alternatives previously found not to be feasible would in

- fact be feasible and would substantially reduce one or more significant effects of the project; or
- (d) Mitigation measures or alternatives which were not previously considered in the EIR would substantially lessen one or more significant effects on the environment; and

WHEREAS the County considered whether any of the foregoing criteria have been met since original certification of the SLVAP EIR and program approvals, and concluded that using these criteria, a supplemental or subsequent EIR is not appropriate. Therefore, an Addendum to the Original FEIR was prepared, the purpose of which is to set forth the basis for this conclusion. Although the conclusion of this Addendum indicates that no new mitigation should be imposed to address project impacts, for any given proposal the County may recommend the imposition of several new conditions of approval to ensure that the project as amended complies with applicable County ordinances and state and local regulations; and

WHEREAS notice of public hearing was given as required by law; and

WHEREAS it is the finding of this Commission that the proposed modification and amendment to the policies of the East County Area Plan herein described is in the public interest for the reasons that it is consistent with County plans and policies for agricultural use in the South Livermore Valley Area, for agriculture-supporting commercial uses in the South Livermore Valley Area, and is consistent with the interests of the health, safety and welfare of the citizens of Alameda County.

WHEREAS it is the finding of this Commission that the amendment to the Zoning Ordinance herein described is in the public interest for the reasons that it is consistent with County plans and policies for agricultural use in the South Livermore Valley Area, for agriculture-supporting commercial uses in the South Livermore Valley Area, and is consistent with the interests of the health, safety and welfare of the citizens of Alameda County.

NOW, THEREFORE:

BE IT RESOLVED that this Commission does hereby find the attached ADDENDUM to the FINAL ENVIRONMENTAL IMPACT REPORT, SOUTH LIVERMORE VALLEY AREA PLAN (Alameda County 1993) to be the appropriate environmental analysis pursuant to the California Environmental Quality Act for the proposed amendments to the East County Area Plan and Alameda County Zoning Ordinance regarding Bed and Breakfast Establishments, and does hereby recommend adoption of this ADDENDUM document by the Board of Supervisors.

BE IT FURTHER RESOLVED that this Commission does hereby recommend to the Board of Supervisors that the policies of the East County Area Plan be amended as follows (new proposed language is underlined, language to be removed is ~~struck out~~):

Policy 344: The County shall encourage the promotion of, and access to, the South Livermore Valley as a premier wine-producing center by encouraging appropriate tourist-

attracting and supporting uses, such as bed and breakfast establishments, bicycle and equestrian facilities, a conference center, a wine museum, or other uses, and by establishing clear, well-signed travel corridors from major highways to the area.

Program 125: The County shall limit new commercial uses within the Cultivated Agriculture Overlay District to appropriate small-scale uses that promote the area's image as a wine region, subject to issuance of a conditional use permit. To this end, the County shall develop a full list of conditionally-permitted commercial uses and standards. New commercial uses proposed as a part of a bonus density application should be limited to the 10% maximum area of each parcel not dedicated to cultivated agriculture, subject to appropriate coverage limitations, and should be sited to maximize efficient use of cultivated lands. Wineries and small bed-and-breakfast establishments, and associated small restaurants of no more than forty-nine (49) permanent indoor seats, are examples of appropriate commercial uses. Visitor serving commercial uses are considered non-residential and are subject to the maximum building intensity for non-residential buildings, which is .01 FAR (floor area ratio) but not less than 20,000 square feet, provided they are located on the allowable building envelope(s). Bed-and-breakfast establishments may be established in ~~shall be limited to~~ existing homes or homes permitted under the *South Livermore Valley Area Plan*; ~~or may be located in construction of~~ separate additional structures located within the allowable building envelope(s) onsite. shall not be permitted. No more than twenty-five (25) Bed-and-Breakfast establishments or similar establishments shall be permitted in the Cultivated Agriculture Overlay District. The County shall require that proponents of new commercial development in rural areas show, to the satisfaction of the County and Zone 7, that development can be adequately served by a septic system and that adequate water supplies are available for commercial needs.

BE IT FURTHER RESOLVED that this Commission does hereby recommend to the Board of Supervisors that Section 17.30 of the Zoning Ordinance of Alameda County be amended to read as follows (language to be removed is ~~struck out~~):

Section 17.30.170(F)(2)(a), Conditional uses—Board of zoning adjustments:

In addition to the conditional uses in the A (agricultural) district with which it is combined, the following are conditional uses in the CA combining district and shall be permitted only if approved by the board of zoning adjustments as provided in [Section 17.54.130](#):

- a. Bed and breakfast establishment, ~~if conducted within an existing or permitted dwelling~~: maximum of fourteen (14) rooms available for guests;
- b. Restaurant, with seated service only, and a maximum of forty-nine (49) permanent indoor seats, that features agricultural products of the South Livermore Valley Area..."

ADOPTED BY THE FOLLOWING VOTE:

AYES: **Commissioners**

NOE: **None**

EXCUSED: **None**

ABSENT: **None**

ABSTAINED: **None**

Chris Bazar, Community Development Director, and
Albert Lopez, Secretary to the County Planning Commission of Alameda County