



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Chris Bazar
Agency Director

MEMORANDUM

Albert Lopez
Planning Director

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TO: Board of Supervisors' Unincorporated Services Committee

FROM: Chris Bazar, Director, Community Development Agency
Albert Lopez, Planning Director

DATE: December 5, 2012

SUBJECT: Scenic Corridor Combining District

BACKGROUND

Brief History and Overview

Natural scenic beauty supports a number of important community elements, including the natural environment, community quality of life and character, and local economies. These viewsheds often contain relatively large natural areas and provide the benefits associated with the included ecosystems, such as watersheds and unfragmented habitat. The beauty of these areas contributes to the short-term and long-term quality of life for the people and communities who experience them.

In addition, 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 set to expire in November 2011, and was later extended to 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."

Staff recommends the creation of a Scenic Corridor Combining District not only to preserve the character of the scenic corridors within unincorporated Alameda County but also to comply with the Board's December, 2010 request. 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 development within a designated corridor could be effectively regulated using a modified Site Development Review.

Ordinance Development

To date, staff has conducted the following activities:

- Researched Federal and State law
- Reviewed the Alameda County General Plan
- Reviewed Ordinances and Plans Prepared by Other Planning Departments
- Consulted with Agencies and Committees

The following table summarizes the meetings held to date on the draft Ordinance.

MEETING BODY	DATE	MEETING OBJECTIVES
Planning Commission	10/15/12	Inform the Commission that staff had begun working on the Ordinance; describe the process to be used and the parameters to be addressed under the proposed Ordinance
Planning Commission	11/5/12	Introduce and seek feedback on the draft Ordinance
Sunol Citizen's Advisory Committee	11/14/12	Introduce and seek feedback on the draft Ordinance
Castro Valley Municipal Advisory Council	11/26/12	Introduce and seek feedback on the draft Ordinance
Agricultural Advisory Committee	TBD	Introduce and seek feedback on the draft Ordinance
Parks, Recreation and Historical Commission	12/6/12	Introduce and seek feedback on the draft Ordinance

Relationship to the General Plan

The Alameda County General Plan, or more specifically the East County Area Plan as amended by Measure D (ECAP), contains numerous policies and standards that are designed to protect environmental resources such as public views, open space, and habitats and other biological resources that serve to prevent development from having a significant, adverse effect on the environment. The proposed Scenic Corridor Combining District creates a review process that supports ECAP's open space and view protection goals.

Permitting Process

Staff believes that the proposed district would 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.

The district addresses the following issues/concerns:

- Land Use
- Building Height, Mass, and Siting
- Building Materials, Colors and Styles
- Parking
- Signs, Billboards, and Telecommunications Towers
- Landscaping and Grading
- Tree and Vegetation Conservation
- Outdoor Lighting

COST

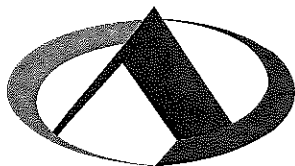
The Ordinance amendment has been prepared in-house by County staff. Therefore, no additional costs are anticipated to the County for the preparation of the Ordinance amendment.

NEXT STEPS

At this time, staff is requesting feedback on the proposed Ordinance. With your recommendation, and subsequent approval by the Planning Commission, staff anticipates the Ordinance will be presented to the full Board in February 2013.

ATTACHMENTS

- A. Board Letter, December 21, 2010
- B. Draft Scenic Corridor Combining District



ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

December 15, 2010

Agenda Item # 4
December 21, 2010

Albert Lopez
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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 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:

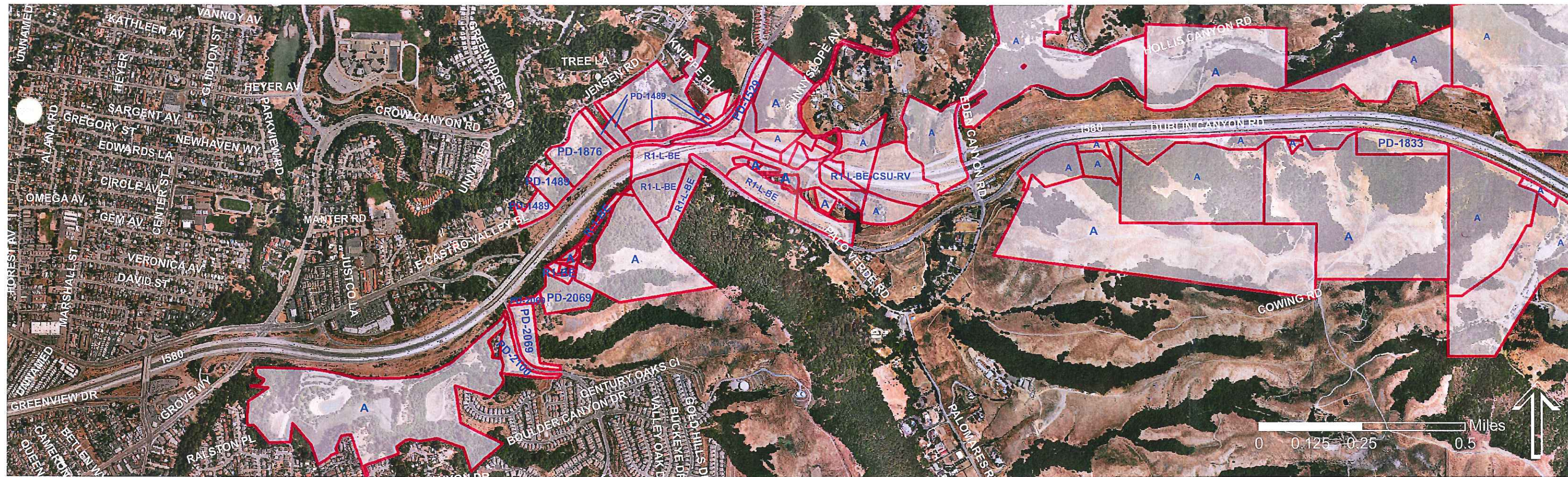
Temporary Prohibition of Approval of Development Applications

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.

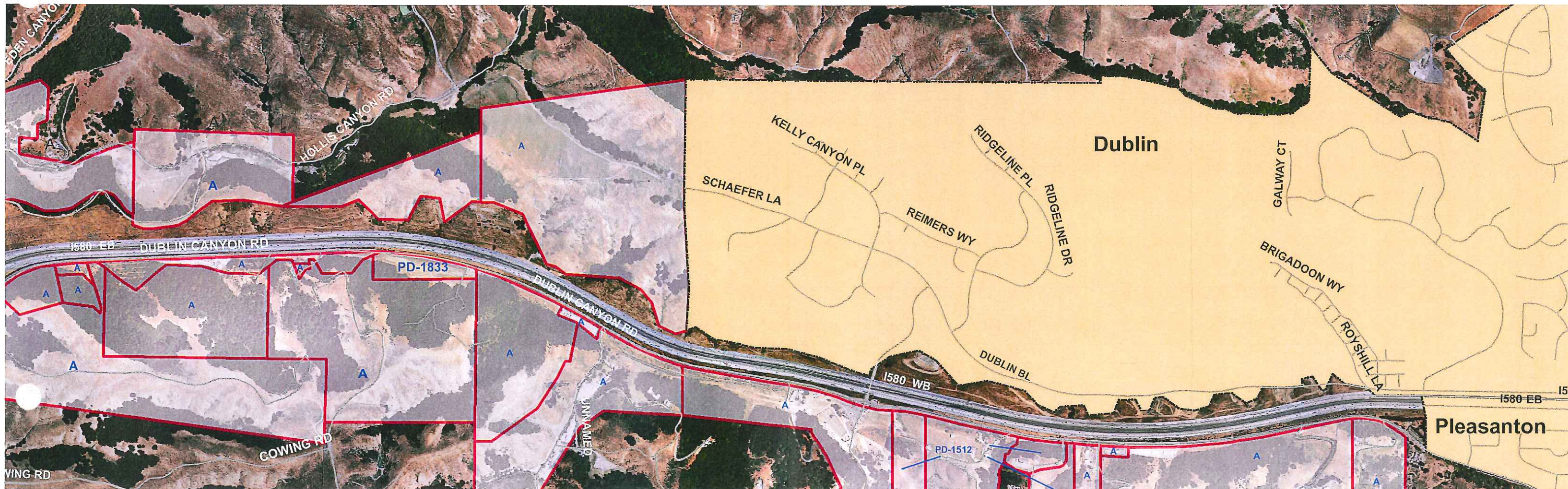
The phrase “development applications for development” applies to applications for approval arising under Planning and Zoning Laws, Government Code Section 65000 et seq., the Subdivision Map Act, Government Code Section 66410 et seq., and the County zoning and subdivision ordinances enacted pursuant to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

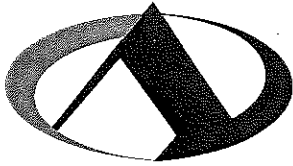
SECTION III

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
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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

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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.
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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.

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. 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 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.
 12. The number of access points to and from the scenic corridor shall be minimized

SC DISTRICTS

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.

15. 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.

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.