

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
OCTOBER 6, 2008
(Approved November 3, 2008)

FIELD TRIP:

MEMBERS PRESENT: Commissioners Mike Jacob, Vice-Chair and Richard Rhodes.

MEMBERS EXCUSED: Commissioners Ken Carbone, Chair; Frank Imhof; Glen Kirby; 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 property:

1. **GENERAL PLAN CONFORMANCE REPORT, GPC-2008-04** ~ Proposed purchase by the Redevelopment Agency, under Government Code Section 65402, of parcels identified by County Assessor's Parcel numbers; 414-0021-060-00, 414-0021-061-00, 414-0021-078-00, 414-0021-079-00 and 414-0021-080-00, approximately 107,507 square feet, located at 20095 and 20097 Mission Boulevard, Cherryland area of unincorporated Alameda County. **Staff Planner: Howard Lee**

REGULAR MEETING: 6:00 p.m.

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

OTHERS PRESENT: Albert Lopez, Planning Director; Jana Beatty, Senior Planner; Rodrigo Orduña, Senior Planner; Allen Lang, Public Works Agency Liaison; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately sixteen people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:00 p.m.

ANNOUNCEMENTS BY THE CHAIR: *The Chair announced that Regular Calendar item #3 (Altamont Motorsports Park) will be moved to the beginning of the Agenda as item #1.*

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.*

CONSENT CALENDAR:

1. **APPROVAL OF COMMISSION MINUTES** ~ August 4th and September 2nd, 2008.

Commissioner Kirby, with a correction on page 5 regarding the substitute motion which had failed 2/2, made the motion to approve the August 4th Minutes and Commissioner Jacob seconded. Motion carried unanimously.

Commissioner Ready made the motion to approve the September 2nd Minutes as submitted and Commissioner Rhodes seconded. Motion carried unanimously, 7/0.

REGULAR CALENDAR:

3. **ALTAMONT MOTORSPORTS PARK** ~ Request of Stoel Rives, attorneys for Lakeside Motorsports-Altamont, for modifications to the Board of Supervisors' Conditional Use Permit/Revocation Hearing Order for an extension to the Conditional Use Permit as a result of the extended EIR process. The Altamont Motorsports Park is located at 17001 Midway Road, east side, approximately 2,200 feet south of Highway I-580, unincorporated Midway area, Assessor's Parcel Number: 099B-7675-005-07. **Staff Planner: Jana Beatty**

Ms. Beatty presented the staff report noting a date error on Page 1 under Planning Considerations which should read March 25, 2008. Due to the receipt of significant amount of comments on the Draft EIR, there will be a lapse of significant amount of time before the Final EIR is completed. Staff is recommending extension of expiration date of the permit until the rezoning and ceqa process is completed but with no racing events.

Public testimony was called for. Rachael Phillips, Stoel Rives, attorney representing Altamont Motorsports, explained why an extension was not requested immediately after the BOS decision. Other numerous significant delays have occurred which were out of their control--the unexpected departure of the EIR consultant and the hiring of a new consultant. The BOS at their July 8th hearing allowed the Grand National event in September with noise monitoring and data to be included in the Final EIR. It is not in their client's economic interest to preclude all operations in 2009.

Norman Phillips, 16950 Midway Road, Tracy, noted that the BOS's deadline was October 15th deadline and he was not sure why this matter was being reheard.

Jim Tanner, 16866 N. Midway Road, concurred with Mr. Phillips adding that they have already spent a lot of time and effort.

Sarah Valencia, 16777 Midway Road, pointed out that a lot of leeway and consideration has already been granted to the applicants--the events, noise levels and it was time for neighbors to get more consideration. Robert Valencia said he was in support of his neighbors and requested consideration for the neighbors.

Mark Cohen representing Community for A Better Altamont, pointed out that instead of revoking an expired permit, the BOS had added a new condition that the permit was to end on October 15th. Mr. Bazar, at the BOS hearing, had also agreed that this date was fair. There was a delay on the Applicant's part in submitting the rezoning application which was incomplete and was followed by usual delays relating to the EIR. He felt that this request was asking for an advantage over the community which should not be granted. Mr. Cohen also asked if the Commission has the legal authority to grant an extension, especially when there is an expired permit.

Karin Rivard, 17011 Midway Road, noted that since Supervisor Haggerty had made the October 15th deadline very clear, the neighbors have tolerated additional races, increased noise levels...etc. She asked how an extension could be granted on a permit that expired three years ago. Ms. Rivard thought that the applicants should also share the blame for the delays. Considering the history of this facility, it would only be fair to honor the deadline and wait for the ceqa process.

Mark Rivard noted that after the additional approved event, there have been increased noise levels, 92db where 82db is allowed.

Jaime McNeely, 499 Midway Road, requested a denial of the extension request. An approval will make the BOS's decision null and void. She urged a denial.

Public testimony was closed. Commissioner Loisel requested clarification on the Commission's rights to extend an expired permit. County Counsel explained that the permit did expire in 2006 and the applicant can continue operation if they have vested rights and with a renewal application pending. Staff outlined the EIR process. Commissioner Kirby stated his support for Supervisor Haggerty's October 15th deadline and Commissioner Ready pointed out that many activities had occurred before the renewal application was filed and added that the BOS decision cannot be changed. County Counsel clarified that the renewal application was filed before the permit had expired.

Commissioner Jacob asked if the preparation of the EIR is a ministerial act and if '...nothing should take until the entire process...' includes litigation action/process. County Counsel replied yes it is a ministerial act and BOS action did not include consideration of litigation. Commissioner Jacob indicated that he supported the no racing until the completion of a full EIR. Commissioner Kirby felt that a Commission action could further change the perimeter of the EIR. Staff replied that there is no specific completion date but most likely it will be next year. Commissioner Rhodes pointed out that since the complaints/concerns were related to the track usage, an extension without racing would not have an impact. Commissioner Ready noted that any racing would be illegal with a permit extension. If an extension is not granted and the permit expires, Commissioner Loisel asked how the use will be considered under a new General Plan as it is a grandfathered use currently. Mr. Lopez said that it will change the assumptions

made to-date. *Commissioner Rhodes made the motion to move staff recommendation and Commissioner Imhof seconded. Motion carried 6/1 with Commissioner Ready dissenting.*

1. **GENERAL PLAN CONFORMANCE REPORT, GPC-2008-04 ~**
Proposed purchase by the Redevelopment Agency, under Government Code Section 65402, of parcels identified by County Assessor's Parcel numbers; 414-0021-060-00, 414-0021-061-00, 414-0021-078-00, 414-0021-079-00 and 414-0021-080-00, approximately 107,507 square feet, located at 20095 and 20097 Mission Boulevard, Cherryland area of unincorporated Alameda County. **Staff Planner: Howard Lee**

Mr. Orduña presented the staff report. Marita Hawryluk, Redevelopment Agency, noted that this particular parcel sits next to two other County-owned land. The Agency has not defined any specific projects but when identified, will be brought before this Commission.

Commissioner Kirby said he appreciated the new staff report format. He shared similar concerns as outlined in Howard Beckman letter and asked if this Plan is consistent with *all* the Plans, i.e. General Plan, Specific Plans...etc. Ms. Hawryluk confirmed. He would like to see entire frontage be commercial--reasonably viable depth commercial corridor with a mixed-use portion above or rear. Commissioner Ready noted the first paragraph on Page 3 and expressed concerns with mixed-use developments and losing commercial uses. Ms. Hawryluk replied that the intent is to focus on commercial. The Chair concurred with both Commissioners Kirby and Ready. He expressed concerns with the terminology (definition of primary, secondary, etc) and suggested further discussions.

Commissioner Jacob made the motion to move staff recommendation and Commissioner Kirby seconded. Motion carried unanimously, 7/0.

2. **DISCUSSION ON THE DRAFT GREEN BUILDING ORDINANCE ~**
No decision will be made. Staff Planner: Howard Lee

Mr. Orduña presented the staff report adding that this is the first of a series of hearings/discussions and noted the attachments to the staff report. Allen Lang, Building Official, discussed the proposed Ordinance, Green Building Rating System, and goals.

Public testimony was called for. Charles Snipes, President, Fairview Community Club, stated that the Club supports the ten points as stated on page 2 of the staff report. Although agreeing that the County needs green building guidelines, he was not sure about the Ordinance. He felt that the timetable of two and four weeks (page 3) was unrealistic. Mr. Lang clarified that this timetable is for the Building Department and is not a Planning process. At Mr. Snipes's request, Mr. Orduña further described the Planning process. Commissioner Kirby suggested less specificity on the time frame.

Marc Crawford, 3832 Somerset Avenue, felt that it would become an elongated inspection process which will add to the cost. Although the Ordinance appears to be

adequate as the County does not appear to be 'heavy-handed', Mr. Crawford thought the problem would be ignorance on the part of the applicants. He did not understand the process which he thought was moving fast. There is a need for numbers and education, and he asked if a cost analysis has been completed. The building industry cannot support another high impact fee in a recession and, as such, Mr. Crawford recommended that perhaps implementation of the Ordinance be delayed until the industry/economy has recovered. Commissioner Kirby advised that he attend trainings and further explained the point system. He asked if there will be in-house inspections or third-party private raters. Mr. Lang replied that Building Inspectors are being trained -- currently there is a Green Point Inspector -- but that developers could also bring in their own third-party raters. A discussion ensued regarding the Green Building Checklist, types of inspections (Planning, Building, and Land Development), impacts, point system, and the timeline.

Public testimony was closed. Commissioner Jacob announced that the Subcommittee will have another meeting for further discussion and possibly for Commission action in November or December. In response to Commissioner Ready, staff explained that the Design Guidelines will refer to the Green Building ordinance so that there is consistency in these policies. Commissioner Carbone felt that there is a need to advertise the Ordinance to all interested parties, provide some sort of an incentive for developers, and reward those who are willing to participate. Commissioner Jacob recommended that the full Commission consider this perhaps in the November meeting after the Subcommittee meeting. There will be continued dialogue with Home Builders Association, US Green Building Council and Build It Green. Commissioner Rhodes suggested checking other neighboring jurisdictions and the Chair suggested phasing in the programs to lessen the impacts. Commissioner Kirby recommended the following: applications that meet the threshold should follow the process/checklist, and it would be the applicant's decision to obtain certification; provide in-house training; County staff need to make the findings for the Building Standards Commission; although there will be less impact on the County from adoption of SB 375, there could be impacts to the ordinance from future State updates if the Ordinance is not written in such a way as to accommodate those updates; and, to work toward adoption of the ordinance while keeping neighboring jurisdictions informed of the County's progress. Mr. Lang discussed the use and implications of such words as required, voluntary and mandatory.

STAFF COMMENTS & CORRESPONDENCE: Mr. Lopez reminded the Commission of the up-coming CCPCA Conference on October 24 – 25th. Commissioner Imhof said he will be attending the conference.

CHAIRS REPORT: The Chair asked for the status of the PD definition. Commissioner Jacob noted that the Commission had already discussed this and the PD Findings are in place. But there is a need for a Mixed-use definition. Commissioner Ready added floor area ratio vs. commercial component.

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: Commissioner Jacob said he appreciated the new staff report format and requested APA membership. Commissioner Ready also stated her wish to become a member. Mr. Lopez said he would look into the matter.

ADJOURNMENT: *There being no further business, Commissioner Loisel moved to adjourn the meeting at 8:20 p.m. Commissioner Ready seconded the motion. The motion was carried 7/0.*

ALBERT LOPEZ, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY