

**DRAFT MINUTES OF PUBLIC HEARING  
ALAMEDA COUNTY PLANNING COMMISSION  
May 15, 2023**

**REGULAR MEETING**

**CALL TO ORDER:** *The Chair called the meeting to order at 3:00 p.m.*

**MEMBERS PRESENT:** Chair Goff, Commissioners Gin, Ratto, Moore and Crawford

**MEMBERS EXCUSED:** Commissioner Kelley

**COUNTY PRESENT:** Planning Staff: Rodrigo Orduña, Liz McElligott, Michael Flemming, Rose Sicam  
County Counsel: Andrew Massey  
Public Works Agency: Daniel Woldesenbet

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS BY THE CHAIR:** Chair Goff asked that the Watercourse Protection item be moved to the end of the agenda. Daniel Woldesenbet said it is not necessary to move the item. He no longer has a conflict with another meeting.

**OPEN FORUM:** Open forum is provided for any member of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes. The Chair gave instructions on how to participate via Zoom. There were no public speakers.

**FIELD TRIP REPORT** – The Chair said he did visit the project site on the agenda today. Member Ratto said he also visited the site.

**COMMITTEE REPORT** – Permit Streamlining – No update

**APPROVAL OF COMMISSION MINUTES** – April 17, 2023

Commissioner Moore moved to approve the minutes of April 17<sup>th</sup> as submitted. Commissioner Crawford seconded the motion.

*Rodrigo Orduña conducted the roll call. Yeas: Chair Goff, Commissioners Gin, Moore, Ratto and Crawford.*  
Motion carried 5/0

**CONSENT CALENDAR:** None

**REGULAR CALENDAR:**

**2022 GENERAL PLAN ANNUAL REPORT AND HOUSING ELEMENT ANNUAL REPORT -**

Report on the County's progress in implementing its General Plan and meeting its share of regional housing need. – **Action Item. Planning staff: Elizabeth McElligott**

Liz McElligott presented the staff report. There are two reports that are required yearly by the state. Staff has to present the update to the Planning Commission and the Board of Supervisors. She said the contents of the general plan is dictated by State law. Planning is required to follow the guidelines. There are seven required elements of the general plan and in addition there is the Environmental Justice element. There are three area plans which are Castro Valley, Eden Area and East County general plan. There are County wide elements which address particular topics in the unincorporated areas of the County. She spoke on specific plans and how the content and general topics are dictated by state law and they establish links between the policies of the general plan and individual development proposals by providing standards in a defined area. Staff is currently working on the revision of the Castro Valley Specific Plan which is anticipated to be completed in 2024. There are several general plan projects happening and they started in 2021. Staff is currently working on the Housing Element, the Environmental Justice Element, Safety Element and Climate Action plan. Staff

is looking to address green gas reduction. Staff is working on the South Livermore amendment which was proposed by the Tri-Valley Conservancy. The changes include addition of more uses in support of ag tourism specific to the South Livermore area. Measure D 2022 was just approved by the voters. The changes included increased square footage for ag buildings and also equine properties. The draft Justice Element just came out last week, it is available on the planning website. There will be a number of public hearings scheduled up to June to take comments. It will come to this commission on June 19<sup>th</sup>. After taking comments and making the changes, staff will present a final draft to the local MACs, this commission and finally to the Board of Supervisors for approval. There will be a second virtual meeting scheduled for June 15<sup>th</sup> on the Climate Action Plan and Safety Element. More information is available on the Planning website. The annual progress report for the Housing Element requires that the County submit a lot of information by April 1<sup>st</sup> on housing development that has occurred or is planned to be built. The County met the deadline. She spoke on the RHNA credits. The County has met a total of 41% for the past housing cycle. The County is short on the housing units requirement and staff is working on identifying incentives to bring the numbers up. She said the County did well on the low-income category, meeting 101% in this category. She asked for comments or questions.

Commissioner Crawford said he asked that the copy of the Environment Justice report be sent to the commissioners prior to the meeting instead of in the packet. Regarding the Housing Element, he has asked for a table at least four or five times. Each time staff said that it would be done and it has been six months. Liz said six months ago staff did not have the information, just finished up the site inventory within the last month. Commissioner Moore spoke on the new laws for ADUs and SB9 and do these new laws help increase the housing numbers. Liz said SB-9 is a tool to help create more housing, it is not something that the Housing Community Development may use to identify housing sites for site inventory. HCD wants property owners that are planning on splitting their property and provide more housing.

Commissioner Gin said the County has not met the numbers. What is the penalty and is there an incentive. Liz said the penalty for not meeting the RHNA numbers is that the County is subject to SB-35 which is the permit streamlining process. If a proposal has 20% low-income housing and meets other requirements, the County is required to approve the project ministerially. In terms of improving, staff needs to look at incentives for developers, such as density bonus, inclusionary zoning, and things to improve the streamlining process. The Chair asked about the streamlining process from the state. Liz said there are a few state laws such as SB-35 which requires certain permits be approved ministerially.

Commissioner Crawford asked if there are severe penalties for jurisdictions that do not meet the numbers. Liz said the only one is SB-35 for now, but there are probably more things coming. She said this year there are many bills that have not passed yet. Commissioner Crawford asked if the County has done any outreach regarding incentives. Liz said they have sent some information thru the Housing Element process, but it would be good to keep the process going. Commissioner Crawford said staff should reach out to BIA. Inclusionary zoning is the biggest impact fees of all and that is a major detriment to building any housing. Liz said the idea would be allow higher density, increase in height limits, not have developments subject to certain requirements and relaxing certain requirements, there would be other incentives related to the construction to help encourage development.

There were no public speakers.

Member Crawford moved to recommend to the Board of Supervisors approval of the 2022 General Plan annual report and the Housing Element annual report. Member Gin seconded the motion.

*Rodrigo Orduña conducted the roll call. Yeas: Chair Goff, Commissioners Gin, Moore, Ratto and Crawford.*  
Motion carried 5/0

Daniel Wollesen presented the staff report. This item was presented to all the MACs and nothing was brought up of a major concern. This is a minor update to the ordinance. The key elements of the update primarily is to designate a new unincorporated Alameda County map and introduce an administrative enforcement procedure and minor language and definition cleanup. The reason this came up is because the USGS maps remained unchanged for nearly 40 years until 2018 at which time they eliminated many blue line streams for no reason. These streams have been on the map for nearly 40 years. The change was dramatic and staff did a field inspection and there was running water in some of these streams. Reliance on stable mapping is important for implementing and enforcing the ordinance. He shared an exhibit of how the mapping changed. He shared photos of the field inspection of some of the creeks. Staff is now reinstituting the streams and this will be a County map and not change by any decisions made by USGS. These maps will be available on the website and at the permit center. He shared the changes that will be made to the watercourse definitions. He shared instructions on how to check on google earth software to check on the County Stream Map. He explained how they also changed the enforcement action in the ordinance and will be using WBZA as a hearing body for cases related to the Watercourse Protection ordinance.

Public comment was open.

Christopher Oakes said he has lived in Fairview for over 20 years. He is an active member of the Alameda County Creek Alliance. The Alliance has worked with other agencies to restore fish passage. This past winter at Quarry Lakes salmon entered Niles Canyon for the first time in over 50 years. He said they are grateful for the agencies that worked together to make this happen. USGS maps showed far fewer streams than previous maps and as a result Stonybrook creek lost top of stream bank protection. He applauds the efforts of the Public Works Agency to restore the maps and show other streams in the Alameda creek watershed. He lives near Lake Don Castro and he wants San Leandro Creek and its reaches to be protected. He spoke on how he hopes someday the obsolete dam will be removed in hopes that steel head will be able to spawn. Stream bank protection is needed for safety and water course maintenance. Friends of San Leandro Creek help ensure that stream banks are protected. Moving to a more appropriate and inclusive watershed dataset makes sense. He asked the commission to support the ordinance update.

Roxann Lewis resident of Castro Valley said the Castro Valley Creek lost its protection in the Maddison area. The Public Works Agency was not able to enforce the water protection ordinance and people built decks on the setback and installed trampolines across the creek. Having this change will bring the protection back on the creeks which is needed. The area where she lives was flooded due to developments of Columbia and Willow Glen spewing the stormwater into the canyon and causing a lot of damage. Having this change will be a step in the right direction. Member Crawford asked Roxanne Lewis, member of the WBZA, about the possible increase of the workload due to creek violations and also asked who is going to be doing the enforcement body. Roxann Lewis said she does not think that the workload will increase significantly for the board hearings and she was not sure who is going to be in charge of enforcing the ordinance. Daniel said these cases would be handled by Public Works staff. He said the cases will be presented at the WBZA for an abatement decision. The ordinance is more of a deterrent and there are not that many violations.

Michelle, resident of Fairview, said the reason these changes are happening is because President Obama passed a bill in March of 2009 the Omnibus Public Land Management Act and this gave agencies much needed funds to perform research and complete required projects for land and waterways. The USGS was able to partner with other agencies to perform long overdue mapping projects nationwide. This area was evaluated from 2015 to 2018. They made the updates after a multi-year research. A few individuals seek to reverse this multi-year study and change this local ordinance multi-year study research without conducting any research or providing any scientific data. She has been to MAC meetings and some of this information has not been provided to all MACs. Sunol should be included and they have not been included. Not everyone has been notified of the change and how they will be affected. Some people say it is only 20 feet, on her property is over a quarter of an acre. She said this qualifies as a taking without any compensation. Some people say things do not change and that is not true. Another argument is that this is just like getting another permit. If this was in effect when Ruby Meadows was approved, it would not be approved, this will affect a lot of future projects. What is this going to do to the 2026 vision plan. This new map has no data backing it

up. This can be appealed but costly research has to be done by the property owner. Daniel stated that 80% of creeks in Alameda County are privately owned. This means these are people's property. She asked the commissioners to not just look at this from the perspective of conservation but also people's rights. She said there should be a committee that may evaluate these changes and proved by scientific data that it is correct.

Bruce King, Friends of San Lorenzo Creek, said he asked planning staff to send the commissioners a memo dated March 12 and another memo containing a 17-page technical analysis of this issue and why the USGS maps can't be depended on. Rodrigo shared the e-mail that showed that the information was sent to the commissioners. Bruce King said he asked multiple times if the comments were sent and was told that it was sent. It is important to get the information in advance of the meeting. He thanked Daniel Woldesenbet for his work. The maps show streams that were on the 2015 topo maps. The changes allow the County to continue to enforce requirement that protects the same streams that were enacted 40 years ago. The intermittent flows well past the rainy season. They have fish. These are streams that jump their banks and flood buildings. State and federal laws have protection for streams. The ordinance gives the County local enforcement power. He asked for a copy of the WPO modifications and the County needs to respond. He found some of the proposed changes weakened or change to the WPO requirements. The question-and-answer section should be expanded to definition of developments, structures, permits and the purpose for setbacks and the criteria for permits. He said he supports County efforts to protect the same streams since it was enacted 40 years ago.

Tyler Dragoni said this does not constitute a taking, all of the properties are limited in a sense, there are a lot of things that the County limits the use of any property. The WPO is needed and he supports more protections and not less protection. He said he grew up near Sulphur creek. The ordinance is to protect the recreation vitality of the creeks itself, what happens upstream trickles downstream, and that is why the ordinance is needed. Need to continue the conversation regarding the creeks that have been channeled, where is the plan for restoration. In the 1950s the creeks were channeled in order to be able to build housing. The current fees mentioned are minimal, this is not deterrent, and there is a need to have a commission.

Daniel Woldesenbet said this is not any different than zoning regulations regarding setbacks. The last comment about the fees, the fees were adopted, and they are not part of the ordinance. Looking at the fee structure and comparing them to the building ordinance. The ordinance is to educate and deter people from having violations. There is no scientific study by USGS, they were operating by using satellite photos. The creeks they eliminated had some water, these are live creeks. Public Works will be evaluating all the comments received. Some of the creeks are channeled, they are there to protect the embankment from failing. The restitution of the map into the system will protect all-natural creek environment.

Lester said he is a homeowner and a stakeholder. He said there is no scientific proof behind this information. Some of the creeks have no water unless there is a major storm. His deed says it is "non exist". The creek is intermittent, and it is basically a culvert and there is no fish. It is important to understand what the County is trying to pass. This will affect property owners. The setback is going to prohibit him and others to build an ADU. The only thing he is asking is to put a commission together to look at scientific data regarding these areas, which are 80% privately owned. He said in regard to the comment about fees, it does not include cost of attorneys, engineers to prove a case and it will range in the thousands of dollars.

Commissioner Moore said from his perspective a lot of this is not new. The cost is like flood zone issues. He mentioned that there is a way for a property owner to have the property reassessed differently when most of it may not be used or developed. He said this should be on the record for consideration.

Lester said the area that may not be built on is not a separate parcel. Commissioner Moore said he may be able to ask for a new assessment. He has seen this in other cases that the lots are steep and not able to develop. Lester said this type of ordinance will affect property owners from building an ADU or any development.

Karen High, with the Citizens Committee to Complete the Refuge and the Ohlone Audubon Society, said they are in support of the comments and issues identified from by the Friends of San Lorenzo Creek and they are not asking the County to expand their regulatory reach. Just urging that areas have been regulated for the

past 40 years continue to be regulated and that the language is not weakened. It is imperative that the definition of watercourse be changed and the map, as it has been mentioned without this correction, the changes from USGS maps will eliminate thousands of miles of intermittent and perennial streams and the County will not be able to regulate them. Inaction on this crucial issue will have devastating results to the environment and the communities. In the area of climate change it has been predicted storms will be more intense and failure to regulate and enforce, could pose significant adverse impacts to the environment and properties both upstream and downstream. She urged the County to make the necessary changes and adopt the ordinance and changes suggested by Friends of San Lorenzo Creek.

Peter Manganello said he appreciates the presentation and the opportunity to speak. He lives in Oakland and has been there for thirty years. He belongs to a group that has many members and interested in protecting fish in these creeks. He supports the County's stream map. It is scientifically based and more importantly it protects these streams that show fish and spawning. These are high quality and should be protected. Can have trout on intermittent creeks. Good habitat and good water quality and they have collected data and have found that many of the insects are sensitive to water quality. He spoke on restoring water sheds. He said that are many agencies that want to improve these streams.

Marlena Selva said she is a friend of San Lorenzo Creek and is here to support the comments from Bruce King and she is also a board member of the Audubon society. She spoke on the Ohlone people, the original people of this land who are still here and they said development in areas specific as Ruby Meadows, which was referenced earlier, is to perpetuate the genocide of their people. Because for indigenous people they belong to the land, land does not belong to them. They have this universal understanding of the water. Whether the stream is ephemeral or intermittent, there is not hierarchy of what has more value or importance, or what is defined as the creek. Everything is perfect in creation. To develop is to destroy what is natural and given to everyone. The earth nourishes everyone and feeds everyone and when having this desire to have economic development and make money, it is not part of the natural world. Native Americans are not salvages, or stupid, or primitive. They did not create civilization with building. It is because they knew better and simple original instruction on how-to live-in balance with the earth. Everything is part of creation, respect all beings in creation as relatives of equal purpose and all have responsibility and not rights to the earth, or right to property or build, but a responsibility to care for mother earth and everything in it. There is a reason why for thousands of years there was no pollution, and everything was pristine with none of these issues. Please respect these at minimum what originally was allocated as streams according to San Lorenzo creek. Thank you so much.

Dr. Anne Maris said she is a scientist and calling in to ask that the commissioners do the great work that is being done and protect the creeks. Putting back the creeks that were kicked off by USGS and it is important to pay attention to where we live. She is on various boards and concerned with housing crisis and it is not fair to her or her neighbors to destroy the natural environment. The natural environment raises property values. It is not fair that only rich people get to live in nice places. She lives where the area was planned for a freeway, and right now property in the area is being sold to developers for housing and it is super important to keep the minimum protections. Importantly there are a couple of key words that would weaken the ordinance. The channeled creeks, it says not a natural creek, but it should not be removed as they also need protection. It is really important. Need the habitat protected for health and need to expand and clarify the definitions in the WOP so there is not so much confusion by property owners getting scared about stuff they do not need to worry about.

Kelly Abreu said there has been a lot of false representation on part of the commentators, landowners and Daniel Woldesenbet in regard to putting in a lot of restrictions and talking about setting up new committees. What this is doing is for the most part is restoring the streams that were in the maps from 2018 that had been erased by USGS. Now five years later Public Works is restoring the streams. There was no enforcement for five years. Where have they been for the last five years. The word channel is very misleading, a lot of watercourses are engineered channels. The Vallecitos channel in Sunol is an engineered channel, there was a lot of money put into artificial water flows to make them more amenable to natural critters and habitat, this is not shown on the maps. Maybe because it is not natural, but when Mr. Woldesenbet gets comments, he does not respond. The other one is in Sycamore grove in unincorporated Livermore, he has a blue line going down

to quarry pit and magically going up the wall of a quarry pit and then going down, completely wrong. It should not be an issue if they are natural or channeled. They all should be protected. Vallecitos should be on the map and Mr. Woldesenbet should respond to the public.

Chris said he supports Bruce King's comments and his main concern is the enforcement and if there is any indication, his street has many pot holes and Alameda County does not have the staff to fix them and how are they going to enforce this.

The Chair asked what the next step for this ordinance is. Daniel Woldesenbet said it will be presented to the Planning and Transportation board and then to the full board for approval. Commissioner Crawford said it should come back to this commission. Daniel Woldesenbet said it is an extremely moderate modification. It is only updating the map and provide protection to the setback. There have been long discussions on this and Public Works is only trying to have a stable map that does not change every time the USGS changes their mind. Trying to eliminate these differences by establishing a County map. He would like feedback if there is any concern regarding the map. He said from what he heard today for the most part most speakers have been supportive of the changes. Commissioner Crawford said this does not sound like a normal road show. Daniel Woldesenbet said he will go to the Sunol MAC.

Commissioner Crawford said a property owners will be affected by this ordinance. There should be a commission, especially if it is going to have this much impact on property owners. Daniel Woldesenbet said the fundamental purpose of the ordinance is to establish the setbacks for the natural creeks. There is no real purpose to have this for the channeled creeks, but he is open for consideration. He said he could come back to this commission but there are not many changes proposed. Commissioner Crawford said this is just an informational item and it has not gone to Sunol MAC and it is not in its final form. He asked for verbiage about Public Works staff handling the violations, so code enforcement is not burdened with one more thing to do. He said it looks like USGS took a sledgehammer to the maps and did not have the desire to review it again. Public Works response is also a sledgehammer approach putting all these creeks just because they were there before. There should be some reasoning for that and research. Looking at it now, the property owners have had rights for a few years now and what is the effect on the housing numbers. Has there been any study on how many housing units can't be built on these properties. There are already a lot of restrictions because of Measure D. Daniel Woldesenbet said Public Works is looking for a better map. The ordinance right now says whatever USGA says, goes. This is just a protection and something that had been in effect for forty years. It is not a moratorium on housing. There are certain rights that everyone would like to enjoy but there is also an ordinance requirement. This is a good public policy and need to protect the environment. This is a worth while effort to protect creeks.

Commissioner Crawford said that is one way to look at it. He said he understands that it was done for forty years but have not been doing it for the last five years. Property owners have certain rights, and this is removing the property rights and they can't put buildings on their property. He said he understands the people that support the creeks, but they feel fine with taking people's property away. There needs to be more of a process. The way it is written it is flawed. He said he could make some suggestion on how it should be but it needs to come back to this commission before it goes to the full board. And the elimination of housing units has not been quantified.

Commissioner Moore said overall he likes the ordinance. The problem is that the USGS maps and having someone deciding if it is a blue line or not and affecting property rights. Not sure how the property owner can challenge and there is a need for a mechanism for a criterion that homeowners can apply for and challenge the ordinance. Daniel Woldesenbet said there is a process, and they may request Public Works for a review and if there is an impasse it will have to go to the WBZA and eventually to the full board. If someone wants to do something within the creek, they have to meet certain requirements and setbacks. If they feel that the ordinance is not objective enough, they could bring it up to staff. Commissioner Moore said the process needs to be codified and have a better system overall. Commissioner Crawford said an appeal process to the WBZA. He does not agree with property owners having to pay thousands to make their case which is the case now. There is this concept if water runs thru it, in a 100-year period it does not make it a creek and it does not need to be protected as it is written.

Discussion ensued amongst commissioners why this item did not go to Sunol prior to coming to this commission. Daniel Woldesenbet said this is an extremely narrow focused change based on the map. It does not change any future modifications. The WBZA first came to mind because it is difficult to get hearing officers. Discussion ensued on having this item go to the Sunol MAC first, make changes to the ordinance that include an appeal process not costly to the property owners. Daniel Woldesenbet reminded the commissioners that because there is not a County map, the County will have to go by the USGS map. Commissioner Crawford said it does not make sense, because right now the County is abiding by the current map. Daniel Woldesenbet said if the County adopts its own map, the ordinance will change from using the USGS map to the County map and there is no cost to the property owner until he disagrees with staff's decision.

Commissioner Gin said it is clearly not ready for this commission to decide and he said it sounds like Public Works is going to do what they want. Daniel Woldesenbet said he is purely focusing on the mapping. He appreciates all the discussion and there are a lot of people that will say the set back should be this or that, but right now he is just focusing on changing the map. He said he is not ignoring the comments. Commissioner Moore said he likes the idea of the map and does that work for other agencies such as Fish and Wildlife because there are state and regional agencies. Daniel Woldesenbet said the other agencies make their own call based on their own map and determination factor they use.

The Chair said hopefully Daniel can bring this back. Daniel said he will and bring modification and an appeal process for those that want to challenge the map.

**PLN2021-00093, SITE DEVELOPMENT REVIEW, VARIANCE & VESTING TENTATIVE TRACT MAP (TR-8601), RAGINI VECHAM, BOB IWERSEN** - Application to allow: 1) construction of nine (9) condominium dwelling units including one (1) accessory dwelling unit (ADU); 2) subdivision of one (1) site into nine (9) parcels (TR-8601); and 3) construction of nine (9) residential condominium units, three stories where two and half stories are permitted in an ACBD-CN (Ashland and Cherryland Business District Corridor Neighborhood) District, with an Eden Area General Plan land use designation of MDR (Medium Density Residential), located at 503 E Lewelling Blvd., at intersection of Alisal Ct., unincorporated Ashland area of Alameda County, bearing Assessor's Parcel Number: 413-0031-010-05. This project is exempt from the requirements of the California Environmental Quality Act (CEQA, 1970 as amended), per Article 6, Section 21159.25, Residential or Mixed-Use Housing Projects. Action Item. **Staff Planner: Michael Flemming**

Michael Flemming presented the staff report. He said the variance has already been approved by WBZA. He said this project was heard by the Eden MAC and they said that it was too big for the site. The applicant revised the plans and the Eden MAC recommended approval of the project with changes. He spoke on the landscape plans for the site. Staff recommends that the Planning Commission (PC): 1) approve Subdivision, PLN2021-00093, Tract Map, (TR-8601), into a nine-lot subdivision, and 2) recommend to the Planning Director approval of Site Development Review to allow construction of nine condominium dwelling units and one ADU based on drawings marked "Exhibit B" dated March 1, 2023, on file with the Alameda County Planning Department. If the Commission determines that the applications are consistent with the General Plan, Specific Plan, Residential Design Guidelines and Standards, and Zoning Ordinance, then the enclosed conditions of approval should be considered. The West BZA has already conditionally approved the Variance for a three-story building where two and half is allowed in conjunction with a Subdivision and Site Development Review.

Commissioner Crawford asked if the applicant is here. Staff said yes. Crawford said there is two spaces in each unit for a total of 18 and three guest parking spaces. Rodrigo spoke on number of parking spaces. Discussion ensued on number of parking spaces. Michael Flemming said five of the parking spaces are on the street. Rodrigo said there are 15 parking spaces plus five on the street. Commissioner Gin asked how many are designated for ADA spaces. Rodrigo said there are two spaces, one is in the unit. Commissioner Crawford asked what if the person that lives in that unit does not use the ADA spot. Michael said the unit is ADA and meets the guidelines. Rodrigo said part of the planning evolution is the reduction of parking

requirement, they are proposing car share and extra bike spots which is encouraged and adds up to a reduction in parking spaces.

Public comment was open.

Bob Iwersen, representing the applicant, spoke on the project. He spoke on parking spaces and the ADA unit. He spoke on the trees that will be planted on the site. He spoke on the drop off by the creek path and the retaining wall that will prevent material from getting into the path. He said there are 9 units with an ADU. They are three floor units and mitigated some of the height with bringing two stories to the edge of the development. Commissioner Crawford said he is having a hard time looking for the parking. He said it is a good project. Not sure how the WBZA made the findings for a variance. The project is well planned. The applicant said the units will have solar capability.

Kelly Abreu said he supports the project. He spoke on the stormwater compliance, C-3. This commission needs to look at the vesting tract map this commission approved two years ago. At that time this commission asked for stormwater compliance. The applicant now says the project does not need to meet the C-3 requirement because of the square footage. This project is way over 10,000 feet of impermeable surface. He said he would like this commission to check two places in the report, where stormwater requirements were required by this commission and now both are being ignored. This project needs to meet stormwater requirements. He strongly recommends that the stormwater requirements be met. Planning does not understand the requirements for stormwater and even this commission seems to forget what the requirement is. Commissioner Moore said Mr. Abreu is 100% wrong. The new stormwater treatment areas do not apply to projects that are entitled and not permitted prior to July 1<sup>st</sup> and that is his understanding. Rodrigo said the applicant did provide documentation that the impervious surface will be less than 10,000 square feet. Commissioner Crawford asked about on condition #17 regarding stormwater requirements. Rodrigo said it applies when engineering looks at it and if needed, provide documentation. Public comment was closed.

Commissioner Crawford moved to recommend the commission to approve Subdivision, PLN2021-00093, Tract Map, (TR-8601), into a nine-lot subdivision, and 2) recommend to the Planning Director approval of Site Development Review to allow construction of nine condominium dwelling units and one ADU based on drawings marked "Exhibit B" dated March 1, 2023, on file with the Alameda County Planning Department per the conditions of approval in the report. Commissioner Gin seconded the motion.

*Rodrigo Orduña conducted the roll call. Yeas: Chair Goff, Commissioners Gin, Moore, Ratto and Crawford. Motion carried 5/0*

**STAFF COMMENTS & CORRESPONDENCE:** Rodrigo said the consultant had the first workshop on May 8<sup>th</sup> for the Castro Valley Specific Plan update. There will be at least another 7 additional hearings. Staff will be taking public input and comments. The Objective Standards report will be coming to this body in June. Hope to get these adopted and so staff may move on to reviewing residential projects.

**CHAIRS REPORT:** The Chair spoke on form 700 and if everyone got a reminder. Commissioner Gin said he was penalized last year. He said make sure the form is in on time. The Chair asked about commissioners replacement. Commissioner Crawford said it is in process. Rodrigo said staff is working on getting county e-mails for the board members. Commissioner Crawford said it is nice to keep it separate. The Chair said he does not want his e-mail out to the public.

**COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS:** None

**ADJOURNMENT:** *The meeting was adjourned at 5:54 p.m.*

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**ALBERT LOPEZ, SECRETARY**  
**COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY**