

ATTACHMENT "2"

ORDINANCE NO.: _____

**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**

The Board of Supervisors of the County of Alameda, State of California, does ordain as follows:

SECTION I

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

1. 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
2. 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
3. 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
4. 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
5. 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
6. 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

7. 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

8. 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

9. In 1992, the Draft South Livermore Valley Area Plan (SLVAP) was subject to CEQA environmental review. The SLVAP EIR 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. 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

10. 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

11. 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.

SECTION II

Alameda County Code of Ordinances, Title 17 - Zoning, Section 17.30, Article VII, Combining CA (Cultivated Agriculture) Districts, Section 17.30.170(F)(2)(a), Conditional uses—Board of zoning adjustments, Paragraph I, is hereby amended as follows:

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..."

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, on the ____ day of _____, 2019, by the following called vote:

AYES:
NOES:
EXCUSED:

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

_____, Clerk of the Board of Supervisors
of the County of Alameda,
State of California

Approved as to Form:

Donna R. Ziegler, County Counsel

By: _____