

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JULY 16, 2007
(Approved September 17, 2007)

REGULAR MEETING: 6:00 p.m.

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

OTHERS PRESENT: Chris Bazar, Planning Director; Cindy Horvath, Senior Transportation Planner; Sandra Rivera, Assistant Planning Director; Brian Washington, County Counsel's Office; David Early, Consultant; and Nilma Singh, Recording Secretary.

There were approximately 560 people in the audience.

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

ANNOUNCEMENTS BY THE CHAIR: The Chair announced that this meeting, although not being held at the regular Commission chambers, will follow the procedure of a regular Commission meeting and the three-minute rule will be applied. Those representing an Association will be granted five minutes.

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

CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES** – July 2, 2007.
2. **TENTATIVE PARCEL MAP, PM-9408 – PALOMARES CATTLE COMPANY** ~ Application to subdivide one parcel containing approximately 666 acres into six lots, in an 'A' (Agricultural) District, located at 31253 Palomares Road, east side, approximately 3.7 miles south of Palo Verde Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085A-3701-008-00. (Continued from March 5, April 2 and 16, May 7 and June 4, 2007; to be continued to August 6, 2007).

Commissioner Jacob made the motion to approve the Consent Calendar including the July 2nd Minutes and Commissioner Carbone seconded. Motion carried unanimously.

REGULAR CALENDAR:

1. **EDEN AND CASTRO VALLEY AREA PLANS; GENERAL PLAN BOUNDARY IN THE EL PORTAL RIDGE AREA** ~ Consideration of a possible boundary modification to the Eden and Castro Valley Plans that could result in a shift of the El Portal Ridge area from the Castro Valley Plan Area to the Eden Plan Area.

Mr. Washington summarized his memo to Mr. Bazar dated July 2nd on the subject of Planning Commission bias and the two memos received in response to his memo. In response to Mr. Friedman's request that Commissioners Hancocks and Ready be disqualified from participation, he pointed out that the Commission does not have the authority to do so. Instead, the Commissioners make their decision whether to recuse themselves or not.

Commissioner Ready read her statement explaining why she was not recusing herself. She felt that Counsel's opinion is hasty and uninformed based on newspaper articles, verbal statements and opinions of a West County Board of Zoning Adjustments member, Mr. Friedman. She is a 42-year resident of San Lorenzo and 10 years actively involved in the unincorporated area and the development/writing of the Plan. She has neither an economic or political interest in the El Portal ridge area nor was a member of any Board/Council when the boundary change was discussed in 2002. She will hear and weigh public testimony concentrating only on the matter and challenged all interested parties to do the same.

Commissioner Hancocks said he attended the last two meetings to listen and to do the same tonight, listen to facts and truth.

Mr. Bazar presented the staff report along with a powerpoint presentation noting that the next meeting is at the Board of Supervisors on July 24th at 1:00 p.m. He also introduced the EIR consultant,

Public testimony was called for. David Stark, Bay East Association of Realtors, Pleasanton, thanked CVMAC for their unanimous support and urged the Commission to vote for Option 1. The boundary line, if changed to include the properties of the ridge area under the incorporated San Lorenzo in future, may impact property values today and real estate agents would be advised to disclose that a property is now located in the Eden Area General Plan and its implication.

Mark Lowry, with a powerpoint presentation, discussed what is El Portal Ridge area (map) and its location, chronological history of the area; the definition, goals and membership of RAFTA; and pointing out that the only documentation of community input is the RAFTA letter of December 2, 2002 suggesting a boundary change -- that all of this area and Fairmont Terrace be included into the Eden General Plan and that the President of RAFTA is Commissioner Hancocks, who has also led the incorporation

drive. This goal is not the goal of the Ridge residents who have also never asked to be represented by RAFTA. RAFTA has disenfranchised the 6,700 Ridge residents. The transparency of government process is another concern which includes inadequate noticing and inside influence. Mr. Lowry urged that Commissioners Hancocks and Ready not be allowed to vote which is also reflected in County Counsel's memo and that the Ridge area remain in the Castro Valley General Plan.

Lester Friedman pointed out that even in the event of a slight perception of bias, Members/Commissioners should recuse themselves which is also the recommendation of County Counsel. However, Commissioners Hancocks and Ready have refused to do so and this could be challenged later in a legal court. He further discussed the meaning of bias and disqualifications, the related Government legislation sections/procedures/cases; read quotes from Commissioner Hancocks and Ready statements as reflected in the Daily Review and Castro Valley Forum articles. None of the Ridge residents were on the mailing list for the workshops. Mr. Friedman noted that since there is evidence of bias, he urged that the Commission disqualify both Commissioners and their refusal be included in the record, to be used later in the litigation process, if needed.

Richard Rhodes, 16520 Rolando Avenue, San Leandro, representing El Portal Homeowners, pointed out that decisions should be made based on reliable information, facts and unbiased. The El Portal residents are not prejudiced and do not wish to be disenfranchised from their public lives. This area has always been a part of Castro Valley based on the following: 1) the freeway which groups this area including Fairmont Terrace with Castro Valley; 2) the lay of the land which features the hillside on the east and flat land on the west; and 3) east has more single family owner-occupied homes with slightly higher market values than the west. RAFTA does not speak on behalf of all its members or the Ridge residents. A petition of 625 signatures in support was submitted at the CVMAC meeting. With a powerpoint presentation, Mr. Rhodes discussed the area's percentages of homes and the number of signatures obtained from each area. He urged that the boundary line be the same as reflected in the 1985 Plan.

Gary Zimmerman also provided a powerpoint presentation in support and submitted a copy of his statement. The Fairmont/Lake Chabot Ridgeland Committee strongly supports retaining the existing 1985 CV Plan boundary which provides strong open space protection, rare plant and animal protection in the Lake Chabot and ridgeland areas purchased by EBRPD. Protection would be lost for the County-owned south parcel of Fairmont Ridge, are around Fairmont Animal Shelter and the Fairmont Hospital grounds/campus, El Portal and Fairmont Terrace as these are not included in the Eden Plan.

Mr. Bazar pointed out that the hospital is in the Eden Plan. Mr. Zimmerman disagreed. David Early, consultant, confirmed that it is in the Eden Plan.

Pauline Vieira, a Fairmont Terrace resident at 15941 Cambrian Drive, stated that she had helped build a new Castro Valley Library, has taught in Castro Valley schools and has always been identified with Castro Valley. In 2002, Commissioner Hancocks opposed

the incorporation of Castro Valley and the residents had signed the petition because they did not want their taxes raised but not to be placed in the Eden Plan. In September 2004, Commissioner Hancocks applied to incorporate Fairmont Terrace into the City of San Lorenzo, as a result of which 173 signatures were obtained against the incorporation into the Eden Plan and 4 signatures in support. RAFTA does not speak for the majority of the Fairmont Terrace residents. She felt that this indicates that Commissioner Hancocks is biased and has a conflict of interest, and, as such, requested that he be recused from voting. She supported the 1985 CV Plan boundaries and submitted a copy of her statement.

Debra Butler, 2205-167th Avenue, said that the Castro Valley Plan is more responsive to the El Portal Ridge issues, is based on public workshop input and preserves the small town community characters which are important to the El Portal Ridge area residents. However, the Eden Plan makes the assumption that the eight communities are inter-dependent economically which the El Portal Ridge area is not. The residents use Castro Valley services. Ms. Butler further read the goals for each plan and made comparisons. She urged that the El Portal ridge area be the visible corridor to Castro Valley from the west and remain in the CV Plan.

Gerry Vieira, resident of Fairmont Terrace at 15941 Cambrian Drive, said that although all the residents he had spoken to had not heard of the Eden General Plan, they would all prefer to be included in the CV Plan.

Carol Lucca, 15999 Windsor Drive, Fairmont Terrace, pointed out that many of the residents have lived in this area for over 20 years and all would like to be identified with the CV Plan. Her civic identity is in Castro Valley and not San Lorenzo.

Howard Beckman, a San Lorenzo resident, disagreed with Mr. Stark's statement that brokers will have an obligation to disclose the Plan boundaries. He had submitted two written statements on fairness of process and allegations of fairness by Commissioners. He discussed conflict of interests. The issue is not where we identify ourselves but how to approach land use, traffic and economic planning in the unincorporated Eden Township. The internal boundary line for planning purposes makes no difference and there are other policies that provide protection, such as Resources of Open Space. For this reason, he supported a single Plan for the entire area. In response to Commissioner Hancocks, Mr. Beckman stated that he did not think that there has been a flaw in the noticing process.

Daphne Gammage stated that although she pays dues to RAFTA, she did not agree to be included in the Eden Plan.

Steve Groark read and submitted a letter from Jan Zimmerman, a former CVMAC member. The El Portal and the Fairmont Terrace areas have always been a part of the CV Plan. Any changes to a General Plan should be based on compelling reasons including sound planning policies, identity of the area in question and the majority will of the residents. She urged the Commission to make a recommendation based on the facts.

Eric Halverson, 16533 Rolando Avenue, said he only became aware of this issue ten days ago. The residents of the El Portal area are not anti San Lorenzo but identify with Castro Valley. He stated his appreciation of the information on the website.

Jennifer James, a Fairmont Terrace area at 15936 Selborne Drive, said she could not find a good reason for the shift to the Eden Plan and would have a major consequence. Such a major decision should not be made by the Commission nor any small neighborhood association but by a vote of the residents.

William Osuna, 15936 Selborne Drive, stated that these areas connect with Castro Valley and I-580 presents as a physical barrier separating them from the Eden area. There are no compelling reasons to move the boundary under the Eden Plan. He strongly opposed RAFTA which is a club and does not represent the interests of the Fairmont Terrace residents.

Ronda Smith, 2122-173rd Avenue, stated that she has lived in Castro Valley for 28 years and urged to remain such. They were not against San Lorenzo.

April Stewart, 18755 Crest Avenue, stated that she has lived in the El Portal area for fourteen years. A change would harm her business and change her sense of community. She was neither aware of the existence of RAFTA nor had she given approval to RAFTA to speak on her behalf. Ms. Stewart also raised concerns regarding the legal notification including the lack of notices on telephone poles.

Maren Gleason, 15924 Cambrian Drive, RAFTA Boardmember, felt that the El Portal Ridge area, Fairmont Campus, Hillcrest Knowles should be considered as a whole if a change is to occur. The residents of Hillcrest Knowles and Fairmont Terrace have spent the last 4 ½ years commenting on the Eden Plan especially on the work done on Fairmont Campus open space. She requested confirmation thought that the General Plan does not affect one's community, location, neighborhood, address and school district and does not impact the potential city boundaries. She questioned the validity of the petition which asked if the residents wanted to be in Castro Valley or San Lorenzo. This is not the issue/question today. If a change is proposed, she felt that it would only be fair to include Fairmont Campus and Hillcrest Knolls followed by public comments.

Rhonda Robinson, 16539 Hannah Drive, said she has been in this area for twenty years and chose this area for its characteristics. Property values are important. She urged that the boundary remain as in the 1985 Plan.

Wulf Bieschke, President of San Lorenzo Home Associations, stated that his concern is not which Plan but the impact on the taxpayers and the cost and time of staff, and the destructive and irresponsible manner of some residents in dealing with this issue. He resents the insults and the defamation of his community. It only weakens the strength of the unincorporated area overall. There is only one boundary, the unincorporated urban area of the County and all others are just lines on the map.

Nancy Van Huffel, Manager, San Lorenzo Home Association, said that she is not against or for the boundary change but the process in future. This issue has created an unnecessary and destructive wedge between communities. It is the process and the casual manner in which the County treats land use issues in the unincorporated areas and the Planning Commission has only three Commissioners residing in the unincorporated area. She recommended the following proposals: the creation of a Community Manager position who will report directly to the County Administrative Officer to improve the efficiency and the effectiveness of the delivery of services, be cost effective and eliminate such issues; 2) the Planning Commission be re-aligned immediately to have four Commissioners living in the unincorporated areas. She urged all to work together.

Although Pam Petsas, 16518 Toledo Way, had submitted a speaker card, she did not provide her testimony.

Donetta Rett, a Fairmont Terrace resident at 15902 Welling Way, read and submitted a copy of her letter which she had also faxed to Supervisor Miley's office this morning. She was in favor of the change as she has never felt a part of Castro Valley due to their location, 'a pocket'. She felt that the value of her property is based on the proximity to the freeway, age and condition, crime rate, school district and other factors. Ms. Rett suggested relocating the boundary to a point in her area and those who have sound reason to identify with Castro Valley, and renaming the General Plans to help avoid future friction.

Barbara Neu, another Fairmont Terrace resident at 16073 Gramercy Drive, stated that the El Portal Ridge should remain in Castro Valley. RAFTA, created to resolve the school issues, does not represent her.

Paul Nielsen, 17200 Roberto Street, submitted written comments in opposition of the change. He has lived in this area for 40 years and wants to remain a part of Castro Valley. He felt that the County was being unfair and uninformative, and being led by RAFTA.

Ronald Luperine, 19145 Crest Avenue, stated that Castro Valley is a community and he wanted to remain a part of Castro Valley.

Joseph Coleman, 16008 Cambrian Drive, explained that RAFTA was formed to save Seneca Center and have a neighborhood presence for crime but not as a political party. He felt that Commissioner Hancock has a conflict of interest and asked whose input was provided to the consultants and the cost. He also felt that the community knows more than the consultants.

Paul Wolford, 16017 Gramercy Drive, said that he received his notification only two weeks ago and expressed concern regarding the notification process. He urged the Commission to do the right thing for the community.

Diann White, 19100 Crest Avenue, stated that per her insurance company, her insurance will increase up to \$123.37 if her property address is changed to reflect San Lorenzo or

San Leandro, and her property value will decrease. She felt that Commissioners Hancocks and Ready should recuse themselves.

Leah Meagher property owner of 17065 Sabina Ct and the owner of Terrace Market spoke against the change and RAFTA.

Keith Barrows, 16055 Via Del Sol, read his written testimony. He expressed notification concerns and spoke in support of the Eden Plan. He felt that Commissioners Hancocks and Ready have been unfairly characterized when they have been involved in up-lifting their neighborhoods to a higher quality of life.

Kristen Hill, 18916 Crest Avenue, stated that San Lorenzo was not a bad place but she was passionate and biased about Castro Valley. She felt that Commissioner Ready was biased.

John Lindon, 2293 Somerset Avenue, thanked all for their attendance and reminded all to sign up for the neighborhood association.

Carolyn Vasconcelos said that she has owned property on Regent Way since 1972. Hillcrest Knolls is the only area that has been included in the Eden Plan. All others including Fairmont campus, El Portal and Fairmont Terrance have always been part of Castro Valley Plan since 1961. 260 individual letters have been submitted in support of inclusion in the CV Plan and to include the Fairmont campus. She asked for the reasons for RAFTA's support for the boundary change and also the reason for the change by the consultants based on one verifiable document in support, the letter from RAFTA. She pointed out that at the June 18th meeting, all 300 except for four attendees were not in favor of the change, at the June 25th CVMAC, all 400 attendees opposed the change, 100 signatures were collected in favor of the 1985 Plan, and the unanimous support of the CVMAC. Ms. Vasconcelos submitted 300 individual letters in support and urged the support of the Commission.

Kent Wolcott said he worked ten years to preserve the open space around Lake Chabot. After July 24th, every property sale in Castro Valley will be required to disclose this change if approved, which will severely impact property values. He was in support of retaining the 1985 Plan and urged all property owners to write to the Board of Supervisors in support.

Shannon Ross, a Fairmont Terrace resident at 2200 Strang Avenue, submitted her comments in writing. She opposed the change and RAFTA which, she pointed out, represents less than 10% of the Fairmont Terrace residents and even a smaller percentage of the entire ridge. Ms. Ross was also in favor of retaining the 1985 Plan.

Ellen Sherman, 2512 Titan Way, CV, spoke against the change adding that she was speaking on behalf of five other families who could not attend this meeting. She felt that this change is being recommended for political and economic benefit.

Judith Radousky, 16561 Rolando Avenue, stated that she had not been aware of the 'El Portal' name until 2002. There had been no mention of a boundary change at any of the prior meetings. She was also in favor of the 1985 Plan.

Jim Panico, 3115 Sunshine Place, stated that he owns property on Regent Way and his tenants and he would like to remain in Castro Valley. This area is considered the gateway to Castro Valley, the west entrance.

Giji Nordquist, 19100 Crest Avenue, submitted written comments in opposition. She urged the Commission to listen to the voices of the property owners who will be affected by the proposed change.

Public testimony was closed. Commissioner Carbone stated that he has been a Castro Valley resident for the last 45 years and has attended all three meetings. Although he owns a commercial property in the El Portal area, his decision will be based on the testimonies received and CVMAC's decision. He voted in support of staff recommendation #1.

Commissioner Hancocks felt that the unincorporated area was not united and the solution to all the issues is be united and have one unified General Plan for the unincorporated County.

Commissioner Loisel requested clarification on the areas included under the Plan. Mr. Bazar explained that the El Portal area includes Fairmont Terrace, Fairmont Campus and Hillcrest Knolls. Fairmont campus, a County property, has a different planning process with GSA and could be under either Plan. Hillcrest Knolls is located on the other side of the freeway and not included in the discussion tonight and, as such, perhaps could be considered separately with adequate notification. And CVMAC had not considered this area also. The Chair requested clarification on the status of the EBRPD properties. Ms. Rivera replied that the parklands in Castro Valley are covered under Measure D and Mr. Bazar added that the Eden Plan is generally more for the urbanized area. Commissioner Loisel said she supported CVMAC's decision and staff recommendation that the El Portal area remain in Castro Valley.

Commissioner Ready pointed out that this is a Draft Plan which can be changed and most of the issues could have been resolved in the early stages.

Commissioner Jacob agreed with County Counsel regarding Commission voting/recusal process, commended Mr. Beckman's letter and pointed out that the boundary line is on paper only and the community wants it to be real. He supported staff recommendation.

Commissioner Imhof was also in support.

The Chair stated that he also supported staff recommendation consistent with the CVMAC recommendation.

Commissioner Carbone made the motion to move staff recommendation #1, to leave El Portal Ridge in its entirety with the planning Boundaries of the current (1985) Castro Valley General Plan. Commissioner Loisel seconded. At the suggestion of Commissioner Imhof, the motion was modified to include direction to staff to look at Hillcrest Knolls and bring the issue to the Commission. Mr. Bazar added that the El Portal issue will be heard by the Board of Supervisors on Tuesday, July 24th and the same process will be followed for the Hillcrest Knolls area.

Motion carried 6/1 with Commissioner Hancocks dissenting.

STAFF COMMENTS & CORRESPONDENCE: *None.*

CHAIRS REPORT: *None.*

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: *None.*

ADJOURNMENT: There being no further business, Commissioner Loisel moved to adjourn the meeting at 9:55 p.m. Commissioner Carbone seconded the motion. The motion was carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY