

**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**



**STAFF REPORT**

**TO** Members of the Alameda County Planning Commission  
**RE** Scenic Corridor Combining District  
**HEARING DATE** October 15, 2012

**GENERAL INFORMATION**

The following is an overview of the possible amendments to the County's Zoning Ordinance intended to provide additional regulations for areas of visual significance.

**STAFF RECOMMENDATION**

Staff requests that the Commission hear the staff presentation and provide guidance to staff regarding a Scenic Corridor Combining District.

**STAFF ANALYSIS**

*Introduction*

Staff recommends the creation of a Scenic Corridor Combining District in order to preserve the character of the scenic corridors within unincorporated Alameda County. As with any other combining district, the proposed designation would not change the underlying use categories (e.g., Residential, Agricultural, Commercial, etc.) and 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 these development within a corridor could be effectively regulated using a modified site development review. The specifics of that process shall be provided in the draft Ordinance at a later date.

*Background*

On December 4, 2010, the Board of Supervisors approved a moratorium on development occurring within the Interstate 580/Dublin Canyon Corridor (Attachment A). This moratorium was to expire in November 2011, and was extended until November 2012. During the moratorium, the Planning Department was expected to "review existing policies and programs to better address the concern of development in the Dublin Canyon/I-580 Corridor." At this time, staff is developing policies to address development in the area.

Many jurisdictions have taken wide ranging approaches to the protection of scenic resources adjacent to highways and roads. For example, Los Angeles County developed a specific plan to preserve views along Mulholland drive, the City of Oakland and Napa County have adopted a combining district to address development in areas that have been identified for their scenic importance, and communities across the state have sought protection via State Scenic Route Designations. While all of these approaches achieve similar levels of protection, they provide differing levels of time and other associated costs. As a result, staff recommends that the Commission consider the creation of a combining district, hereinafter referred to as the Scenic Corridor Combining District, and subsequent rezoning of land within the corridor (as identified in the moratorium) to include the additional designation. Moreover, staff believes that the

adoption of these amendments would not preclude the later development of a specific plan or additional requirements within the Dublin Canyon/ Interstate 580 corridor, to ensure that future development is compatible with the visual features of the area.

#### *Amendment Preparation*

It is anticipated that the preparation of the Ordinance amendment will involve the following steps and consultations:

- Research Federal and State law. Staff will research State and Federal laws to provide guidance and the legal basis for the proposed district.
- Alameda County General Plan / Examples of Ordinances by Other Planning Departments. Staff will prepare an initial draft of the Ordinance amendments based on legal research, consistency with the General Plan, and reviewing examples of similar ordinances, recently adopted by other local agencies throughout the State.
- Consultation with Agencies and Committees. In the preparation of the draft amendment, staff will seek input from County Counsel, the Public Works Agency, the Unincorporated Services Committee, Agricultural Advisory Committee, Sunol Citizens Advisory Committee (SCAC), and the Castro Valley Municipal Advisory Council (CVMAC).
- Planning Commission Hearings. Planning Commission hearings will be scheduled as soon as possible. The hearings will provide the opportunity for additional public input and will allow the Commission to review the draft amendment, suggest revisions, and make a formal action to move the amendments to the Board of Supervisors for approval.

#### *Issues to Be Addressed*

The following is a list of topics which could be addressed under a Scenic Corridor Combining District.

Land Use: The Commission may want to consider limitations on certain types of uses within the combining district, which may be otherwise permitted or conditionally permitted

Building Height, Mass, and Siting: Development within the viewshed would be subject to height limits, as well as other design standards, including limits on building mass and scale. Guidance would also be provided on the siting of buildings within parcels so as to minimize viewshed impacts. Siting provisions may encompass distance from the roadway as well as specific steps to be taken to minimize impacts through attention to the characteristics of individual parcels.

Building Materials, Colors and Styles: Additional requirements or guidelines for building appearance, such as lists of acceptable materials, colors, or style requirements could also be considered, subject to the constraints of the state and federal law. For example, some municipalities require or recommend that commercial buildings include windows, surface textural treatments, and a pitched roof to avoid the appearance of a flat “box” on the landscape. Building orientation may also be regulated to avoid exposing rear facades to public roadways. The Commission may also want to consider specifying building styles and materials that are aesthetically compatible with the agricultural setting or with a predominant architectural style.

Parking: Scenic vistas are vulnerable not only to poorly designed or situated buildings, but to the visual impacts of parking lots and loading areas. For this reason, staff recommends that parking requirements be established within the Scenic Corridor Combining District. A widely recommended approach is to require

that parking be located behind buildings, or otherwise screened from direct view through landscaping. Landscaping could also be required to help minimize any visual impacts.

Signs, Billboards, and Telecommunications Towers: Sign regulations are among the most important elements within the proposed zone. The County's Billboard Ordinance and existing sign provisions would be the foundation of any regulations within the zone; however, the Commission may want to consider additional standards which may address the dimensions, number, location, and appearance of signs to minimize their impact on corridor views and the general appearance of the roadside. It is generally recommended that commercial signs be low in height, to reduce visual impact while still providing effective communication to the motorist. The Combining District could also contain standards regarding the color and illumination of signs. The Commission may also want to consider additional provisions to reduce any potential visual impact of wireless telecommunication facilities and electric transmission lines.

Outdoor Lighting: Outdoor lighting can also be regulated in the proposed Scenic Corridor Combining District, both to control the appearance of light fixtures and illuminated signs and to ensure that lighting complements the visual quality of the corridor at night.

Landscaping and Grading: The Scenic Corridor Combining District ordinance could include requirements for landscaping to soften the appearance of structures and signs. Proposed requirements for grading and landscaping shall be reviewed for consistency with the County's Grading and Water Efficient Landscaping Ordinances. Some municipalities also regulate the grading of building sites, in order to preserve existing contours and help ensure that future development is harmonious with existing topography. Landscaping may also be required to provide for naturalistic transitions between preserved areas and developed areas.

Tree and Vegetation Conservation: Within the Scenic Corridor Combining District, development would be subject to landscape requirements that could include the protection of certain categories of existing trees and other vegetation (such as farm hedgerows and mature tree stands or established meadows that form part of a critical viewshed).

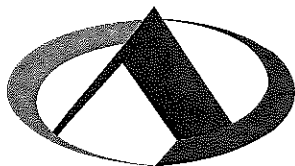
## CONCLUSION

At this time staff requests that the Planning Commission provide feedback on the proposed amendment development process, and the topics/issues covered. A proposed workplan is provided as "Attachment B". The draft amendments will be submitted to the Planning Commission for approval as soon as possible. Following approval by the Planning Commission, The Board of Supervisors will consider the amendments.

## ATTACHMENT

- A. Board Letter, December 21, 2010
- B. Ordinance Workplan

<b>PREPARED BY:</b>	Angela C. Robinson Piñon, Planner
<b>REVIEWED BY:</b>	Sonia Urzua, Senior Planner



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT

Chris Bazar  
Agency Director

December 15, 2010

Agenda Item # 4  
December 21, 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: 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 9<sup>th</sup>, 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**

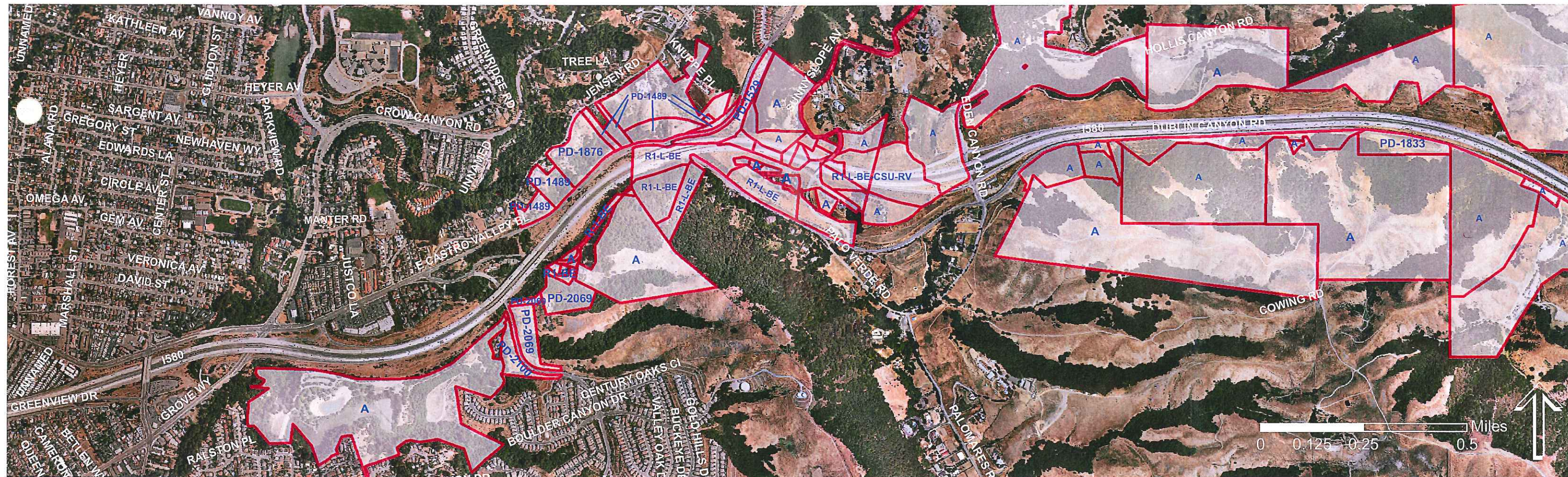
Beginning on the effective date of this interim ordinance and continuing for the duration of this interim ordinance and any extension(s) thereto, the County shall not approve development applications for development in the unincorporated area of the County adjacent to Interstate 580 within the Dublin 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.

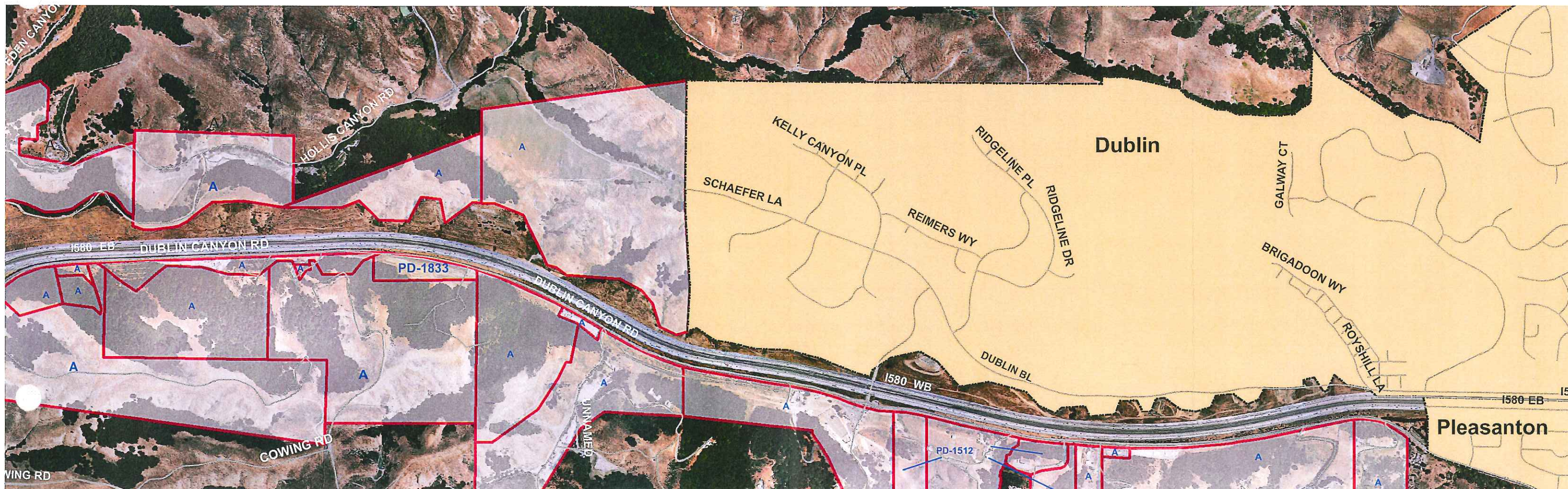
#### **SECTION III**

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.

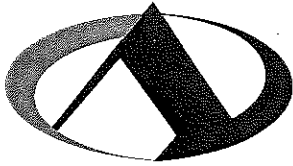




**INTERSTATE 580 - PARCELS ABUTTING FREEWAY BETWEEN GROVE/CROW CANYON AND THE CITY OF PLEASANTON**







ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT

Chris Bazar  
Agency Director

November 3, 2010

Agenda Item # 6  
November 9, 2010

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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**

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#### **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.







## PROPOSED SCENIC CORRIDORS COMBINING DISTRICT WORKPLAN

STAFF TASKS	SCHEDULE	DOCUMENT	MEETINGS	MEETING OBJECTIVES
Kick off meeting	October 2012	Staff Report	Planning Commission October 15, 2012	Provide overview of project and its parameters.
Ordinance amendment preparation	October 2012	Draft Amendment	Planning Commission November 5, 2012	Present draft Ordinance amendment
Meeting	November 2012	Staff Report and Ordinance amendments	Castro Valley MAC November 26, 2012	Provide project information and present draft Ordinance amendment.
Meeting	November 2012	Staff Report and Ordinance amendments	Parks, Recreation and Historical Commission December 6, 2012	Provide project information and present draft Ordinance amendment.
Meeting	November 2012	Staff Report and Ordinance amendments	Sunol CAC TBD	Provide project information and present draft Ordinance amendment.
Meeting	November 2012	Staff Report and Ordinance amendments	Agriculture Advisory Committee TBD	Provide project information and present draft Ordinance amendment.
Revise Ordinance amendment	December 2012	Revised Ordinance amendments	N/A	N/A
Meeting	January 2013	Staff Report and revised Ordinance amendments	Planning Commission TBD	Discuss proposed amendment
Draft CEQA Document	January 2013	CEQA Document	Planning Commission TBD	Discuss the draft CEQA document
Circulate CEQA Document and Draft Element	January or February 2013	N/A	N/A	N/A
Review Ordinance amendment and CEQA document	February 2013	Ordinance amendments and CEQA documents	Planning Commission TBD	Discuss proposed amendment and CEQA document