

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
APRIL 6, 2009
(Approved April 20, 2009)

FIELD TRIP:

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

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

OTHERS PRESENT: Howard Lee and Bruce Jensen.

The Commission convened at 224 W. Winton Avenue, Room 111, Hayward, California, at noon and adjourned to the field to visit the following properties:

1. **FIVE YEAR PERIODIC REVIEWS, SURFACE MINING PERMITS SMP-24, SMP-32 AND SMP-33** ~ Required periodic reviews for three surface mining permits held by Leigh-Hanson Aggregates collectively for its mining operation in the Sunol Valley, on lands approximately 480 acres, owned by Lehigh-Hanson and City of San Francisco. (Public hearing set for April 20, 2009). **Staff Planner: Bruce Jensen**
2. **JIM and PAT O'LAUGHLIN, SITE DEVELOPMENT REVIEW and CONDITIONAL USE PERMIT, PLN2009-00005** ~ Petition to allow construction of two duplexes, each with one bedroom, to be used as rental units, in the SD (Sunol Downtown) District, located at 233 Bond Street, northwest corner of Main and Bond Streets, Sunol area of unincorporated Alameda County, Assessor's Parcel Number: 096-0140-020-00. **Staff Planner: Howard Lee**
3. **GENERAL PLAN CONFORMANCE REPORT, GPC2008-00071** ~ Proposal by Redevelopment Agency to purchase a 0.91 acre site (39,750 square feet), located at 278 Hampton Road, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Number 413-0035-010-00, to provide for future residential development or a community center, consistent with the guidelines set forth in the Ashland and Cherryland Business District Specific Plan and the Eden Area Plan. **Staff Planner: Howard Lee**
4. **GENERAL PLAN CONFORMANCE REPORT, GPC2009-00042** ~ Proposal by Redevelopment Agency to purchase a 1.97 acre (85,813 square feet) site, located at 18651 Via Toledo, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Number 413-0083-065-00, for a future fire station or park, consistent with the guidelines set forth in the Eden Area Plan. **Staff Planner: Howard Lee**

Committee of the Whole

Time: 4:30 p.m.

Place: Public Hearing Room
224 West Winton Avenue,
Hayward California

1. **2009 HOUSING ELEMENT SUBCOMMITTEE UP-DATE**

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; Rodrigo Orduña, Senior Planner; Jana Beatty, Senior Planner; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately fifty-five 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: *No items.*

REGULAR CALENDAR:

1. **EPA TECHNICAL GRANT FOR COMMERCIAL CORRIDOR REDEVELOPMENT ~ *Informational item only.***

Mr. Orduña presented the staff report and no public testimony was submitted.

2. **JIM and PAT O'LAUGHLIN, SITE DEVELOPMENT REVIEW and CONDITIONAL USE PERMIT, PLN2009-00005 ~** Petition to allow construction of two duplexes, each with one bedroom, to be used as rental units, in the SD (Sunol Downtown) District, located at 233 Bond Street, northwest corner of Main and Bond Streets, Sunol area of unincorporated

Alameda County, Assessor's Parcel Number: 096-0140-020-00. **Staff Planner: Howard Lee**

Mr. Orduña presented the staff report.

Public testimony was called for. Jim O'Laughlin, applicant, pointed out that this project will have a positive impact on Sunol; eliminate a 20-year eye-sore at a critical intersection; will be an ecologically/environmentally sound project; attractive; and an enhancement to the community. It will be a low intensity use replacing a service station and two auto repair shops.

Patricia Stillman, 2934 Kilkare Road, community activist and President of Save Our Sunol, in support, stated that the applicant has complied with every requirement and the project will be a great improvement to Sunol.

Dan Reasor, 11865 Foothill Road, Sunol Citizens Advisory Committee, noted that Mr. O'Laughlin has worked on this project for many years and urged the Commission to find ways to streamline the process for such projects.

Public testimony was closed. Commissioner Kirby announced that the Commission had visited the site today and had discussed the issue of ADA requirements, which may require installation of an elevator. He asked for the basis of such a requirement -- whether it is based on the number of units or the type of structure. Staff clarified this misunderstanding, stating that an elevator is not required for this development, and explained that although it is a Building Department code/issue, staff is working with the Building Official regarding the applicant's misunderstanding and noted that it will not hold up the Planning Department's process. The Building Department is requiring the project to meet HCD and ADA requirements and not specifically an elevator. County Counsel added that per his discussion with the Building Official today, the project needs to comply with the HCD requirement for access and an elevator is not required but only one ground floor unit to be ADA accessible. Commissioner Jacob stated his appreciation that the project is a GreenPoint Rated project. In reference to Condition #4, he noted the omission of Exhibit 'B' in his package and the language "...Planning Department review" instead of "Planning Director review". Staff explained that Exhibit B will be the approved site plan and Mr. Lopez indicated that the language could be modified to read "...Planning Director review". Commissioner Kirby requested clarification on the vines to be grown at the site; whether or not they would be grown and maintained for aesthetic purposes only or for commercial gain.

Public testimony was re-opened. Mr. O'Laughlin explained that the vines are primarily for visual aesthetics; they would be a drought-tolerant but attractive method of landscaping which eliminates a much water-needed lawn; and if productive, some local wineries may be interested. In reference to California Building Code Chapter 11A, Mr. O'Laughlin said that there was nothing in the statement which indicates that a duplex falls under this chapter. He had not been made aware of the requirements prior to this hearing. Mr. Orduña said that staff will schedule a meeting with the Building department.

Public testimony was closed. *Commissioner Kirby made the motion to move staff recommendation for an approval with the above recommended language modification to Condition #4 and Commissioner Loisel seconded. Motion carried unanimously, 7/0. Commissioner Jacob requested that the Commission be provided with an up-date on the Building Department determination. Commissioner Kirby also expressed concern regarding approval of projects and passing of problems to other departments/agencies; and justification of some conditions. As such, much more coordination is needed between departments and agencies.*

3. **SUTTER MEDICAL CENTER REPLACEMENT HOSPITAL PROJECT** ~ Petition to certify the Environmental Impact Report (SCH No. 2008052019), approve a Castro Valley General Plan Amendment (PLN2009-33), Castro Valley Central Business District Specific Plan Amendment (PLN2009-33), and Planned Development Zoning and Land Use and Development Plan (PLN2008-2259). The Sutter Medical Center, Castro Valley project (“SMCCV Project”) would develop a new acute care hospital to replace the existing hospital on the Eden Medical Center site. The new hospital would total approximately 230,000 square feet and would contain approximately 130 licensed beds in private, single-patient rooms, and an additional 34-station universal care unit. The project would also relocate an existing helistop, construct a new 80,000 sq. ft. medical office building with physician offices, out-patient surgery, urgent care clinic and other uses, and would involve the development of related improvements and facilities such as a central utility plant, surface parking, a direct, on-site connection to the existing parking garage, driveways and loading areas, landscaped areas, and signage. The SMCCV Project will involve demolition of the existing Eden Hospital (after completion of the proposed new hospital), the Laurel Grove Hospital, several small medical office buildings (totaling approximately 19,500 sq. ft.), and an adjacent 42-unit apartment building (the Pine Cone Apartments on Stanton Avenue). The existing Eden Hospital would remain operational until completion of the new hospital, at which time it would be demolished and replaced with landscaped surface parking. The facility is located at 20103 Lake Chabot Road on County Assessor’s Parcel Numbers: 084A-0279-005-10, 084A-0279-007, 084A-0279-010-00, 084A-0279-001-01, and 084A-0279-002, in the Castro Valley area of unincorporated Alameda County. **Staff Planner: Jana Beatty Weldon**

Ms. Weldon presented the staff report. The DEIR had been circulated to the public beyond the required 45 days and responses to all the comments have been provided in the FEIR. Castro Valley MAC on March 23rd recommended an approval but included in their motion that the BOS take into account any potential closure of San Leandro Hospital (SL Hospital) which carried 4/2. Although the two dissenting members supported the project, they did not agree with the additional language but concurred with the conclusion of the EIR that any potential closure of SL Hospital is not related to the project.

Public testimony was called for. Jesus Armas, speaking on behalf of the Sutter team, stated that this is an important community project dealing with health and safety, and a milestone in advancing healthcare of the community. The project has also been prompted by State regulations that require acute-care hospitals meeting seismic standards by 2013.

George Bischalaney, President & CEO, Eden Medical Center, stated that their vision is to create an extraordinary landmark and with a powerpoint presentation, discussed the following main points: project goals, needs, bed analysis; Emergency Department/Urgent Care capacity; impact of surgical advances on hospital bed utilization and hospital occupancy. He also introduced and discussed a table reflecting the average occupancy rate in 2007 submitted in public testimony at the CVMAC meeting. Mr. Bischalaney urged an approval.

Andrew Flannigan, project architect, noted the three main goals of the exterior design—campus connectivity, neighborhood and creation of a community landmark. With a powerpoint presentation, he showed and described the projected view of the northern side, the podium, the material to be used; tower, main front entry, an aerial view looking north, west, and a night view. He also provided an animation presentation.

Mr. Armas added that this project would achieve a LEED silver rating; no public funds will be utilized and the project would provide employment opportunities during the three construction years. He also urged an approval.

Lyssa Wieland, a Castro valley resident for over 25 years and a 16-year employee, spoke in support. She felt that it was imperative that the medical center be built.

Doug Jones, representing San Leandro Community Action Network, stated that the community's concern is the dramatic size reduction and the future of the SL Hospital. The CVMAC Chair felt that the EIR did not take fullest consideration of the potential impact on SL Hospital's future. Responses to Comments section of the EIR mentions that the future has not been determined and, as such, it would be speculative to consider future utilization. He further read the MOU, page 5, which indicates that the future is not speculative. He felt that the County should request Sutter to continue operation of the SL Hospital to avoid having the CV project become over-whelmed. Mr. Jones disagreed with another portion of the 'Responses to Comments' that the EIR analysis of the project was based on substantially higher utilization and efficiency ratio. The Average Occupancies list shows that there is no hospital close to the 85% occupancy rate that Sutter is proposing as their target.

Tim Holmes, a San Leandro resident, a local business owner, requested that the project not be moved forward until the overall impact of the Sutter's EIR is addressed. Although he supported the 'stand-alone project', any one of Sutter's goals (closing of SL Hospital Acute Care; 85% occupancy rate; and a reduction of hospital beds) would have a negative impact on health care in the area. He urged the Commission to consider the significant cumulative impact, overall and environmental, the closing of the SL Hospital will have.

Sutter's vision of 85% occupancy rate and 130 beds would be disastrously inadequate during a major earthquake.

Rajendra Ratnesar, Chair, Eden Township Health Care District Board, stated that it has been the desire of the Board that Eden Hospital be replaced. The option of a retro-fit was considered but a new hospital was the only option left. The Board passed a resolution in October, 2008, endorsing the plans and construction of the new hospital. He also noted that there will be no financial contribution from the community and urged an approval.

Dwight Perry, resident and business owner in Castro Valley, praised the Neuroscience Department of the hospital. He pointed out that the non-use of public funds, timing is critical and the fewer beds would provide better utilization. Although a resolution is needed for the SL Hospital, it is a complex issue and timing for the Eden Hospital is critical. Mr. Perry also urged an approval.

Sidney Wanetick, a physician for 26 years at the hospital, in support said that the new hospital is necessary for the community and should be exclusive from the decision regarding the SL Hospital. There is a need for a modern state-of-the-art hospital to attract physicians to the area and he urged an approval.

Ken Hinck, resident of Castro Valley and a 15 year employee of Eden Medical Center, currently the Director of Rehabilitation Services and the Emergency Preparedness Coordinator, stated that currently it would be difficult to meet all the needs of Castro Valley and San Leandro communities in the event of an earthquake. Mr. Hinck also urged an approval.

Maria Ousley, a San Leandro resident, read her written statement. She urged the Commission not to certify the EIR unless Sutter guarantees not to reduce or eliminate S L Hospital's acute care services. The proposed changes to Eden and SL Hospital will seriously adversely affect the residents of western Alameda County. The plan is to replace Eden with a significantly smaller hospital followed by the closure of the S L Hospital's acute care services. As a result, ER services will be drastically reduced and Sutter will filter the uninsured, Medi-cal and other patients who will turn to the County facilities; over-burden the trauma unit and increase the ER waiting time. Ms. Ousley disagreed with Sutter's statement that the future of SL Hospital is irrelevant as Sutter operates both Eden and SL Hospital under the same license and in the same document ties the re-building of Eden Hospital to the closing of SL Hospital. She requested that the Commission require Sutter to preserve not only their existence but the level of services also. Ms. Ousley also pointed out the CVMAC recommendation.

Michael Brannon stated that he works for the California Nurses Association and represents the nurses both at Eden and SL Hospital. The Association feels that it would be unforgivable to approve the project without a commitment to continue acute care services at SL Hospital. The plan to downsize and the lack of psychiatric unit should be a reason not to approve the project. The loss of acute care services at SL Hospital would be a major blow to the community. Mr. Brannon urged the Commission to not approve

the project without a commitment to continue services at SL Hospital, and pointed out that these two issues are related and should be linked.

Erin Cornelius, a Castro Valley resident at 17700 Madison Avenue, felt that the hospital is part of Castro Valley and a new hospital would be safer and more efficient.

Jeannie Cornelius, a 15 year Castro Valley resident and a 22 year employee, said she has also been a patient at the hospital. She urged support for the new hospital.

Commissioner Rhodes felt that a bed count was not necessarily the way to deal with a catastrophic event and questioned the emergency preparedness in the event of a major earthquake after the construction of the new hospital and perhaps the closure of SL Hospital. Mr. Hinck replied that major earthquake would be a regional event, a risk analysis is conducted yearly, reviewed by County Public Health, together with a Surge Plan.

Mr. Armas pointed out that the staff report and the FEIR both answer the comments raised tonight. Commissioner Ready said that although she supports the new hospital, she has concerns regarding the closure of the SL Hospital and asked what the association was between Sutter and SL Hospital. The Chair requested clarification on the relevance of the SL Hospital. County Counsel explained that there would have been relevance if this project had lead to physical impacts that would have needed to be discussed in the EIR. The EIR concluded that there was a separation--there is no relevance. Mr. Armas further stated that these are two independent projects; the issue before the Commission is the future of the Eden Medical Center; the EIR also concluded that there are no impacts related to the SL Hospital's future that has not been adequately analyzed already, and also notes that the future of SL Hospital is under review and its final disposition has not been determined at this point. It is also noted in other documents that SL Hospital is not owned by Sutter but by Eden Health Care Township District which is an elected five-person board. Sutter is a tenant. SL Hospital's future is under review but is not directly tied to the future of this facility.

Commissioner Kirby requested clarification on the location of the elevator as a prominent structure and the type of the exterior material. In response, Mr. Flannigan, project architect, explained that the elevator extends 16 feet above the roof of the sixth floor and the corrugated material and color will blend in. Commissioner Kirby further added that at the last meeting he had stated his concerns regarding the reduction of services at the SL Hospital and the reduction of community hospitals in the County. Although the SL Hospital is not relevant to the matter in front of the Commission, he wanted to encourage the Commission to recommend that the BOS look at the County's level of service for medical facilities.

A discussion followed regarding possible different motions. *Commissioner Kirby made the motion to approve the EIR and Commissioner Imhof seconded. Motion carried unanimously, 7/0.*

Commissioner Ready made the motion to adopt the Resolution amending the Castro Valley Plan. Commissioner Imhof seconded and the motion carried unanimously, 7/0.

Commissioner Rhodes made the motion to adopt the Ordinance amending the Castro Valley Central Business District Specific Plan. Commissioner Imhof seconded and the motion carried unanimously, 7/0.

Commissioner Imhof made the motion to adopt the Ordinance establishing a Planned Development zoning district and adoption of a Land Use and Development Plan. Commissioner Jacob noted that an approval of a PD change includes making the Findings, and asked if it would be appropriate to include the recommendation regarding the SL Hospital in this motion or to make a separate recommendation. County Counsel recommended a separate motion. Commissioner Loisel indicated her preference to a similar action as the CVMAC and the Chair concurred. Commissioner Kirby seconded the motion which carried unanimously, 7/0.

Commissioner Kirby agreed that their actions on land use decisions are not linked to SL Hospital. However, in response to the comments received and the level of concern expressed, he recommended that the BOS look at the adequacy of the level of service in the County including SL Hospital. Commissioner Jacob seconded and the recommendation carried 6/1 with Commissioner Loisel dissenting.

STAFF COMMENTS & CORRESPONDENCE: *None*

CHAIRS REPORT: *None*

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: *None*

ADJOURNMENT: *There being no further business, Commissioner Imhof moved to adjourn the meeting at 7:50 p.m. Commissioner Loisel seconded the motion. The motion was carried 7/0.*

ALBERT LOPEZ, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY