

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JANUARY 5, 2009
(Approved January 20, 2009)

FIELD TRIP:

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

MEMBERS EXCUSED: Commissioners Ken Carbone, Chair; Glenn Kirby; Frank Imhof and Alane Loisel.

The Commission convened at 20103 Lake Chabot Road, Castro Valley, California, at the hour of 1:30 p.m. and visited the following property with representatives of the Eden Hospital. Staff was not available.

1. **ZONING UNIT, ZU-2259 and SITE DEVELOPMENT REVIEW, S-2164, SUTTER MEDICAL CENTER, REPLACEMENT HOSPITALPROJECT DRAFT EIR - *Public Comment Hearing on the DEIR and no action will be taken*** ~ Petition to develop a new acute care hospital, totally approximately 230,000 square feet to replace an existing hospital located at 20103 Lake Chabot Road on Assessor's Parcel Numbers: 084A-0279-001-01, 084A-0279-002, 084A-0279-005-10, 084A-0279-007 and 084A-0279-010-00, Castro Valley area of unincorporated Alameda County. **Staff Planner: Jana Beatty**

REGULAR MEETING: 6:00 p.m.

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

OTHERS PRESENT: Albert Lopez, Planning Director; Jana Beatty, Senior Planner; Rodrigo Orduña, Senior Planner; Howard Lee, Planner III; Allen Lang, Building Official; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately seventeen people in the audience.

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

ANNOUNCEMENTS BY THE CHAIR: *None*

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

CONSENT CALENDAR:

1. **APPROVAL OF COMMISSION MINUTES** ~ December 1, 2008.
Commissioner Ready made the motion to approve the Minutes as submitted and Commissioner Jacob, with a correction on page 4 under Staff Comments, seconded the motion. Motion carried unanimously.

REGULAR CALENDAR:

1. **ZONING UNIT, ZU-2259 and SITE DEVELOPMENT REVIEW, S-2164, SUTTER MEDICAL CENTER, REPLACEMENT HOSPITALPROJECT DRAFT EIR - *Public Comment Hearing on the DEIR and no action will be taken*** ~ Petition to develop a new acute care hospital, totally approximately 230,000 square feet to replace an existing hospital located at 20103 Lake Chabot Road on Assessor's Parcel Numbers: 084A-0279-001-01, 084A-0279-002, 084A-0279-005-10, 084A-0279-007 and 084A-0279-010-00, Castro Valley area of unincorporated Alameda County. **Staff Planner: Jana Beatty**

Ms. Beatty announced that the public comment deadline, for both members of the public and public agencies, is January 20th.

Public testimony was called for. Jesus Armas, Project Consultant, explained that the purpose of this project is to conform to State seismic standards by 2013 and with a power-point presentation briefly discussed the project highlights; OSHPD regulations; land use designations, project schedule and the end project.

Doug Jones, representing San Leandro Community Action Network, expressed concerns regarding the fulfillment of acute patient care needs. The current plans will possibly result in a reduction of 297 acute care beds and two emergency rooms to 130 acute care beds and one emergency room because the future of the San Leandro Hospital is unknown as Sutter Health, by July 2009, could pull out its support of San Leandro Hospital. Sutter Health is requesting an approval of this project before a decision is made regarding the San Leandro Hospital. Mr. Jones urged the Commission to consider the impact of approving this project which could be followed by Sutter pulling out its support of the San Leandro Hospital. The Chair explained that his concerns were out of the scope of today's hearing and recommended that he contact the project planner, Ms. Beatty.

Suzanne Barba, a Castro Valley resident, stated that this is a much improved DEIR compared to the original. She appreciated the relocation of the hospital further away from Stanton Avenue because of the Pine Cone Apartments, and the relocation of the helistop. This is a huge project and the applicants are trying to be good neighbors. She asked if the Commission was aware of the comments made at the CVMAC meeting regarding increased traffic and the proposed traffic light on Wisteria.

Public testimony was closed. Commissioner Kirby noted that the new plans address the concerns of the community. Although not directly related to this application/hearing, he felt that it was appropriate to consider whether or not this project will result in a consolidation as indicated by Mr. Jones. Commissioner Jacob asked how the project alternative question will be addressed in the FEIR regarding potential traffic impacts through consolidation--will it be addressed as an alternative to this project or as a external factor. Ms. Beatty replied that although this may be a project issue rather than a CEQA issue, a response will be prepared. The Chair indicated that he has been involved with both the first and second projects and felt that this, the second project, is more superior and a benefit to the Castro Valley community with a much improved traffic circulation plan.

2. **PROPOSED ZONING ORDINANCE AMENDMENTS RELATING TO TENTS & CANOPIES** ~ To consider amendments of Chapters 17.04 and 17.52 of Title 17 of the Alameda County Ordinance Zoning Ordinance. (Continued from December 1, 2008) **Staff Planner: Rodrigo Orduña**

Mr. Lopez stated that although the East and West counties have separate issues, staff feels that all issues could be handled under one Ordinance. Mr. Orduña presented the staff report. A discussion ensued regarding the use of tents in the East County, the 10-foot tent height restriction, and the Planning Director's discretion for height exemptions through ACUPs. Commissioner Ready expressed concern regarding Attachment A, Section 1, #4, which provides a one-year period to bring tents/canopies into compliance, specifically for the West county. Staff explained that this period includes the public hearing process for abatements. Commissioner Ready suggested deleting the one year compliance period. Commissioner Loisel stressed the need for separate Ordinances for the East and West counties and the Chair concurred. Mr. Washington explained that landowners and commercial owners would strongly support an amortization period. Commissioner Kirby said that the amortization period would be for two circumstances: to re-coup some costs for large investments and to bring structures into compliance. He also suggested that within 60 days from the Ordinance adoption, canopy owners either have to bring the structure into compliance or remove it. Staff explained that the one year amortization period would apply to structures that would be affected by the new regulations but that by today's regulations are conforming.

Public testimony was called for. Steve Powell, 5143 Tesla Road, pointed out that the staff report does not reflect testimonies submitted at the last meeting. His property, a large agricultural parcel, contains several of these structures that meet the Fire Department requirements and are used for storage and shade for people. He expressed concerns with the ACUP process and the ten feet height requirement; and noted that at the last meeting, the Commission had asked staff to divest the East County from the residential.

Candice Dixon, representing Livermore Valley Wine Growers Association Board of Directors, indicated that the Association has not formerly taken a stand on this issue. She

also concurred with Mr. Powell that the issues are different for the residential and agricultural districts.

Public testimony was closed. The Chair also agreed that the Commission had requested a separation. Mr. Lopez explained that although located under the same Ordinance section, the issues are treated differently. This matter came up because of issues in both East and West counties. Staff discussed the intent of the Ordinance changes, noting that the existing rules apply for agricultural uses on agricultural property and are not changing. Commissioner Kirby pointed out that there is a distinction between an agricultural use and a use involving the public, and agreed on the separation. He also suggested minimum standards to by-pass the ACUP process. The Chair agreed adding that the conforming standard canopy height should coincide with the setback requirements. Commissioner Jacob, in response to staff, summarized that the Commission was requesting the exploration of impacts from these requirements to winery and winery-related uses; requiring separate language for residential properties; and subsequently a process to discuss whether or not there is a need in the Agricultural District. Commissioner Kirby clarified further that it is not related to agriculture but for those intended for special event/public occupancy.

Public testimony was re-opened. Ms. Dixon, speaking for herself and on behalf of Les Chenes Estate Vineyards, stated that she also owns a winery. Although they do not hold events, they have spent a considerable amount of money on their winery buildings and, as such, expressed concerns with the use of tents for events. They also use tents, approximately 10' x 20', during harvest for shade.

Mr. Lopez pointed out that the Ordinance does allow the use of canopies for special events through the ACUP process but for a limited number of times during one year to encourage investments similar to Ms Dixon. Commissioner Jacob summarized that the Commission would like to proceed with the residential district and to engage the South Livermore Valley community in the debate before any action is taken for the East County. *Commissioner Kirby made the motion for a continuance and Commissioner Loisel seconded. Motion carried unanimously, 7/0*

3. **PROPOSED GREEN BUILDING ORDINANCE** ~ To consider an Ordinance adding Section 460 "Green Building Program" to the Alameda County Municipal Code Chapter 15.08 Building Ordinance.
Staff Planner: Howard Lee

Mr. Lee presented the staff report. Commissioner Jacob noted that the Subcommittee had received comments/input from the Green Building community: StopWaste.Org, US Green Council, the Home Builders Association of Northern California, and Public Works Agency. Commissioner Kirby added that the Ordinance is consistent with the BOS direction, neighboring cities and State requirements, and allows it to move forward in phases and without obtaining third party verifications.

Public testimony was called for. Wendy Sommer, representing StopWaste.Org, stated that although their Board does not take a position on a mandatory Green Building Ordinance for private development, she commended the work completed to-date. She will be working with staff with the filing of the Findings with both the CEC and the Building Standards Commission. Ms. Sommer also introduced Jeff Jacobs, Consultant, who has completed cost studies for green buildings.

Marc Crawford, 3832 Somerset Avenue, Castro Valley, indicated that cost is the biggest issue as the building industry currently is suffering. He felt that adequate study has not been completed but is being rushed; and the cost study of the unincorporated areas, Ashland, Cherryland, Castro Valley and San Lorenzo, would be very different from a city, such as the City of Santa Rosa.

Commissioner Ready also expressed similar concerns regarding cost and pointing out that consideration should be given to the Cherryland homes which are about 65 years old that needs to be rehabilitated to last even longer whereas the green buildings have been given a life of only approximately 50 years. Staff noted that the Green Building Ordinance only focuses on new construction and 1,000 square feet additions for residential and 10,000 square feet for non-residential. A discussion followed regarding the point system; phasing, and incentive programs; 2010 State deadline and a possible future review of the Ordinance after the States Findings.

Public testimony was re-opened. Mr. Crawford requested further clarification on the timing of the point system and check-list requirement relative to the filing of the Findings with the State. Mr. Lang explained that although a check list will be requested by the County, Building Inspectors will not enforce the points prior to filing of Findings with the State. After filing of Findings with the State, meeting of minimum point thresholds would be required, but 3rd party certification would not. Mr. Crawford reiterated his concern of costs, noting the last sentence on the City of Santa Rosa Cost Study (“Related green building implementation would be built into the existing permitting, plan check and inspection process”); and the use of costly consultants.

Abbey Diller, 2893 Regatta Drive, Oakland, said that as a homeowner, she understood the concerns regarding the cost but noted that no discussion has taken place regarding the offsets to the costs from being energy efficient.

Ms. Sommer provided further clarification on the State process; the State Green Building Code, a list of voluntary measures which includes 17 mandatory items, has the 2010 deadline. The Findings will be filed by staff with the Building Standards Commission. She also supported the timing of the Ordinance and a possible review sometime in the future.

Public testimony was closed. Commissioner Jacob agreed that this would add additional costs to projects but explained that in the long term and in relation to AB32 issues and SP375, the county will lose a substantial amount of potential grant money if it does not

address green building. He encouraged staff to look for ways to use the Ordinance to develop a methodology to quantify the success.

Commissioner Jacob made the motion to move staff recommendation and to include a two year review period. Commissioner Kirby seconded. Staff recommended replacing the word ‘or’ with ‘and’ on page 3 under Section 460.3 Applicability (“The provisions of this Ordinance shall not apply to any project for which a Tentative Map and Site Development Review...”). The motion was amended to reflect this modification. Motion carried unanimously, 7/0.

STAFF COMMENTS & CORRESPONDENCE: *None.*

CHAIRS REPORT: *None*

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: Commissioner Imhof thanked staff for the clock repair.

Commissioner Kirby announced that he has received a Notice of Preparation for the Habitat Conservation Plan for the Alameda County Watershed/SF PUC. The comment period deadline is January 23rd. Since he will be submitting comments, he requested the name of the assigned planner in order to review the County’s response. Due to time constraint of the comment period, Mr. Lopez indicated that he will respond via email.

ADJOURNMENT: *There being no further business, Commissioner Imhof moved to adjourn the meeting at 7:40 p.m. Commissioner Loisel seconded the motion. The motion was carried 7/0.*

ALBERT LOPEZ, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY