



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

April 26, 2013

Agenda Item 10
May 7, 2013

Chris Bazar
Agency Director

Albert Lopez
Planning Director

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Honorable Board of Supervisors
Administration Building
1221 Oak Street
Oakland, CA 94612

Dear Board Members:

SUBJECT: Introduction and First Reading of a Proposed Amendment to Title 17 (Zoning) of the County General Ordinance Code to Enact a Scenic Corridor Combining District for Unincorporated Areas of the County

RECOMMENDATION:

That the Board hear a brief staff presentation, take public testimony, and amend the Alameda County Zoning Ordinance as recommended by the Board of Supervisors' Transportation and Planning Committee on April 11, 2013 and revised by staff (Attachment A).

BACKGROUND:

On February 26, 2013, the Board of Supervisors (BOS) conducted a first reading of an Ordinance to create a Scenic Corridor Combining District (SC). The hearing documents are included with your package as Attachment B. The SC would enact a modified Site Development Review (SDR) process for parcels bearing that designation. During the hearing, Supervisor Haggerty directed staff to explore other mechanisms to further limit development in areas identified as having important scenic value, and to bring its findings to the Board's Transportation and Planning Committee (T&P). Specifically, Supervisor Haggerty requested that staff prepare draft Ordinance language naming the Board, and not the Planning Director, as the reviewer of SDR applications on designated parcels. Furthermore, Supervisor Haggerty asked that staff explore a State Scenic Route Designation for the Dublin Canyon Corridor. As directed, staff's findings were reported to T&P on April 11, 2013.

DISCUSSION/SUMMARY:

Revisions to the Scenic Corridor Combining District (SC)

On April 11, 2013 T&P heard a presentation from staff regarding revisions to the SC Ordinance. The revisions were prepared in accordance with Supervisor Haggerty's comments made during the February 26, 2013 Board hearing. Staff also suggested additional changes to the Ordinance that would permit the Planning Director to review applications where the proposed improvements would not be visible from a public right of way. Furthermore, staff included language requiring property owners to record the project's conditions of approval so that future property owners are informed of requirements for ongoing maintenance of

landscaping and structures. The Committee concurred with staff's recommendations and moved the item to the full Board.

Potential General Plan Amendments

In addition to the aforementioned Ordinance revisions, the T&P directed staff to prepare a General Plan amendment to provide additional protections to lands of scenic or aesthetic value. The draft Amendment (Attachment C) before your Board is part of the Open Space Element currently under revision by staff. The Open Space Element is one component of the Resource Conservation, Open Space, and Agriculture Element, or "ROSA". Many of the policies contained in the attachment are already included in the East County Area Plan, but if adopted as part of ROSA these policies would apply throughout the unincorporated area.

Caltrans Scenic Highway Designation

The Committee also discussed how the Dublin Canyon Corridor might become a Scenic Highway. According to state law, only those highways listed under California Streets and Highways Code Section 263 are "Eligible" for designation as a Scenic Highway. The Dublin Canyon Corridor is not on that list. According to the "Scenic Highway Guidelines" published by Caltrans, a route must be added to the list before it can be nominated for official designation. From page 3 of the Scenic Highway Guidelines:

Additions and deletions can only be made through legislative action.... It is advisable for the local governing body to consult with the Caltrans District Scenic Highway Coordinator to determine suitability for scenic designation before seeking legislative action.

The Committee directed staff to initiate discussions with Caltrans on the designation, to identify the members of the State legislature who represent the Dublin Canyon area, and to bring the matter before the Board's Personnel/Administration/Legislation (PAL) Committee. To date, staff has made an initial contact with Caltrans District 4 regarding the designation and has identified the persons representing the Dublin Canyon area (Senator Ellen M. Corbett; Senator Loni Hancock; and Assemblymember Bill Quirk).

CONCLUSION:

At this time, staff recommends that your Board conduct a first reading of the Ordinance as recommended by the Transportation and Planning Committee on April 11, 2013 with minor revisions proposed by staff.

Sincerely,



Chris Bazar
Director, Community Development Agency

ATTACHMENTS:

- A. Draft Ordinance
- B. Board Letter and Draft Scenic Corridor Combining District, February 26, 2013
- C. Preliminary Draft General Plan Amendments

ORDINANCE 2013-_____

AN ORDINANCE AMENDING TITLE 17 OF THE GENERAL ORDINANCE CODE OF THE COUNTY OF ALAMEDA ADDRESSING DEVELOPMENT WITHIN SCENIC CORRIDORS

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

In enacting this ordinance, the Alameda County Board of Supervisors makes the following findings:

1. The Alameda County Planning Department did submit to this Board of Supervisors ("Board") its report recommending that the Board add Article VIII of Chapter 17.30 to the Alameda County General Ordinance Code to create a combining district in Unincorporated Alameda County that could be applied to scenic corridors (hereinafter referred to as the "Scenic Corridor Combining District").
2. The Alameda County Planning Commission did hold three public meetings and hearings on the proposed Scenic Corridor Combining District on the October 15, November 5 and December 17, 2012 at the County of Alameda, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law, and at which time the Commission took public testimony.
3. The Alameda County Planning Commission did review this draft Ordinance amendment in accordance with the provisions of the California Environmental Quality Act, and considered an exemption under Section 15061(b)(3).
4. This Board did hold a public hearing on the Scenic Corridor Combining District of Alameda County at the hour of 1:00 PM on Tuesday the 7th day of May 2013, in the Board Chambers, County Administration Building, 1221 Oak Street, Oakland, for which notice was given as required by law and at which the Board took public testimony.
5. This Board did review this Ordinance amendment in accordance with the provisions of the California Environmental Quality Act (CEQA). Under Section 15061(b)(3) of CEQA, as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
6. It is the finding of this Board that the approval of the Scenic Corridor Combining District is in the public interest for the reasons that it would establish a discretionary review process for development within areas of scenic value.

SECTION II

Article VIII of Chapter 17.30 is added to the General Ordinance Code of the County of Alameda to read as follows:

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Chapter 17.30, Article VIII - SC DISTRICTS

17.30.190 - Purpose.

The District, hereinafter designated as combining SC (Scenic Corridor) District, is established to be combined with other Districts containing lands located within scenic corridors as designated by the Board of Supervisors. The purpose of this Article is to provide guidelines and approval procedures for the development and improvement of land within combining SC Districts in unincorporated Alameda County.

17.30.200 - Regulations.

In a combining SC District all regulations shall remain the same as in the district with which it is combined except as to the matters hereinafter described.

17.30.210 - General Provisions.

- A.** All new development within the District shall comply with the provisions of this Article; provided, however, that the following shall be exempt from compliance:
 - 1.** Agricultural-related structures outside of the forty (40) foot roadway buffer.
 - 2.** Single-family dwellings and manufactured homes on an existing lot of record where no increase in habitable floor space or building height is proposed.
 - 3.** Developments existing on the effective date of this Article, provided that expansions or additions to existing development on or after the effective date of this Article shall be subject to compliance with these regulations.
- B.** In the event of a conflict among the regulations in this Article and those elsewhere in this Code, the regulations in this article shall prevail. The provisions of this Article shall also apply to projects undertaken by public agencies and special districts except for the maintenance of existing County public roads within existing rights-of-way.
- C.** No permit or administrative or discretionary approval shall be issued to authorize any grading or earthmoving activity, including grading or earthmoving necessary to create or improve an existing driveway, road, or other access, or benches or shelves, if such earthmoving or grading would occur on slopes of fifteen (15) percent or more unless a Variance has been granted in accordance with Sections 17.54.090 through 17.54.120. Agricultural roads subject to erosion control plans under Chapter 15.36 of this Code shall not be subject to this requirement.
- D.** All future building sites identified on a tentative parcel map, final map, or subdivision map shall be reviewed and conditions of approval established to ensure conformity with the purpose and intent of this Article.
- E.** Applications requiring the issuance of a Conditional Use Permit, as required by this Title, will be reviewed for their adherence to the requirements of this Article during the application process for the issuance of the Conditional Use Permit.

17.30.220 - SC Districts - Site Development Review—Procedures.

- A.** Site Development Review pursuant to Section 17.54.210 is required for any project for which a Building or Grading Permit is required.
- B.** A Site Development Review application shall be in the form specified by the County.
- C.** Upon receipt of a Site Development Review application, the Planning Department shall give notice of hearing shall be given pursuant to Section 17.54.830.
- D.** The County Planning Commission shall hold public hearing and make a recommendation to the County Board of Supervisors regarding the Site Development Review application. The County Board of Supervisors shall hold a public hearing and render a decision on the application.

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- E. In determining whether to grant or deny a Site Development Review application, the Planning Commission and Board of Supervisors shall consider whether the proposed development complies with the development guidelines contained in Section 17.30.240.
- F. Prior to the issuance of a Building Permit for any project authorized under this section, the property owner shall execute and record in the County Recorder's office a use restriction, in a form approved by the County, requiring structures, existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successor so as to maintain conformance with the written decision of the Board of Supervisors.
- G. The written decision of the Board of Supervisors is final and not administratively appealable. Following a final decision by the Board of Supervisors any concerned person may seek judicial review of the final decision to grant or deny a Site Development Review application pursuant to California Code of Civil Procedure section 1094.5, in conjunction with sections 1094.6 or 1094.8, as applicable.

17.30.230 - SC Districts - Site Development Review—Planning Director Review.

- A. If the Planning Director determines that the project cannot be viewed from any designated public road, because of its relationship to surrounding topography or existing vegetation, then the project shall be reviewed by the Planning Director in accordance with section 17.54.210.
- B. The Planning Director shall hold a public hearing regarding a Site Development Review application.
- C. The Planning Director shall not approve a project unless it complies with the development guidelines provided in Section 17.30.240.
- D. If the determination was made based on existing vegetation coverage, then the property owner, prior to the issuance of a building permit, shall be required to execute and record in the County Recorder's office a use restriction, in a form approved by County Counsel, requiring that existing covering vegetation be maintained, or replaced with equivalent vegetation, by the owner or the owner's successors, so as to prevent the project from being viewed from any designated public road.
- E. Projects that do not satisfy the criteria and standards contained in Section 17.30.230 (A) shall be subject to review and approval under Section 17.30.220

17.30.240 - SC Districts - Development Guidelines.

- A. Unless exempted as provided above in Section 17.30.210 (A), development or improvements within a combining SC District shall comply with the following guidelines:
 - 1. The design and location of each structure and any landscaping shall create a compatible visual relationship with surrounding development and with the natural terrain and vegetation. Road widths and road configurations should be considered as part of the development's design.
 - 2. Structures and landscaping shall be so located that each does not create a walled effect along the scenic corridor. The positioning of structures shall be varied in order to create a complimentary relationship between mass and void.
 - 3. All developments shall maintain a one hundred (100) foot setback for all structures and property improvements such as parking lots, except for approved road, driveway and utility crossings. Structures twenty (20) feet in height or less that otherwise have been found consistent with this Article may be located within the one hundred (100) foot setback.
 - 4. A roadway buffer of at least forty (40) feet shall be provided within the required development setback, abutting the right-of-way of the scenic corridor. Where existing trees and significant vegetation exist within the roadway buffer, they shall be retained as

SC DISTRICTS

determined appropriate and directed by the County. Vegetation within a roadway buffer that is required to remain within a roadway buffer may be pruned or removed only if necessary to ensure proper sight visibility, remove safety hazards or dying or diseased vegetation, or for other good cause as approved by the County.

5. Existing topography, vegetation, and scenic features of the site shall be retained and incorporated into the proposed development wherever possible. Manmade structures, as a visual element in the scenic corridor, should be secondary in importance to natural growth.
 6. Each structure or feature reviewable under this article shall be limited in scale and siting to reduce visual dominance or obstruction of existing landforms, vegetation, water bodies, and adjoining structures.
 7. Each structure shall be constructed, painted, and maintained, and all planted material shall be planted and maintained to complement and enhance scenic views and the natural landscape.
 8. Unnatural and conflicting aesthetic elements shall be eliminated to the extent feasible consistent with safety requirements. Where it is not possible to locate such a feature out of view, it must be located in an area so as to minimize visibility from a scenic corridor or screened from view by planting, fence wall, or berm. Where the screen consists of a fence, wall, or berm, it may not be higher than six feet. Screening shall consist of primarily natural materials rather than solid fencing. Preference shall be given to vegetation in conjunction with a low earth berm.
 9. Lighting shall be directed on site and compatible in type, style, and intensity to the surrounding elements and not cause undue or aggravating disruption, glare, or brightness.
 10. Grading or earth-moving shall be planned and executed in such manner that final contours appear consistent with a natural appearing terrain. Finished contours shall be planted with plant materials native to the area so that minimum care is required and the material is visually compatible with the existing ground cover.
 11. A road pattern or characteristics of any road pattern proposed as part of a development shall be designed and constructed to contribute to the scenic character of the landscape in view. New roads and driveways constructed within the scenic corridor shall not be dominant visually and there should be only a minimal amount of road in view within the roadway buffer.
 12. The number of access points to and from the scenic corridor shall be minimized consistent with safety and circulation needs.
 13. Parking on the scenic corridor roadways should be minimized.
 14. No Advertising signs shall be permitted.
 15. All utility lines improved or installed in order to directly serve uses proposed or developed within the scenic corridor, including electric, telephone, data, and cable television, shall be installed underground within the roadway buffer and development setback area. Underground utility trenches must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground must be shielded from view from the scenic corridor with existing vegetation or revegetation. Any above-ground boxes that cannot be buried shall, in addition to being screened by vegetation, be painted a neutral or earth tone color or otherwise made to blend in with their surroundings.
 16. All development shall be consistent with the Alameda County General Plan.
- B.** Violations of this section shall be subject to enforcement, penalties, and abatement under Chapters 17.58 and 17.59 of this Title.

SC DISTRICTS

SECTION III

Should any section or other portion of this chapter be determined to be unlawful or unenforceable by a court of competent jurisdiction, the remaining section(s) and portion(s) of this chapter shall be considered severable and shall remain in full force and effect.

SECTION IV

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 and ordinance summary, pursuant to Government Code section 25124(b)(1), shall be published 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,
_____, 2013 by the following called vote:

AYES:

NOES:

EXCUSED:

KEITH CARSON
President of the Board of Supervisors
County of Alameda, State of California

ATTEST: Clerk of the Board of Supervisors, County of Alameda

By_____

Approved as to Form:
DONNA ZIEGLER, County Counsel

By_____

BRIAN WASHINGTON
Chief Assistant County Counsel



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Agenda Item 4-7

February 26, 2013

Chris Bazar
Agency Director

February 10, 2012

Albert Lopez
Planning Director

Honorable Board of Supervisors
Administration Building
1221 Oak Street
Oakland, CA 94612

224
West Winton Ave.
Room 111

Dear Board Members:

Hayward
California
94544

SUBJECT: Introduction and First Reading of Proposed Amendment to Title 17 (Zoning) of the County General Ordinance Code to Enact a Scenic Corridor Combining District for Unincorporated Areas of the County

phone
510.670.5400
fax
510.785.8793

RECOMMENDATION:

That the Board hear a brief staff presentation, take public testimony, and amend the Alameda County Zoning Ordinance as recommended by the Board of Supervisors' Transportation and Planning Committee on February 4, 2013.

www.acgov.org/cda

BACKGROUND:

In response to a large-scale kennel project that the Board of Supervisors found objectionable and subsequently denied on appeal, the Board approved a moratorium in December 2010 on development occurring within the Interstate 580/Dublin Canyon Corridor (Attachment A). In that particular case, the project was found to be out of character and scale with its surroundings within a relatively undeveloped corridor, and that in part formed the basis for the action to deny the project. The Board recognized the need for a higher level of land use review for projects along scenic corridors such as the 580/Dublin Canyon Corridor, and they adopted the moratorium in anticipation of Staff developing new land use controls in areas determined to have these qualities.

Given the Board's direction, staff recommends the creation of a Scenic Corridor (SC) Combining District not only to preserve the character of the scenic corridors within unincorporated Alameda County but also to comply with the Board's earlier direction. As with any other combining district, the proposed designation would not change the underlying use categories (e.g., Residential, Agricultural, Commercial, etc.) and would not preclude development in the viewshed areas. However, any future development would be subject to more stringent standards designed to reduce the visual impact of new structures, parking, signs, and other features that might obstruct existing vistas. Staff believes that this type of development within a designated corridor could be effectively regulated using a modified Site Development Review process.

The creation of the Scenic Corridor (SC) overlay district is the first step in providing the desired additional protection. Subsequent action is to identify the areas where the overlay should apply, and staff expects the 580/Dublin Canyon Corridor will be the first corridor where the new district will be applied.

The Board of Supervisors' Transportation and Planning Committee heard a presentation regarding the proposed Ordinance and took public testimony at their February 4, 2013 meeting. At that meeting, staff recommended that the Ordinance, as approved by the Planning Commission on December 17, 2012 with revisions proposed by staff, be adopted. The Committee concurred with this recommendation and directed Staff to present the Ordinance to the full Board at its February 26, 2013 Planning hearing.

DISCUSSION/SUMMARY:

Public Process

In addition to the Board of Supervisor's Transportation and Planning Committee, Staff has sought the input of the following boards and commissions: the Alameda County Planning Commission, the Sunol Citizen's Advisory Committee (Sunol CAC), the Castro Valley Municipal Advisory Council (CVMAC), the Alameda County Parks, Recreation and Historical Commission (PRHC), the Agricultural Advisory Committee (AAC), and the Unincorporated Services Committee. The following paragraphs summarize comments received during each of the meetings.

Sunol Citizen's Advisory Committee (Sunol CAC)

On November 14, 2012 the matter was discussed by the Sunol CAC. The group took no formal action on the Ordinance; however, they did express their support for the proposed district.

Castro Valley Municipal Advisory Council (CVMAC)

On November 26, 2012 the matter was discussed by the CVMAC. The CVMAC recommended that the Ordinance be approved by the Planning Commission with a vote of 7-0. No revisions were requested.

Parks, Recreation and Historical Commission (PRHC)

On December 6, 2012 the matter was discussed by the PRHC. The PRHC recommended that the Ordinance be approved by the Planning Commission; however, they did request that staff make some revisions to the text.

Agricultural Advisory Committee (AAC)

This matter was to be heard by the Committee on November 27, 2012; however, the meeting was cancelled. Staff sent the staff report to the members of the Committee and invited them to submit their comments in writing, via telephone, or at the December 17, 2012 Planning Commission hearing.

Unincorporated Services Committee (USC)

The USC met on December 5, 2012 to discuss the draft Ordinance. Public testimony was taken, and no revisions were requested.

The Alameda County Planning Commission

The Planning Commission met on October 15, November 5 and December 17, 2012 to discuss the draft Ordinance. On December 17, by unanimous vote, the Commission endorsed the Ordinance with revisions recommended by staff and the Commission members.

Environmental Review

Staff has determined that the proposed Ordinance is subject to Section 15061(B)(3) of CEQA, as the it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility

that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed Ordinance would establish a discretionary review process for development within areas of scenic value. The proposed Ordinance would require stricter development standards than exist currently. The proposed Ordinance would not create any public health or safety hazards and would not have a significant impact on the resources or services within this area, such as water, sanitary services, surrounding roadways and intersections, schools, and existing agricultural uses.

Staff has reviewed the County's Scenic Route Element, the Specific Plan for Areas of Environmental Significance, and the Castro Valley, Eden Area, and East County General Plans to determine the policy direction given by the General Plan. The Alameda County General Plan contains numerous policies and standards that are designed to protect environmental resources such as public views, open space, habitats and other biological resources that serve to prevent development from having a significant, adverse effect on the environment. Therefore, any development determined to be consistent with the development standards of the County's General Plan will not result in any significant environmental impacts. Therefore, no significant environmental impacts are expected as a result of this Ordinance amendment. Individual projects for new development will be subject to their own environmental review process.

CONCLUSION:

The attached ordinance amendments will establish development standards and regulations within scenic corridors located within unincorporated Alameda County. In preparing these amendments, the County wishes to minimize the loss of and disturbance to areas of scenic value. The amendments establish design standards and a Site Development Review process to ensure that these areas continue to be preserved for future generations. At this time, staff recommends that your Board adopt the Ordinance as approved by the Planning Commission on December 17, 2012 with revisions proposed by staff. The text of the Ordinance amendment is provided in Attachment B.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Bazar".

Chris Bazar
Director, Community Development Agency

ATTACHMENTS:

- A. Draft Scenic Corridor Combining District as recommended by the Transportation and Planning Committee with revisions by staff
- B. Board Letter, December 21, 2010
- C. Planning Commission Staff Report, Resolution and Minutes--December 17, 2012

ORDINANCE 2013-_____

**AN ORDINANCE AMENDING TITLE 17 OF THE GENERAL ORDINANCE CODE OF THE
COUNTY OF ALAMEDA ADDRESSING DEVELOPMENT WITHIN SCENIC CORRIDORS**

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

In enacting this ordinance, the Alameda County Board of Supervisors makes the following findings:

1. The Alameda County Planning Department did submit to this Board of Supervisors ("Board") its report recommending that the Board add Article VIII of Chapter 17.30 to the Alameda County General Ordinance Code to create a combining district in Unincorporated Alameda County that could be applied to scenic corridors (hereinafter referred to as the "Scenic Corridor Combining District").
2. The Alameda County Planning Commission did hold three public meetings and hearings on the proposed Scenic Corridor Combining District on the October 15, November 5 and December 17, 2012 at the County of Alameda, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law, and at which time the Commission took public testimony.
3. The Alameda County Planning Commission did review the of Alameda County in accordance with the provisions of the California Environmental Quality Act, and considered an exemption under Section 15061(b)(3).
4. This Board did hold a public hearing on the Scenic Corridor Combining District of Alameda County at the hour of 1:00 PM on Tuesday the 26th day of February 2013, in the Board Chambers, County Administration Building, 1221 Oak Street, Oakland, for which notice was given as required by law and at which the Board took public testimony.
5. This Board did review this Ordinance amendment in accordance with the provisions of the California Environmental Quality Act (CEQA). Under Section 15061(b)(3) of CEQA, as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
6. It is the finding of this Board that the approval of the Scenic Corridor Combining District is in the public interest for the reasons that it would establish a discretionary review process for development within areas of scenic value.

SECTION II

Article VIII of Chapter 17.30 is added to the General Ordinance Code of the County of Alameda to read as follows:

Chapter 17.30, Article VIII - SC DISTRICTS

SC DISTRICTS

17.30.190 - Purpose.

The District, hereinafter designated as combining SC (Scenic Corridor) District, is established to be combined with other Districts containing lands located within scenic corridors as designated by the Board of Supervisors. The purpose of this Article is to provide guidelines and approval procedures for the development and improvement of land within combining SC Districts in unincorporated Alameda County.

17.30.200 - Regulations.

In a combining SC District all regulations shall remain the same as in the district with which it is combined except as to the matters hereinafter described.

17.30.210 - General Provisions.

- A. All new development within the District shall comply with the provisions of this Article; provided, however, that the following shall be exempt from compliance:
 - 1. Agricultural-related Structures outside of the forty (40) foot roadway buffer.
 - 2. Single-family dwellings and manufactured homes on an existing lot of record where no increase in habitable floor space or building height is proposed.
 - 3. Developments existing on the effective date of this Article, provided that expansions or additions to existing development on or after the effective date of this Article shall be subject to compliance with these regulations.
- B. In the event of a conflict among the regulations in this Article and those elsewhere in this Code, the regulations in this article shall prevail. The provisions of this Article shall also apply to projects undertaken by public agencies and special districts except for the maintenance of existing County public roads within existing rights-of-way.
- C. No permit or administrative or discretionary approval shall be issued to authorize any grading or earthmoving activity, including grading or earthmoving necessary to create or improve an existing driveway, road, or other access, or benches or shelves, if such earthmoving or grading would occur on slopes of fifteen (15) percent or more unless a Variance has been granted in accordance with Sections 17.54.090 through 17.54.120. Agricultural roads subject to erosion control plans under Chapter 15.36 of this Code shall not be subject to this requirement.
- D. All future building sites identified on a tentative parcel map, final map, or subdivision map shall be reviewed and conditions of approval established to ensure conformity with the purpose and intent of this Article.
- E. Applications requiring the issuance of a Conditional Use Permit, as required by this Title, will be reviewed for their adherence to the requirements of this Article during the application process for the issuance of the Conditional Use Permit.

17.30.220 - SC Districts - Site Development Review—Process.

- A. Site Development Review pursuant to Section 17.54.210 shall be required for any project for which a Building or Grading Permit is required.
- B. The Planning Director shall hold a public hearing regarding a Site Development Review application.

17.30.230 - SC Districts - Development Guidelines.

- A. Unless exempted as provided above in Section 17.30.210.A, development or improvements within a combining SC District shall comply with the following guidelines:
 - 1. The design and location of each structure and any landscaping shall create a compatible visual relationship with surrounding development and with the natural terrain and vegetation. Road widths and road configurations should be considered as part of the development's design.

SC DISTRICTS

2. Structures and landscaping shall be so located that each does not create a walled effect along the scenic corridor. The positioning of structures shall be varied in order to create a complimentary relationship between mass and void.
3. Except for approved road, driveway, and utility crossings, if otherwise allowed under this Article, all developments shall maintain a one hundred (100) foot setback for all Structures and property improvements such as parking lots and no Structure within the one hundred (100) foot setback shall exceed twenty (20) feet in height.
4. A roadway buffer of at least forty (40) feet shall be provided within the required development setback, abutting the right-of-way of the scenic corridor. Where existing trees and significant vegetation exist within the roadway buffer, they shall be retained as determined appropriate and directed by the Planning Director. Vegetation within a roadway buffer that is required to remain within a roadway buffer may be pruned or removed only if necessary to ensure proper sight visibility, remove safety hazards or dying or diseased vegetation, or for other good cause as approved by the Planning Director.
5. Existing topography, vegetation, and scenic features of the site shall be retained and incorporated into the proposed development wherever possible. Manmade structures, as a visual element in the scenic corridor, should be secondary in importance to natural growth.
6. Each structure or feature reviewable under this article shall be limited in scale and siting to reduce visual dominance or obstruction of existing landforms, vegetation, water bodies, and adjoining structures.
7. Each structure shall be constructed, painted, and maintained, and all planted material shall be planted and maintained to complement and enhance scenic views and the natural landscape.
8. Unnatural and conflicting aesthetic elements shall be eliminated to the extent feasible consistent with safety requirements. Where it is not possible to locate such a feature out of view, it must be located in an area so as to minimize visibility from a scenic corridor or screened from view by planting, fence wall, or berm. Where the screen consists of a fence, wall, or berm, it may not be higher than six feet. Screening shall consist of primarily natural materials rather than solid fencing. Preference shall be given to vegetation in conjunction with a low earth berm.
9. Lighting shall be directed on site and compatible in type, style, and intensity to the surrounding elements and not cause undue or aggravating disruption, glare, or brightness.
10. Grading or earth-moving shall be planned and executed in such manner that final contours appear consistent with a natural appearing terrain. Finished contours shall be planted with plant materials native to the area so that minimum care is required and the material is visually compatible with the existing ground cover.
11. A road pattern or characteristics of any road pattern proposed as part of a development shall be designed and constructed to contribute to the scenic character of the landscape in view. New roads and driveways constructed within the scenic corridor shall not be dominant visually and there should be only a minimal amount of road in view within the roadway buffer.
12. The number of access points to and from the scenic corridor shall be minimized consistent with safety and circulation needs.
13. Parking on the scenic corridor roadways should be minimized.
14. No Advertising signs shall be permitted.
15. All utility lines improved or installed in order to directly serve uses proposed or developed within the scenic corridor, including electric, telephone, data, and cable television, shall be installed underground within the roadway buffer and development

SC DISTRICTS

setback area. Underground utility trenches must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground must be shielded from view from the scenic corridor with existing vegetation or revegetation. Any above-ground boxes that cannot be buried shall, in addition to being screened by vegetation, be painted a neutral or earth tone color or otherwise made to blend in with their surroundings.

16. All development shall be consistent with the Alameda County General Plan.
- B. Violations of this section shall be subject to enforcement, penalties, and abatement under Chapters 17.58 and 17.59 of this Title.

SECTION III

Should any section or other portion of this chapter be determined to be unlawful or unenforceable by a court of competent jurisdiction, the remaining section(s) and portion(s) of this chapter shall be considered severable and shall remain in full force and effect.

SECTION IV

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 and ordinance summary, pursuant to Government Code section 25124(b)(1), shall be published 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,
_____, 2013 by the following called vote:

AYES:

NOES:

EXCUSED:

KEITH CARSON
President of the Board of Supervisors
County of Alameda, State of California

ATTEST: Clerk of the Board of Supervisors, County of Alameda

By _____

Approved as to Form:
DONNA ZIEGLER, County Counsel

By _____
BRIAN WASHINGTON
Chief Assistant County Counsel



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO Members of the Alameda County Planning Commission
RE Scenic Corridor Combining District

HEARING DATE December 17, 2012

GENERAL INFORMATION

The staff report describes the development of the proposed Scenic Corridor Combining District.

STAFF RECOMMENDATION

Staff requests that the Commission hear the staff presentation, provide comments on regulations pertaining to scenic corridors in unincorporated Alameda County, and adopt the attached resolution.

STAFF ANALYSIS

Overview

On November 5, 2012, staff presented a draft Ordinance to your Commission. Since that time staff has sought the input of the Sunol Citizen's Advisory Committee (Sunol CAC), Castro Valley Municipal Advisory Council (CVMAC), the Alameda County Parks, Recreation and Historical Commission (PRHC), and the Agricultural Advisory Committee (AAC). The following paragraphs summarize comments received during each of the meetings.

Sunol Citizen's Advisory Committee (Sunol CAC)

On November 14, 2012 the matter was discussed by the Sunol CAC. The group took no formal action on the Ordinance; however, they did express their support for the proposed district.

Castro Valley Municipal Advisory Council (CVMAC)

On November 26, 2012 the matter was discussed by the CVMAC. The CVMAC recommended that the Ordinance be approved by the Planning Commission with a vote of 7-0. No revisions were requested.

Parks, Recreation and Historical Commission (PRHC)

On December 6, 2012 the matter was discussed by the PRHC. The PRHC recommended that the Ordinance be approved by the Planning Commission; however, they did ask staff to clarify the language in Section ###.060 A (3) of the ordinance and the ordinance has been revised accordingly.

Agricultural Advisory Committee (AAC)

This matter was to be heard by the Committee on November 27, 2012; however, the meeting was cancelled. Staff sent the staff report to the members of the Committee and invited them to submit their comments in writing, via telephone, or at today's hearing.

Planning Staff Recommendation

Staff recommends that the Commission either recommend that the Board adopt the Ordinance found in Attachment B.

California Environmental Quality Act (CEQA)

Staff has determined that the proposed Ordinance is subject to Section 15061(B)(3) of CEQA, as the it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed Ordinance would establish a discretionary review process for development within areas of scenic value. The proposed Ordinance would require stricter development standards than exist currently. The proposed Ordinance would not create any public health or safety hazards and would not have a significant impact on the resources or services within this area, such as water, sanitary services, surrounding roadways and intersections, schools, and existing agricultural uses.

Staff has reviewed the County's Scenic Route Element, Specific Plan for Areas of Environmental Significance, the Castro Valley, Eden Area, and East County General Plans to determine the policy direction given by the General Plan. The Alameda County General Plan contains numerous policies and standards that are designed to protect environmental resources such as public views, open space, habitats and other biological resources that serve to prevent development from having a significant, adverse effect on the environment. Therefore, any development determined to be consistent with the development standards of the County's General Plan will not result in any significant environmental impacts. Therefore, no significant environmental impacts are expected as a result of this Ordinance amendment.

CONCLUSION

The attached ordinance amendments will establish development standards and regulations within scenic corridors located within unincorporated Alameda County. In preparing these amendments, the County wishes to minimize the loss of and disturbance to areas of scenic value. The amendments establish design standards and Site Development Review process to ensure that these areas continue to be preserved for future generations. At this time staff requests that the Planning Commission consider the proposed amendments and adopt the attached resolution. With the approval of the Planning Commission, the matter will be referred to the Board of Supervisors for consideration

The following timeline lists those remaining meetings/tasks necessary to amend the County's Ordinance to address scenic corridors.

Scenic Corridor Combining District Meeting and Hearing Schedule

January 7, 2013	BOS - Transportation and Planning Committee
February 5, 2013	BOS Meeting –first reading
March 5, 2013	BOS Meeting –second reading
TBD	Notice of Exemption filing

ATTACHMENTS

- A. Draft Resolution
- B. Proposed Ordinance Amendments

PREPARED BY:	Angela C. Robinson Piñon, Planner
REVIEWED BY:	Sonia Urzua, Senior Planner

SC DISTRICTS

Chapter ###.###- SC DISTRICTS

###.###.010 - Purpose.

The district, hereinafter designated as combining SC (scenic corridor) district, is intended to be combined with other districts containing lands located within scenic corridors as designated by the board of supervisors. The purpose of this chapter is to provide guidelines and approval procedures for the development and improvement of land within SC districts in unincorporated Alameda County.

###.###.020 - Areas subject to regulations.

The following areas are subject to the provisions of this chapter:

###.###.030 - Regulations.

In a combining SC district, all regulations shall remain the same as in the district with which it is combined, except as to the matters hereinafter described.

###.###.040 - General provisions.

A. All new development within the district shall comply with the provisions of this chapter, except the following shall be exempt from compliance:

1. Farm or Agricultural-related structures outside of the forty (40) foot roadway buffer.
2. Single-family dwellings and manufactured homes on an existing lot of record.
3. Developments existing on the effective date of this chapter, provided that expansions or additions to existing development on or after the effective date of this chapter shall be subject to compliance with these regulations.

B. In the event of a conflict among the regulations in this chapter and those elsewhere in this code, the regulations in this chapter shall prevail. The provisions of this chapter shall also apply to projects undertaken by public agencies and special districts except for the maintenance of existing county public roads within existing rights-of-way.

C. No permit or administrative or discretionary approval shall be issued to authorize any grading or earthmoving activity, including grading or earthmoving necessary to create or improve an existing driveway, road or other access, or benches or shelves, if such earthmoving or grading would occur on slopes of fifteen (15) percent or more unless a variance has been granted in accordance with sections 17.54.090 through 17.54.120. Agricultural roads within planted areas subject to erosion control plans under Chapter 15.36 of the code shall not be subject to this requirement.

D. All future building sites identified on either a tentative parcel map, final map, or subdivision map shall be reviewed and conditions of approval established to ensure conformity with the purpose and intent of this chapter.

E. Applications requiring the issuance of a conditional use permit, as required by the General Ordinance Code, will be reviewed for their adherence to the requirements of this chapter during the application process for the issuance of the conditional use permit.

###.###.050 - SC Districts - Site development review—When required.

Site development review pursuant to Section 17.54.210 shall be required for any project for which a building or grading permit is required, excluding grading activities described in section ###.###.040 paragraph C.

###.###.060 - SC Districts - Development guidelines.

All development is subject to site development review pursuant to Sections ###.###.060 (SC Districts—Site Development Review—When Required) and 17.54.210 (Site Development Review) et seq. and to the following provisions:

SC DISTRICTS

- A. Development or improvements within a SC district shall comply with the following guidelines:
1. The design and location of each building and landscaping shall create a compatible visual relationship with surrounding development and with the natural terrain and vegetation. Road widths and road configurations should be considered as part of the development's design.
 2. Buildings and landscaping shall be so located that each does not create a walled effect along the scenic corridor. The positioning of buildings shall be varied in order to create a complimentary relationship between mass and void.
 3. All developments shall maintain a one hundred (100) foot setback for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings. If permitted under this chapter, no structure within the one hundred (100) foot setback shall exceed twenty (20) feet in height.
 4. A roadway buffer of at least forty (40) feet shall be provided within the required development setback, abutting the right-of-way of the scenic corridor. Where existing trees and significant vegetation exist within the roadway buffer, they shall be retained as determined appropriate and directed by the planning director. Vegetation within a roadway buffer that is required to remain within a roadway buffer may be pruned and/or removed only if necessary to ensure proper sight visibility, remove safety hazards or dying or diseased vegetation, or for other good cause as approved by the planning director.
 5. Existing topography, vegetation and scenic features of the site shall be retained and incorporated into the proposed development wherever possible. Manmade structures, as a visual element in the scenic corridor, should be secondary in importance to natural growth.
 6. Each structure or feature reviewable under this chapter shall be limited to scale and siting to reduce visual dominance or obstruction of existing landforms, vegetation, water bodies and adjoining structures.
 7. Each structure shall be constructed, painted and maintained and all planted material shall be planted and maintained to complement and enhance scenic views and the natural landscape.
 8. Unnatural and conflicting aesthetic elements shall be eliminated to the extent feasible consistent with safety requirements (for example, retain street lighting, but place wiring underground). Where it is not possible to locate such a feature out of view, it must be located in an area so as to minimize visibility from a scenic corridor or screened from view by planting, fence wall or berm. Where the screen consists of a fence, wall or berm, it may not be higher than six feet. Screening shall consist of primarily natural materials rather than solid fencing. Preference shall be given to vegetation in conjunction with a low earth berm.
 9. Lighting shall be directed on site and compatible in type, style and intensity to the surrounding elements and not cause undue or aggravating disruption, glare and brightness.
 10. Grading or earth-moving shall be planned and executed in such manner that final contours appear consistent with a natural appearing terrain. Finished contours shall be planted with plant materials native to the area so that minimum care is required and the material is visually compatible with the existing ground cover.
 11. A road pattern, or characteristics of any road pattern, proposed as part of a development shall be designed and constructed to contribute to the scenic character of the landscape in view. New roads and driveways constructed within the scenic corridor shall not be dominant visually and there should be only a minimal amount of road in view within the roadway buffer.

SC DISTRICTS

12. The number of access points to and from the scenic corridor shall be minimized consistent with safety and circulation needs.
13. Parking on the scenic corridor roadways should be minimized.
- ~~14. No advertising signs shall be permitted within forty (40) feet of a public road or right-of-way.~~
14. All utility lines serving uses proposed or developed within the scenic corridor, including electric, telephone, data and cable television, shall be installed underground within the roadway buffer and development setback area. Underground utility trenches must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground must be shielded from view from the scenic corridor with existing vegetation and/or revegetation. Any above-ground boxes that cannot be buried shall, in addition to being screened by vegetation, shall be painted a neutral or earth tone color or otherwise made to blend in with their surroundings.
15. All development shall be consistent with the Alameda County General Plan.
 - B. The planning director shall hold a public hearing regarding a site development review application.
 - C. Violations of this section shall be subject to enforcement, penalties and abatement under chapters 17.58 and 17.59 of this title.

###.080 - SC Districts - Findings and appeal.

- A. If the planning director recommends approval under this chapter, they shall make written findings and provide a copy to the applicant within ten (10) days of the decision.
- B. A decision of the planning director may be appealed to the planning commission.
- C. A person desiring to appeal an action taken under this chapter shall do so by filing written notice of appeal within ten (10) days after the decision. If no appeal is filed, the decision on the application is final.

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY
HAYWARD, CALIFORNIA**

RESOLUTION NO. 12-21 - AT MEETING HELD DECEMBER 17, 2012

SCENIC CORRIDOR COMBINING DISTRICT

**Introduced by Commissioner Imhof
Seconded by Commissioner Loisel**

WHEREAS, the Alameda County Planning Commission did hold three public hearings on the proposed Scenic Corridor Combining District ("Ordinance") of Alameda County on the fifteenth day of October fifth day of November and the seventeenth day of December 2012 at the County of Alameda, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law, and at which time the Commission took public testimony; and

WHEREAS, notice was given as required by law; and

WHEREAS, the Alameda County Planning Commission did review the proposed Ordinance in accordance with the provisions of the California Environmental Quality Act, and considered an exemption under Section 15061(b)(3).

WHEREAS, Section 15061(b)(3) of CEQA states "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA"; and

WHEREAS, on the basis of the record before the Alameda County Planning Commission, there is no substantial evidence that the proposed Ordinance will have a significant effect on the environment.

WHEREAS, this chapter of the General Ordinance Code will addresses the regulation of development within scenic corridors in Alameda County; and

WHEREAS, this chapter of the General Ordinance Code will establish development standards and regulations within scenic corridors located within unincorporated Alameda County to ensure that these areas continue to be preserved for future generations; and

WHEREAS, the Planning Commission is authorized and obligated to make recommendations to the Board of Supervisors on matters related to planning and zoning; and

WHEREAS, the testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

WHEREAS, the complete record for this process is in the custody of the Alameda County Planning Department, and may be found at Room 111, 224 West Winton Avenue, Hayward, California 94544.

BE IT RESOLVED, that this Commission does hereby recommend adoption of the proposed amendments to the Alameda County General Ordinance Code to establish a Scenic Corridor Combining District and regulating development within designated scenic corridors as provided in Exhibit A (Draft Ordinance); and

BE IT FURTHER RESOLVED, the Alameda County Planning Commission did find that the proposed Ordinance meets all provisions of Section 15061 (b) (3) of the California Environmental Quality Act and that the Commission hereby recommends that the Board of Supervisors adopt a Declaration of Categorical Exemption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Chair Jacob; Vice Chair Ready; Commissioners Loisel, Moore, and Rhodes
NOE:
EXCUSED: Commissioner Ratto
ABSENT:
ABSTAINED:

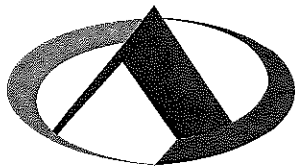
ALBERT LOPEZ, PLANNING DIRECTOR AND SECRETARY,
ALAMEDA COUNTY PLANNING COMMISSION

5. **SCENIC CORRIDOR COMBINING DISTRICT** ~ Staff will provide an overview of the issues to be addressed under the proposed combining district.
Staff Planner: Angela Robinson-Piñon
Action required.

Ms. Robinson-Piñon presented the staff report including the additional amendments.

Commissioner Loisel arrived.

The Commission discussed the Scenic Corridor Committee's future meetings and process; recommended that Section .040 (General Provisions) A #2 be revised to read: "...lot of record where no increase in habitable floor space or height are proposed"; and recommended the following modifications to Section .060 (Development Guidelines) of the draft Ordinance: the opening sentence revised to state: "Unless excepted above, all development is subject to site development review pursuant..."; item #3 modified to read: "Except for approved road, driveway and utility crossings, if otherwise permitted under this chapter, all developments shall maintain a one hundred (100) foot setback for all buildings, structures and property improvements and no structure..."; and to re-include #14 as "No advertising signs shall be permitted."; item #15, 1st line, to read "All utility lines improved or installed in order to directly serve uses...". *Commissioner Imhof made the motion to move the resolution including staff amendments and the above modifications. Commissioner Loisel seconded and the motion carried unanimously, 6/0, with Commissioner Ratto excused.*



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

December 15, 2010

Agenda Item # 4
December 21, 2010

Albert Lopez
Planning Director

224
West Winton Ave.
Room 111

Hayward
California
94544

phone
510.670.5400
fax
510.785.8793

www.acgov.org/cda

Honorable Board of Supervisors
Administration Building
1221 Oak Street, Fifth Floor
Oakland, CA 94612

Dear Board Members:

**SUBJECT: EXTENSION OF AN URGENCY INTERIM ORDINANCE ESTABLISHING
A MORATORIUM ON ALL DEVELOPMENT APPROVALS FOR
PROPERTIES ADJACENT TO INTERSTATE 580 IN DUBLIN CANYON**

RECOMMENDATION

Adopt the proposed urgency ordinance.

BACKGROUND/DISCUSSION

In connection with a recent proposal to construct a 20,000 square foot kennel project (Pet Galaxy/Haegeland) along the I-580 corridor in Dublin Canyon, members of the Board of Supervisors expressed concern that the canyon area lacks adequate protection of its significant scenic vistas and open space resources.

Although the Planning Department historically has not received many applications for development in this area, Staff believes additional protections of its scenic qualities could warrant further study, which could help protect a unique resource in the County and provide an additional level of clarity for future proposals in the area.

At your meeting of November 9th, 2010, the Board acted on the urgency ordinance to establish a preliminary 45 day moratorium, in anticipation of the possibility of extending the moratorium for an additional 11 months, to expire on November 4, 2011. This additional time is necessary to allow the Planning Department adequate time to review existing policies and programs to better address the concern of development in the Dublin Canyon/I-580 corridor. This review could potentially result in amendments to existing land use plans and other elements of the County's General Plan (and/or related documents).

Respectfully,

Chris Bazar, Director
Community Development Agency

Attachment

ORDINANCE NO. X-2010-

EXTENSION OF AN URGENCY INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON ALL DEVELOPMENT APPROVALS FOR PROPERTIES ADJACENT TO INTERSTATE 580 IN DUBLIN CANYON

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

SECTION I

In enacting this ordinance, the Board of Supervisors makes the following findings:

1. The Dublin Canyon corridor, as depicted on Exhibit A hereto, is a valuable scenic corridor enhancing the quality of life in Alameda County by providing valuable open space and scenic corridors for the enjoyment of Alameda County citizens.
2. The Alameda County Community Development Agency has received and considered, within the last year, applications to develop structures in this corridor.
3. The Board of Supervisors wishes to protect valuable open space and scenic corridors by directing the Community Development Agency to study how to best protect and enhance these resources while allowing appropriate development to occur.
4. In order to protect the welfare of the citizens of Alameda County, it is necessary to pause development in the Dublin Canyon corridor area to allow the Community Development Agency to study the area.

The uncodified Alameda County Ordinance Code is hereby amended to add the following:

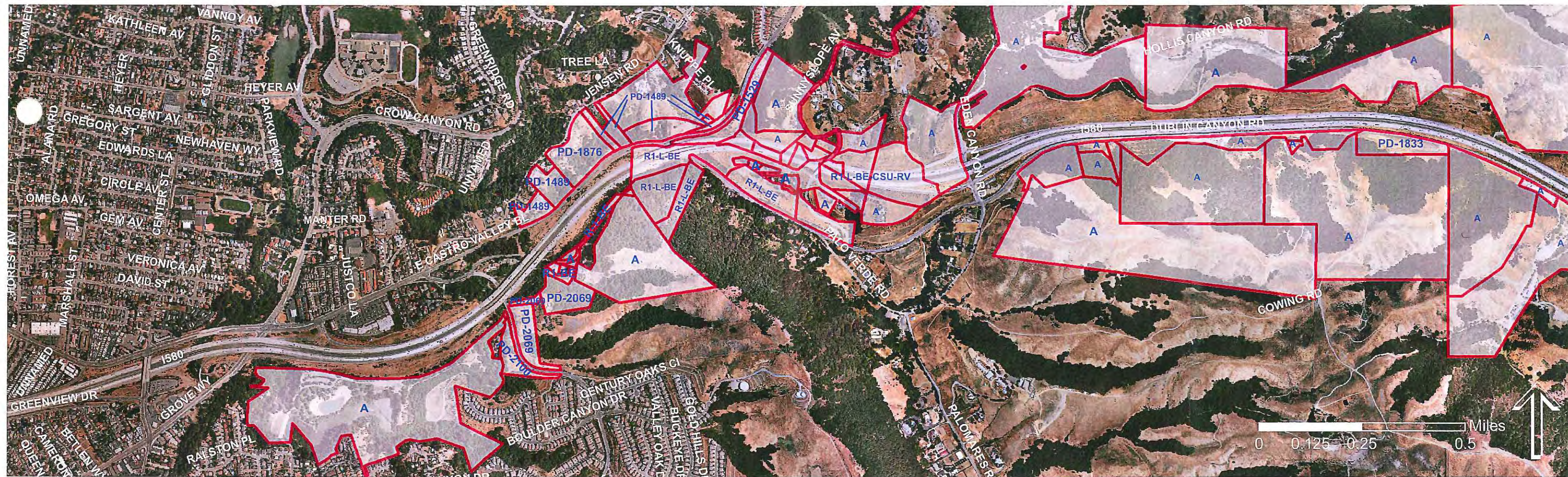
Temporary Prohibition of Approval of Development Applications

Beginning on the effective date of this interim ordinance and continuing for the duration of this interim ordinance and any extension(s) thereto, the County shall not approve development applications for development in the unincorporated area of the County adjacent to Interstate 580 within the Dublin Canyon area, beginning east of Grove Way and ending west of the southernmost point of Roys Hill Lane, as shown on Exhibit A, attached hereto.

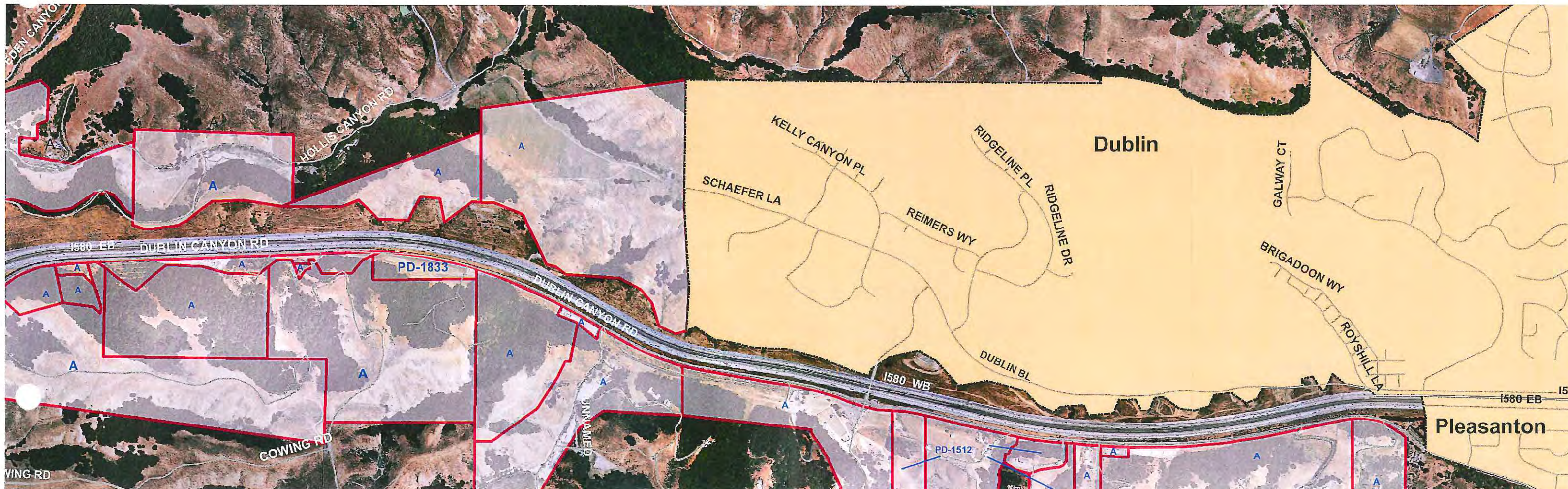
The phrase "development applications for development" applies to applications for approval arising under Planning and Zoning Laws, Government Code Section 65000 et seq., the Subdivision Map Act, Government Code Section 66410 et seq., and the County zoning and subdivision ordinances enacted pursuant to such laws. This phrase does not include works of public improvement or maintenance activities undertaken by a public agency.

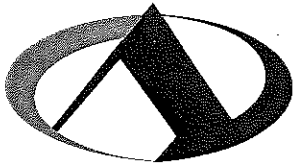
SECTION III

Pursuant to Government Code Section 65858, this measure is declared to be an urgency interim ordinance, to take effect and be in force immediately and shall expire on November 4, 2011. Upon its passage and before the expiration of fifteen (15) days after its passage, the ordinance shall be published once with the names of the members voting for and against the same in the Inner-City Express, a newspaper published in the said County of Alameda.



INTERSTATE 580 - PARCELS ABUTTING FREEWAY BETWEEN GROVE/CROW CANYON AND THE CITY OF PLEASANTON





ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

November 3, 2010

Agenda Item # 6
November 9, 2010

Albert Lopez
Planning Director

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Honorable Board of Supervisors
Administration Building
1221 Oak Street, Fifth Floor
Oakland, CA 94612

Dear Board Members:

SUBJECT: URGENCY INTERIM ORDINANCE ESTABLISHING A MORATORIUM
ON ALL DEVELOPMENT APPROVALS FOR PROPERTIES ADJACENT
TO INTERSTATE 580 IN DUBLIN CANYON

RECOMMENDATION:

Adopt the proposed ordinance.

BACKGROUND:

In connection with a recent proposal to construct a 20,000 square foot kennel project (Pet Galaxy/Haegeland) along the I-580 corridor in Dublin Canyon, members of the Board of Supervisors expressed concern that the canyon area lacks adequate protection of its significant scenic vistas and open space resources.

Although the Planning Department historically has not received many applications for development in this area, Staff believes additional protections of its scenic qualities could warrant further study, which could help protect a unique resource in the County and provide an additional level of clarity for future proposals in the area.

To that end, Staff has drafted a proposed urgency ordinance (attached) for the Board to consider that will allow the Planning Department adequate time to review existing policies and programs to better address this concern. This review could potentially result in amendments to existing land use plans and other elements of the County's General Plan (and/or related documents).

Respectfully,

Chris Bazar, Director
Community Development Agency

Attachment

ORDINANCE NO. X-2010-

URGENCY INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON ALL DEVELOPMENT APPROVALS FOR PROPERTIES ADJACENT TO INTERSTATE 580 IN DUBLIN CANYON

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

SECTION I

In enacting this ordinance, the Board of Supervisors makes the following findings:

1. The Dublin Canyon corridor, as depicted on Exhibit A hereto, is a valuable scenic corridor enhancing the quality of life in Alameda County by providing valuable open space and scenic corridors for the enjoyment of Alameda County citizens.
2. The Alameda County Community Development Agency has received and considered, within the last year, applications to develop structures in this corridor.
3. The Board of Supervisors wishes to protect valuable open space and scenic corridors by directing the Community Development Agency to study how to best protect and enhance these resources while allowing appropriate development to occur.
4. In order to protect the welfare of the citizens of Alameda County, it is necessary to pause development in the Dublin Canyon corridor area to allow the Community Development Agency to study the area.

The uncodified Alameda County Ordinance Code is hereby amended to add the following:

Temporary Prohibition of Approval of Development Applications

Beginning on the effective date of this interim ordinance and continuing for the duration of this interim ordinance and any extension(s) thereto, the County shall not approve development applications for development in the unincorporated area of the County adjacent to Interstate 580 within the Dublin Canyon area, beginning east of Grove Way and ending west of the southernmost point of Roys Hill Lane, as shown on Exhibit A, attached hereto.

The phrase "development applications for development" applies to applications for approval arising under Planning and Zoning Laws, Government Code Section 65000 et seq., the Subdivision Map Act, Government Code Section 66410 et seq., and the County zoning and subdivision ordinances enacted pursuant to such laws. This phrase does not include works of public improvement or maintenance activities undertaken by a public agency.

SECTION III

Pursuant to Government Code Section 65858, this measure is declared to be an urgency interim ordinance, to take effect and be in force immediately and shall expire on December 24, 2010. Upon its passage and before the expiration of fifteen (15) days after its passage, the ordinance shall be published once with the names of the members voting for and against the same in the Inner-City Express, a newspaper published in the said County of Alameda.

4.1 VISUAL OPEN SPACE

Objective: Protect the unique visual character of Alameda County's ridgelines, hillsides, agricultural lands, and park lands.

Visual open space policies are divided into the following seven categories, which represent different facets of protection visual open space: (1) siting of structures; (2) ridgelines; (3) community separators; (4) trees; (5) landscaping and design; (6) grading and alteration of landform; and (7) utilities. In addition to policies listed in this section, numerous development policies in the Agriculture Element are directly relevant to protection of visual open space.

Policies

Siting of Structures

Policy OS-45 (Development Envelope): The County shall require that all structures and/or buildings located within the Rural Density Residential, Large Parcel Agriculture, Resource Management/Special Agriculture, Resource Management, and Water Management land use designations be placed within a two-acre development envelope. For all designations except Rural Density Residential, structures and/or buildings may be located outside the envelope under the following circumstances.

- The structure is necessary for security reasons.
- The structure is for agricultural use and is necessary for agricultural use.
- The structure is for farm employee housing.

Policy OS-46 (Structures on Ridgelines and Hilltops): Structures may not be located on ridgelines or hilltops or where they will project above a ridgeline or hilltop as viewed from public roads, trails, parks and other public viewpoints unless there is no other site on the parcel for the structure or on a contiguous parcel in common ownership. New parcels may not be created that have no building site other than a ridgeline or hilltop, or that would cause a structure to protrude above a ridgeline or hilltop, unless there is no other possible configuration. (Source: ECAP Policy 106.)

Policy OS-47 (Views from Proposed Developments): The County shall review development proposed adjacent to or near public parklands to ensure that views from parks and trails are maintained. (Source: ECAP Policy 113.)

Policy OS-48 (Views of Structures from Public Viewpoints): To the extent possible, including by clustering if necessary, structures shall be located on that part of a parcel or on contiguous parcels in common ownership on or subsequent to the date this ordinance becomes effective, where the development is least visible to persons on public roads, trails, parks and other public viewpoints. This policy does not apply to agricultural structures to the extent it is necessary for agricultural purposes that they be located in more visible areas. (Source: ECAP Policy 108.)

Policy OS-49 (Review for Proposed Dwellings and Additions): The County shall require Site Development Review and building permits for all proposed residential dwellings or additions to existing residential dwellings exceeding 500 square feet. Building permits and simpler administrative zoning approvals are required for smaller residential projects.

Policy OS-50 (New Subdivision and Development Standards): The County shall apply the Table AG-2 Standards for Subdivision and Site Development Review for Agricultural Parcels in the Site Development Review process for residential development in the 100-acre minimum parcel size district, 160-acre minimum parcel size district, and 320-acre minimum parcel size district.

Ridgelines

Policy OS-51 (Preservation of Visually Sensitive Ridgelines): The County shall preserve the following major visually sensitive ridgelines largely in open space use (Please refer to Policy 105.):

- the ridgelines of Pleasanton, Main, and Sunol Ridges west of Pleasanton;
- the ridgelines of Schafer, Shell, Skyline, Oak and Divide Ridges west of Dublin and the ridgelines above Doolan Canyon east of Dublin;
- the ridgelines above Collier Canyon and Vasco Road and the ridgelines surrounding Brushy Peak north of Livermore;
- the ridgelines above the vineyards south of Livermore;
- the ridgelines above Happy Valley south of Pleasanton; and

- the ridgelines of the Palomares and Castro Valley Canyonlands.

Community Separators

Policy OS-52 (Preservation of Community Separators): The County shall preserve community separators largely in open space in the following locations (Source: ECAP Policy 109.):

- the area separating East Dublin and the City of Livermore city limit in Springtown;
- the Chain of Lakes area which separates the cities of Pleasanton and Livermore;
- the area on Pleasanton and Main Ridges above 670 feet which separates the communities of Pleasanton, Castro Valley, and Hayward;
- the area west of Dublin which separates the communities of Dublin and Castro Valley; and
- the Vargas Plateau and Sheridan Road areas which separate the communities of Fremont and Sunol.

Trees

Policy OS-53 (Protection of Trees and Tree Stands): The County shall require that all development is sited to avoid or, if avoidance is infeasible, to minimize disturbance of large stands of large, mature, native or non-native healthy trees and individual large, mature, native or non-native healthy trees exceeding 14 inches dbh (diameter at breast height). Where these trees will be removed, the County shall require a tree replacement and survival assurance plan which describes appropriate tree species, sizes, replacement value and method of installation, to minimize the visual effect of the development and assure the long-term success of the replacement effort. (Source: ECAP Policy 110.)

Policy OS-54 (Structure Height in Woodlands): The County shall not allow any structure (e.g., housing unit, barn, or other building with four walls) to exceed the height of the tree canopy in woodland areas. (Source: ECAP Policy 111.)

Landscaping and Design

Policy OS-55 (Landscaping to Protect Views): The County shall require the use of landscaping in both rural and urban areas to enhance the scenic quality of the area and to screen

undesirable views. Choice of plants should be based on compatibility with surrounding vegetation, drought-tolerance, and suitability to site conditions; and in rural areas, habitat value and fire retardance. (Source: ECAP Policy 114.)

Policy OS-56 (Visual Impact of Development): In all cases appropriate building materials, landscaping and screening shall be required to minimize the visual impact of development. Development shall blend with and be subordinate to the environment and character of the area where located, so as to be as unobtrusive as possible and not detract from the natural, open space or visual qualities of the area. To the maximum extent practicable, all exterior lighting must be located, designed, and shielded so as to confine direct rays to the parcel where the lighting is located. (Source: ECAP Policy 115.)

Grading and Alteration of Landforms

Policy OS-57 (Conformity to Natural Landforms): To the maximum extent possible, development shall be located and designed to conform with, rather than change, natural landforms. The alteration of natural topography, vegetation, and other characteristics by grading, excavating, filling or other development activity shall be minimized. To the extent feasible, access roads shall be consolidated and located where they are least visible from public view points. (Source: ECAP Policy 116.)

Policy OS-58 (Visible Effects of Grading): The County shall require that where grading is necessary, the off-site visibility of cut and fill slopes and drainage improvements is minimized. Graded slopes shall be designed to simulate natural contours and support vegetation to blend with surrounding undisturbed slopes. (Source: ECAP Policy 117.)

Policy OS-59 (Grading in Rural Areas): The County shall require that grading in rural areas avoid areas containing large stands of mature, native vegetation, scenic natural formations, or natural watercourses. (Source: ECAP Policy 118.)

Policy OS-60 (Grading for Access Roads): The County shall require that access roads be sited and designed to minimize grading. (Source: ECAP Policy 119.)

Utilities

Policy OS-61 (Placement of Utility Lines to Minimize Visual Impact): The County shall require that utility lines be placed underground whenever feasible. When located above ground,

utility lines and supporting structures shall be sited to minimize their visual impact. (Source: ECAP Policy 120.)

Implementation Programs

Program OS-18 (Develop Visual Impact Assessment Criteria): Develop criteria to assess visual impacts including building mass, construction materials, light and glare. These criteria shall be used in determining the suitability of residential siting on agricultural parcels.

[Responsible Party: County Planning] [Program Type(s): Development Requirements, Development and Design Guidelines]

Program OS-19 (Develop Standards on Privately Owned Open Space): Develop design and siting standards for residential uses on privately owned open space. Siting standards shall implement the policies in this section (Open Space Element, Section 4.1). [Responsible Party: County Planning] [Program Type(s): Development and Design Guidelines]

Program OS-20 (Visual Quality of Structures): The County shall produce guidelines or standards to enhance the visual quality of new structures in the rural zoning districts. [Responsible Party: County Planning] [Program Type(s): Development and Design Guidelines]

4.2 SCENIC HIGHWAY AND ROAD CORRIDORS

Objective: Identify and preserve roadside landscapes that have a high visual quality and thus contribute to the enjoyment of County residents, commuters, and tourists.

Policies

Policy OS-62 (Participation in State Scenic Highways Program): The County shall support participation in the State Scenic Highways Program through a designation process for State or County routes that are nominated by local communities, organizations, and political bodies.

Policy OS-63 (Scenic Corridor Protection Program for County Roads): The County shall consider the development of a Scenic Road Corridor Protection Program for County roads that have recognized scenic values and that would help promote agri-tourism in the County.

Policy OS-64 (Caltrans' Design Standards): The County shall encourage Context Sensitive Design solutions, promoted by Caltrans, as a way to maintain safe transportation on the County's streets and roadways while being responsive to needs of local communities and visual and environmental considerations.

Implementation Programs

Program OS-21 (Develop Scenic Corridor Protection Program): The County shall prepare a report for consideration by the Planning Commission and Board of Supervisors outlining a potential Scenic Road Corridor Protection Program for scenic County roads. The report should include a discussion of opportunities and constraints and consider the following program components.

- The nomination of candidate roads, or segments of roads, by a local community, organization, or political body with a sponsor from the Planning Commission or Board of Supervisors.
- The tailoring of protection policies to the corridor under consideration.
- Limiting the protection policies to specific development guidelines for that corridor and more stringent Site Design Review.
- Exploring the use of a scenic resources combining district as an appropriate corridor protection tool.

In some cases, existing zoning requirements and implementation of visual policies may provide sufficient protection. [Responsible Parties: Agriculture Advisory Committee, County Planning]
[Program Type(s): Plans and Studies]

Program OS-22 (Adopt Context Sensitive Design): The County shall adopt Caltrans' Context Sensitive Design process for the design and improvement of County roadways. [Responsible Parties: County Public Works Agency, County Planning, Board of Supervisors] [Program Type(s): Development and Design Guidelines]