

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
APRIL 19, 2010
(Approved May 17, 2010)

REGULAR MEETING: 1:30 p.m.

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

MEMBERS EXCUSED: Commissioners Mike Jacob, Chair; and Alane Loisel.

OTHERS PRESENT: Albert Lopez, Planning Director; Bruce Jensen, Senior Planner; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were seven people in the audience.

CALL TO ORDER: *The Vice-Chair called the meeting to order at 1:40 p.m.*

ANNOUNCEMENTS BY THE CHAIR: Vice-Chair Rhodes announced that staff has a modification to the agenda. Mr. Jensen stated that items 2 and 3 of the Regular Calendar will be continued due to some pending legal and administrative issue; to be continued tentatively for two months, to the first hearing in June, 2010.

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** – March 15, 2010

Commissioner Ready made a typo correction on page 7, corrected the Field Trip time to read 12:30 p.m. and the meeting adjournment time to read 4:15p.m. *Commissioner Kirby made the motion to approve the modified March 15th Minutes and Commissioner Ready seconded. Motion carried 4/0 with Commissioners Imhof, Jacob and Loisel excused.*

REGULAR CALENDAR:

1. **PROPOSED NEW CLIMATE ACTION PLAN FOR UNINCORPORATED AREAS OF ALAMEDA COUNTY** ~ An overview of the draft climate action plan on how to reduce greenhouse gas emissions from community activities in line with local and regional targets. *Informational Item only. Staff Planner: Bruce Jensen*

Mr. Jensen presented the staff report and introduced the consultants.

Chris Clement, with a powerpoint presentation, provided an overview -- a brief outline of the process; measures; gap analysis; public outreach; emissions inventory and projections; Climate Action areas; implementation, technical appendices, six sectors including transportation, land use, building energy, water, waste and green infrastructure; GHG reduction measures; and achievement of goals. Commissioner Carbone asked how transportation is the biggest sector and how the responding information was gathered. Mr. Clement explained that since the unincorporated areas have a lot of traffic that neither generates nor terminates within these areas (pass through traffic) and, as such, was separated from the VMT (Vehicle Miles Travelled); and the total number of traffic that originated in the County but terminated outside or vice versa were divided in half. Commissioner Kirby asked if there are any thoughts to include the pass-through volume as it affects the air quality. Commissioner Carbone concurred. Mr. Clements said that this is outside the inventory but could be considered. Commissioner Rhodes pointed out since every County is working on such a Plan, these numbers do get included. Mr. Clements continued with his presentation: methodology in choosing and evaluating the potential measures; Measure E4, and economics. In reference to Measure E-4, Commissioner Kirby asked if any studies were completed regarding the impacts of the legal requirements and RECO compliance requirements on property values. Commissioner Carbone felt that there would be an effect to the bottom line / profit. Commissioner Ready expressed concerns regarding the \$2 square foot up-grade cost; the (RECO) cost ceiling of 3% of sale price; and the timing of this Plan. A discussion ensued regarding RECO examples and requirements; Measure E-4 – description, implementation actions (page 46); improvements and credits; and point of sale (Measure E-9). Mr. Jensen pointed out that this is a long term plan and noted E-5. Commissioner Carbone said he was not against the Plan but felt that this was redundant as other agencies already have similar plans in place and a burden on homeowners when smaller changes/issues can make significant improvements. Commissioner Kirby pointed out that perhaps prior improvement credits can be taken into account. Vice-Chair Rhodes provided a typo correction under Measure performance: 59% to read 29%. Mr. Clements continued with his presentation--Inclusion of a range of funding sources/financial options in the Technical Appendix.

Culley Thomas discussed the Measures which are broken into strategies. At the request of Commissioner Ready, a discussion followed on Parking Management. Parking fees would work in areas that have potential alternatives to driving--pedestrian oriented/mixed use areas. Commissioners Carbone and Ready requested identification of specific areas. Mr. Jensen stated that parking meters would be located in Central Business Districts -- downtown Castro Valley area. Commissioner Ready also requested clarification on why Measure T-14 would be applicable in West County only (Technical Appendix C, page 97). Mr. Jensen explained that, while all measures apply equally throughout the County, some measures would have practical application to certain areas only – for example, the unincorporated East County does not have concentrations of commercial areas, so measures that apply to such areas would not be practical or possible. Commissioner Carbone thought instead that there should be a rural road impact fee or a toll to the wineries. Mr. Lopez pointed out that this item is only informational, a collection of policies and ideas for Commission input.

Mr. Thomas continued with his presentation -- transportation strategies and measures. Commissioner Carbone expressed concerns with the additional costs, redundancy and over-lapping plans with the transit authority. In response, Mr. Thomas confirmed that these proficiency transport improvements would be in conjunction with the transit authority but would double check with AC Transit and BART. He continued with his presentation – Land Use. A discussion followed regarding potential neighborhood commercial districts, related fees, and consistencies with the Housing Element, General Plans and Specific Plans; difficulty in transit-oriented developments in the West County; and the increase in maximum allowable densities to 35 units per acre (page 38); and existing Plans that constraint growth in the East County.

Commissioner Imhof arrived.

Mr. Thomas continued his presentation – Building Energy Action area.

Public testimony was called for. David Stark, Public Affairs Director, BayEast Association of Realtors, discussed his four issues and alternatives. First is the realtor's position on energy efficiency which is the top priority as it is a marketing opportunity. The National Association of Realtors has a new green designation for education and commitment to promote energy efficient practices. On a local level, his Association has instituted a Green Council to educate their members. Mr. Stark pointed out that the CAP does not provide the status of real estate in the unincorporated areas and provided the following numbers: 48% of homes sold in San Lorenzo were foreclosed; 15% were short sales in Castro Valley and 21% in San Lorenzo; 44% of sales in Castro Valley and 70% in San Lorenzo were troubled properties. In reference to RECO, Mr. Stark noted that some of the worst energy-efficient homes will not turn over for a variety of reasons which will impact the effectiveness of the point-of-sale requirement; the existence of Residential Energy Conservation Ordinance in some cities; lack of resources for energy-efficient improvements for some property owners; who will provide measurement of these improvements; difficulty in imposing the point-of-sale requirements, especially of banks. An alternative would be the removal of the point-of-sale requirement. Although the realtors have the most contact with homeowners, the Association had not been consulted in the discussions. Nevertheless, they could be partners in the future. In response to Commissioner Carbone, he confirmed that Berkeley city staff monitors the compliance.

Public testimony was closed. Mr. Thomas continued with his presentation – retrofitting, benefits/incentive, financing, waste and implementation. Commissioner Carbone reiterated his concerns of redundancy (multiple layers of requirements/ordinances), control mechanism, burden on homeowners, and multiple layers of requirements/ordinances. A discussion followed regarding E.10; reasons for Measure E.14; voluntary vs. requirement; detrimental to the existing housing stock; and PG&E credits. Mr. Jensen explained that there are some areas of the County that are not currently served either by Sanitary District or recycling services and Commissioner Kirby added that there could be

some funding available through landfill tonnage if the ordinances are consistent with Stopwaste. Org.

Public testimony was re-opened. Debra Butler explained that as a result of her move to San Leandro, 2205 – 167th Avenue, she has had to buy a car because bus services are inadequate and unreliable; walking/biking not viable for hilly areas; parking meters/fees will drive away the public instead of solving the situation; although in favor of agricultural land preservation, directing all development to West County is not appropriate and is short-sighted and will increase concentration; and trees around houses is a great idea but owners are encouraged against this due to fire safety -- the requirement of a 30 feet setback. She further expressed concern with the phrase ‘urban unincorporated areas’.

Public testimony was closed. Commissioner Imhof expressed concern with the placement of a property/tax lien for improvements. Commissioner Ready stated her concern regarding costs for elderly and the poor; parking fee and 35% improvement requirements (under Energy Efficiency). Commissioner Kirby pointed out that there are targets to be met by 2020 and there are a total of 51 Measures in this Plan. However, only 11 are included in the staff report and only 6 are related to land use. Implementation will require adoption of a number of ordinances and consideration of RECO as a tool in the ‘tool box’. He felt that from a policy point, there is a need to leave the tools, such as RECO, parking fees...etc) in the tool kit. Perhaps there is a need to focus more on new construction than existing homes, a great plan at a policy level which he supported and was committed to but agreed that the details and implementation plans need to be looked at. He was not in favor of ‘throwing anything out’ but going through calculations to get attainment, adopting ordinances and implementation plans. Commissioner Imhof agreed but expressed concerns with the mandatory requirements and suggested a time line for improvements. Commissioner Carbone re-stated his concerns of financial burden on the property owner.

A discussion followed regarding the savings and/or cost to property owners; mandatory requirements vs. incentives; cost to the County; compliance monitoring and changes to the details. *The matter was continued to the May 3rd hearing.*

2. **PROPOSED AMENDMENTS TO SURFACE MINING PERMIT, SMP-16 (VULCAN MATERIALS CORPORATION) MINING LIMIT SETBACK AND LANDSCAPING REQUIREMENTS** ~ The proposed amendments would modify specific conditions of approval to allow a 40-foot setback from the limit of mining to the edge of a public right-of-way (reduced from 50 feet) in a specific instance; clarify requirements for public right-of-way landscaping along Stanley Boulevard and Isabel Avenue in/near the City of Livermore; and would modify the permit to allow the mine operator and physical mine facility to remain in conformance with the permit in the event that additional right-of-way for the expansion of Isabel Avenue to expressway status and design.
Staff Planner: Bruce Jensen

3. **PROPOSED AMENDMENTS TO SURFACE MINING PERMIT, SMP-23 (CEMEX CORPORATION) MINING LIMIT SETBACK AND LANDSCAPING REQUIREMENTS** ~ The proposed amendments would modify specific conditions of approval to allow setbacks reduced to as little as 20 feet and 30 feet from the limit of mining to the edge of a public right-of-way (in two different specific locations, reduced from 50 feet); clarify requirements for public right-of-way landscaping along Stanley Boulevard and Isabel Avenue in/near the City of Livermore; and would modify the permit to allow the mine operator and physical mine facility to remain in conformance with the permit in the event that additional right-of-way for the expansion of Isabel Avenue to expressway status and design. **Staff Planner: Bruce Jensen**

Commissioner Kirby made the motion to continue both items 2 and 3 for two months as recommended by staff and Commissioner Ready seconded. Motion carried unanimously, 4/0, with Commissioners Imhof, Jacob and Loisel excused.

STAFF COMMENTS & CORRESPONDENCE: *None*

CHAIRS REPORT: *None*

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: *None*

ADJOURNMENT: *There being no further business, Commissioner Ready moved to adjourn the meeting at 4:15 p.m. Commissioner Imhof seconded the motion. The motion was carried 5/0.*

ALBERT LOPEZ, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY