

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JULY 6, 2009
(Approved August 3, 2009)

FIELD TRIP:

MEMBERS PRESENT: Commissioners Mike Jacob, Vice-Chair; Glen Kirby; Alane Loisel; and Richard Rhodes.

MEMBERS EXCUSED: Commissioners Ken Carbone, Chair; Frank Imhof; and Alane Loisel and Kathie Ready.

OTHERS PRESENT: Howard Lee, Planner

The Commission convened at 224 W. Winton Avenue, Room 111, Hayward, California, at the hour of 1:30 p.m. and adjourned to the field to visit the following properties:

1. **GENERAL PLAN CONFORMANCE REPORT, GPC-PLN2009-00072** ~ To consider a determination of General Plan Conformance request by the City and County of San Francisco (CCSF), through the San Francisco Public Utilities Commission (SFPUC), under Government Code Section 65402(b) for the proposed Sunol Valley Water Treatment Plan Expansion and Treated Water Reservoir Project, identified by County Assessor's Parcel Numbers: 096-0375-11-05, 096-375-15-00, 096-0080-06-02 and 096-0080-08-00, approximately 1,520 acres, located on Calaveras Road, south of Interstate Highway 680, Sunol area of unincorporated Alameda County. **Staff Planner: Howard Lee**

2. **GENERAL PLAN CONFORMANCE REPORT, GPC-PLN2009-00076** ~ To consider a determination of General Plan Conformance request by the City and County of San Francisco (CCSF) through the San Francisco Public Utilities Commission (SEPUC), under Government Code Section 65402(b) for the proposed Irvington Tunnel Project, identified by Assessor's Parcel Numbers: 096-0001-02-07, 096-0001-02-06, 096-0001-20-3, 096-0001-20-26, 096-0001020-27, 096-0001-02-09, 096-0001-02-08, 096-0080-06-02, 096-0080-04-00, 096-0001-02-13 and 096-0080-08-00, approximately 1,500 acres, located on the west side of Calavares Road, south of I-680, Sunol area of unincorporated Alameda County. **Staff Planner: Howard Lee**

3. **CONDITIONAL USE PERMIT and MINOR MODIFICATION TO ZONING UNIT, ZU-1816, PLN2009-00041, WRI GOLDEN STATE LLC/KATE HART** ~ Petition to allow minor modification of the permitted uses within the 1816th Zoning Unit (to be implemented by Conditional Use Permit), located at 3891 East Castro Valley Blvd, south

side, approximately 90 feet west of the intersection with Chaparral Lane, Castro Valley area of unincorporated Alameda County, Assessor's Parcel Numbers: 085-6300-013-05 and 085-6301-008-06.

Staff Planner: Christine Greene

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone, Chair; Frank Imhof; Mike Jacob, Vice-Chair; Glenn Kirby; Alane Loisel (arrived late); Kathie Ready (arrived late) and Richard Rhodes.

MEMBERS EXCUSED:

OTHERS PRESENT: Albert Lopez, Planning Director; Tona Henninger, Assistant Planning Director; Liz McElligott, Assistant Planning Director; Angela Robinson-Piñon, Planner; Michelle Starratt, Housing Community Development; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately thirteen people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:05 p.m.

ELECTION OF PLANNING COMMISSION OFFICERS FOR THE 2009-2010 YEAR ~

Commissioner Kirby made the motion to nominate Commissioner Jacob as the new Chair for the year 2009-1020. Commissioner Jacob accepted and the motion carried unanimously, 5/0, with Commissioners Ready and Loisel excused. Commissioner Jacob nominated Commissioner Rhodes as the Vice-Chair and Commissioner Rhodes accepted. Motion carried unanimously, 6/0. Commissioner Kirby commended Commissioner Carbone for his work as the Chair. Commissioner Jacob recommended that Commissioner Carbone continue chairing the E. 14th and Mixed Use sub-committees.

ANNOUNCEMENTS BY THE CHAIR: None

OPEN FORUM: Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes. *No one requested to be heard under open forum.*

Commissioner Loisel arrived.

CONSENT CALENDAR:

1. **APPROVAL OF COMMISSION MINUTES – June 15, 2009.**

Commissioner Kirby made the motion to continue approval of June 15th minutes to July 20th and Commissioner Carbone seconded. Motion carried 5/0 with Commissioner Ready and Loisel excused.

REGULAR CALENDAR:

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Mr. Lopez noted that both items 1 & 2 are requests from SFPUC. Both projects are in the middle of the DEIR comment period which would close on July 16th. He recommended a continuance to review comments submitted by Public Works Agency and an extension has been filed with SFPUC. The SF Planning Commission is meeting on Thursday to take comments on the DEIR. Commissioner Kirby announced that the Commission had visited a portion of the project area today--a brief tour of the water treatment facility. Since the Commission had some issues, he requested that the Commission be notified of any future CEQA documents for comments either as a Commission or an individual. He also recommended the formation of a subcommittee. Chair Jacob suggested a protocol for these types of projects where the County is not the lead agency.

Commissioner Ready arrived. No public testimony was submitted. *Commissioner Kirby made the motion for a continuance to allow time for comments on the DEIR and to be included in the future project notification process. Commissioner Rhodes seconded.*

Public testimony was re-opened. Jerry Beemiller stated that both the existing and the new tunnels run through his property. To mitigate a lot of the issues/problems (traffic, spoils, noise, dirt...etc) with the new tunnel, he suggested an alternative: locating the access hole on his property which will eliminate noise barriers and building a fire trail with the base rock from the tunnel along the ridgeline, through the adjacent property (Dan Helm's property) and through land owned by SFPUC, up to Mill Creek Road,

which will provide a fire access road to these residents and keep the trucks away from the highway. This alternative has been provided to SFPUC and he requested a continuance to explore this alternative in further detail and consider any impacts. Commissioner Kirby noted that staff has already recommended a continuance and the short turnaround time for the comment period; and also suggested that Mr. Beemiller contact EBRPD since they also own land in this region. Commissioner Rhodes questioned Measure D implications. Mr. Lopez replied that there would not be any Measure D issues and County Counsel agreed.

Brooks Loeffler, property owner at 5447 Sheridan Road, pointed out that there are some private properties in this area that are landlocked which could have an impact on Mr. Beemiller's proposal.

Public testimony was closed. In reference to the above comments, the Chair requested staff to check if the traffic and transportation impacts were thoroughly addressed and mitigated in the DEIR. *Motion for a continuance for both items 1 and 2 carried unanimously.*

3. **PROPOSED ORDINANCE AMENDMENTS TO THE JUNK VEHICLE, NEIGHBORHOOD PRESERVATION AND ZONING ORDINANCES AND THE GENERAL ORDINANCE REGULATING VACANT FORECLOSED RESIDENTIAL PROPERTIES**
Presentation by Tona Henninger, Assistant Deputy Director, Code Enforcement Division

Ms. Henninger presented the staff report on the Junk Vehicle and Neighborhood Preservation Ordinances. Commissioner Carbone asked if the Ordinance relates to the big rigs parked on streets. Ms. Henninger replied that this Ordinance does not change the vehicle code in anyway and is related to private properties only. In response to the big rig parking problem in the East County, staff has worked jointly with Public Works Traffic Division to install street weight limits. Commissioner Imhof asked if the issues of cars with "For Sale" sign parked in fields along I-680 and trailers with ads that are opened for business only during the weekend, are covered under the Ordinance. Ms. Henninger explained that investigations are complaint driven and related only to private properties; and that staff is constantly investigating these trailers both in weekdays and weekends. Commissioner Rhodes acknowledged receipt of Mr. Powell's letter and Ms. Henninger added that he has not referenced any specific Ordinance

No public comments were submitted. Commissioner Kirby, while noting that the Ordinances are very well written, recommended strengthening the definition of minor maintenance and the perception of 'operable'. A discussion followed. In response to the Chair regarding legal inoperability, Ms. Henninger explained that vehicle registration is not an issue but only being operable and 'street ready'. The Chair pointed out that the requirement under Property Nuisances, Section 6.65.030 A.10 "Native shrubbery should be cleared to a distance of at least 15 feet from the structure" could be contrary to a Planning Director landscape requirement. Ms. Henninger said that this was a requirement

combining the NPO and the Fire Code. A discussion followed regarding the flexibility of the next sentence; fire and drought resistant shrubbery; deleting the word 'native'; precedent setting; the 15 foot clearance; 48 inch clearance from the ground if shrubbery is within 15 feet of the dwelling and a tree has to be cleared 5-6 feet from the ground; site specific issues/requirements; alternative language; and replacing the word 'native' with 'maintained'. Commissioner Imhof recommended the word 'well' before maintained: "Shrubbery should be well maintained...". Ms. Henninger pointed out that this language (pertaining to the maintenance) has existed for the last several years and has allowed flexibility and County Counsel pointed out the first paragraph under 6.65.030 Property Nuisances. *Commissioner Ready made the motion for an approval of the Junk Vehicle and Neighborhood Preservation Ordinances with the above modification to Section 6.65.030 A.10. Commissioner Imhof seconded. Motion carried unanimously, 7/0.*

Ms. Henninger presented the staff report on Chapter 6.66 relating to Vacant Foreclosed Properties. No public testimony was submitted. Although a very important tool, Commissioner Kirby pointed out that this Ordinance still does not provide the missing piece of identifying foreclosed property ownership. Ms. Henninger stated that this has not been a problem to-date and, in response to Commissioner Imhof, explained that the issue of pumping out un-maintained swimming pools would be regulated by Health Department and Sheriff's Department although they have been involved with health and safety issues related to swimming pools. *Commissioner Kirby made the motion to approve the Ordinance and Commissioner Ready seconded. Motion carried unanimously.*

4. **2009 HOUSING ELEMENT UPDATE** ~ Public hearing to take comments on the draft Alameda County Housing Element. The Alameda County Housing Element is required by State law and serves as the primary housing policy document for the unincorporated portions of the County. The Element must address housing needs and constraints and describe those programs and policies that the County will implement to support the development of housing affordable to all residents.

Mr. Lopez noted that the Draft Housing Element had been mailed to the Commission earlier than the regular package with the exception of the inventory map. The Commission indicated that their Draft had only the odd pages and, as such, Commissioner Ready suggested taking public testimonies but continuing the matter to for two weeks to allow time for the Commission to look at the complete report. Mr. Lopez thought that since the Subcommittee has already, on numerous occasions, reviewed the programs and policies; need assessments and constraints, a continuance would not be necessary. The three main issues identified are equity, providing the State with more inventory than required and commercial corridor. Ms. Robinson-Piñon distributed copies of the PowerPoint slides and presented the staff report. Commissioner Ready discussed Table 5 of the staff report and noted that there were cities that had an increased buffer of housing sites (over 100%) vs. the State's recommendation of at least a 20% buffer as indicated in the last paragraph on page 5. Mr. Lopez replied that most cities have compiled an exhaustive list of potential housing sites, and that the 20% buffer is a suggested guideline. In reference to Table 3, Commissioner Ready expressed concerns

that the very high density areas (Cherryland/Ashland) will have the high percentage of allocation which in turn will affect the General Plans and the commercial corridors. Commissioner Carbone felt that the Housing Element is a contradictory project and urged the Commission to submit a letter regarding the need for a commercial element. Commissioner Kirby agreed with the need to preserve commercial corridors issue, and he expressed concern with the emphasis of providing low-income housing in the commercial corridor. Commissioner Imhof questioned the availability of open space areas in Sunol and Livermore. Ms. McElligott replied that there is very small number of housing sites in the Sunol area, and their absence would not impact the Sites Inventory. The Chair pointed out the different buffer percentages for Tables 4 and 5 (pages 4 and 5). Staff explained that Table 4 is an error and should also reflect 50% and 41% as in Table 5.

Public testimony was called for. Ellen Dektar, representing Alameda County Childcare Planning Council, requested that childcare be considered in the Housing Element--perhaps flagging as a service or adding language on page 109 under Goal 7; and provided related childcare statistics. Some other jurisdictions, Fremont, Dublin and Newark, have already made the inclusion. In response to the Commission, she stated that childcare locations vary for numerous factors. There are approximately 282 childcare programs (44 centers and 210 childcare homes) in unincorporated Alameda County. These are concentrated mostly in degraded buildings since more affordable and, as such, the urge to include in the HE which will put them in newer developments. Commissioner Rhodes asked what extent of childcare is economically driven. Ms. Dektar replied that about 80% of expenses cover staff costs per State's ratio requirement hence there are limited funds for other expenses.

Ingrid Moller, a Cherryland resident, stated that the Cherryland Home Association has not had an opportunity for a discussion since they just received the information today. She thanked staff for the reduction in the Cherryland numbers. She concurred with Commissioner Ready's concerns adding that per the new data, Cherryland's population is 14,000 for one square mile of area; and stated her support for the new design guidelines. Although the numbers are lower, Cherryland together with Hayward Acres is absorbing 32% of County's allocation, which is still very high.

Ruth Baratta, a Cherryland resident, said that the Board will be meeting tomorrow on this issue and stated her appreciation of the reduction and her concurrence with Ms. Moller and Commissioner Ready. Ms. Baratta asked if the matrix provided reflects the very low, low to moderate parcels in Cherryland and if the General Plan could be approved without the Housing Element. Mr. Lopez replied that housing sites identified for most of Cherryland, San Lorenzo and Hayward Acres would be described as being for moderate income households based on their zoned density. He further stated that as the Housing Element is an element of the General Plan and needs to be consistent with the Plan.

Suzanne Barba, 5787 Highwood Road, Castro Valley, pointed out that Castro Valley has a population of 57,000 and there are Measure D properties in Castro Valley which cannot be used for affordable housing; and that the Inventory includes mobile home parks which were not included in the previous inventory. Staff replied that there is a relocation

process for mobile park residents. Ms. Starratt further provided details on the process using the Forest Avenue mobile park and added that it may or may not occur in the future.

Public testimony was closed. Commissioner Kirby concurred with Ms. Dektar's suggestion of including childcare and thought perhaps could be added to the General Plan discussions also. Commissioner Ready noted that Cherryland and Fairview are incorporated on some pages and separated in others. Ms. Starratt explained that in the 1990 census, there is one census defined place and in 2000 the areas were separated, and in order to show growth and percent change in different time periods, both census data were utilized as they were available. She had not manually incorporated the numbers. Commissioner Ready also requested clarification on the statement (table on page 15) that between 2010-2020, Ashland has a projected job growth rate of 5,870 jobs, Castro Valley will have 1,580 and San Lorenzo which has the only industrial area, will have only 100. Ms. Starratt explained that this is based on ABAG's 2007 projection and since these tables were not necessary, they could be deleted. Commissioner Ready continued. Page 29, last paragraph reads "Foothill Knolls" which should read Hillcrest Knolls; suggested that perhaps Table 150 on page 37 (Table 150) should be based on square miles which Ms. Starratt said could be combined together as unincorporated County; Table 1-55 on page 41 should reflect current June or July 2009 data instead of January; clarification on Alquist-Priolo earthquake fault zone on page 99; and if the Table 3-4 on page 87 will be completed. Ms. McElligott addressed the question about the Alquist-Priolo act, and explained that the act does not preclude development within the zone but requires special studies. Ms. Robinson-Piñon replied that yes, the table (3-4) would be filled-in.

Commissioner Rhodes, in reference to the job growth, the numbers do not reflect the actual growth. Commissioner Carbone requested not combining the numbers/areas and agreed with Commissioner Ready's concerns regarding the job growth. Commissioner Kirby felt that ABAG could be notified of the Commission's concerns regarding these numbers. The Chair recommended that implementation section of Appendix B should not be deleted but modified to read: "...maintain our community-based Ordinance Review Advisory Committee"; and Appendix C on page 4 does not reflect the SB375 and Prop 1C funding sources and the lack of planning grants. Ms. Starratt explained that Prop 1C funds will be fully committed in 6-8 months. *Commissioner Loisel made the motion that the draft Housing Element be submitted for initial review by the State Department of Housing and Community Development. Commissioner Kirby seconded and also requested a complete copy of the Draft and that complete copies be made available to the public. Motion carried 6/1 with Commissioner Ready dissenting.*

STAFF COMMENTS & CORRESPONDENCE: *None*

CHAIRS REPORT: *None*

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: *Commissioner Ready apologized for being late.*

ADJOURNMENT: *There being no further business, Commissioner Kirby moved to adjourn the meeting at 8:35 p.m. Commissioner Carbone seconded the motion. The motion was carried 7/0.*

ALBERT LOPEZ, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY