

**MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
NOVEMBER 15, 2010
(Approved December 6, 2010)**

REGULAR MEETING

CALL TO ORDER: *The Chair called the meeting to order at 6:05 p.m.*

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

MEMBERS EXCUSED: Commissioners Glenn Kirby and Kathie Ready.

OTHERS PRESENT: Albert Lopez, Planning Director; Elizabeth McElligott, Assistant Planning Director; Rodrigo Orduña, Senior Planner; Bruce Jensen, Senior Planner; Bill Lambert, Redevelopment Agency; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately twenty-two people in the audience.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS BY THE CHAIR:

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.*

FIELD TRIP REPORT: *None*

COMMITTEE REPORT: *None*

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

1. APPROVAL OF NOVEMBER 1, 2010 was continued to December 6, 2010.

CONSENT CALENDAR: *No items.*

REGULAR CALENDAR:

2. **GENERAL PLAN CONFORMANCE REPORT, PLN2010-00167** ~
To consider a determination of General Plan Conformance request by the Alameda County Redevelopment Agency under Government Code Section 65402(b) to purchase a 21-acre portion of the larger 103 acre parcel, in an 'A' (Agricultural) District, located at 15400 Foothill Boulevard, south side of Fairmont Drive, approximately 6,500 feet northeast of Foothill Boulevard, Fairmont area of unincorporated Alameda

County, bearing Assessor's Parcel Number: 080A-0153-0010-00.
(Continued from November 1, 2010).

Staff Planner: Howard Lee

Mr. Lopez stated that since the information requested at the last meeting is not available/ready, staff is recommending a continuance. *Commissioner Loisel made the motion for a continuance and Commissioner Imhof seconded. Motion carried 5/0 with Commissioners Kirby and Ready excused.*

3. **PROPOSED ZONING ORDINANCE AMENDMENT RELATING TO CREMATIONS, *Public Comment Hearing on the Initial Study/Negative Declaration and the proposed Ordinance*** ~ Consideration of County-initiated updates to Chapter 6.20 of the Health and Safety Code and Section 17.52.035 of the Zoning Ordinance, to conditionally permit crematory units when located within 300 feet of an established residence, when certain findings can be made, and when accessory and incidental to an existing mortuary, funeral home, columbarium, or an existing cemetery; for properties located within unincorporated areas of Alameda County. (Continued from October 4 and November 1, 2010).

Staff Planner: Rodrigo Orduña

Mr. Orduña presented the staff report. Bill Lambert, RDA, thought that to-date, there has been much discussion/information on the science. During the Commission field trip, it was noted that crematoriums could co-exist adjacent to residences. Between December 2009 and January 2010, forty signatures within 300 feet were collected in support as part of a survey by Grissom's Mortuary. This matter was also heard by the Cherryland Community Association Board who had no concerns. Mr. Lambert submitted into the record both the petition and a copy of an email from Ruth Baratta, President of Cherryland Community Association.

Public testimony was called for. Lois Moser, a San Lorenzo resident, submitted a computer climate map of California and a copy of the agenda from the October 6th BAQMD's meeting. She urged the Commission to listen to the meeting audio, read the General Requirements Chapter 17.52.330, and asked if there will be a 28-foot stack.

Doris Marciel, 280 Lewelling Blvd, San Lorenzo, read and submitted her written statement in opposition--Jess Spencer Mortuary should not be listed as eligible for a CUP as they already have two units and Deer Creek which has zoning and location issues (staff report, page 5); there should be a list of all mortuaries in the entire County, East and West; the aerial photographs in Exhibit C do not reflect the closeness of the mortuary to the residences; the Grissom Mortuary is about three feet from some residences, one foot from a restaurant and a major creek along with three schools, many businesses within 25-100 feet and a residence above the mortuary; and noted that the reasons for the original language as listed on page 3, second paragraph, are still valid today. The neighbors do not want to see a 28-foot stack nor be adjacent to a mortuary that will have 500 cremations annually; and many in support do not live in the neighborhood.

Judith Eisenberg, 288 Ano Avenue, San Lorenzo, read and submitted an email of opposition from her neighbor, Linda Lukens, who was unable to attend this meeting. Ms. Eisenberg's testimony included the following: the science she had discussed at the last meeting has not been addressed; and in reference to Mr. Lambert, she requested to see the science and to see the list of neighbors who were in support.

Kathy Bossley, a San Lorenzo resident and representing San Lorenzo for Community Action, stated that she has over 100 signatures along with emails from the surrounding businesses in opposition. She asked how an approval could be granted when there has not been many studies/research on the effects of the units. And, if approved, will any mitigation measures, such as landscaping, be installed similar to the Spencer Mortuary.

Casey Jatzczak, 165 E. Lewelling Blvd, stated that neither he nor his neighbors have received any notifications nor had any visits from anyone for a survey.

Ruth Baratta, President, Cherryland Community Association, said that she had received a postcard notification and added the following: the Association had discussed this matter on several occasions and is in support although some members are also opposed; she is in support as the Grissoms have been at this location for a long time, have been good neighbors and have a positive economic impact. She concurred with Mr. Lambert regarding science noting that the newer units are now more efficient and the stack will not be 28 feet but will be similar to the existing chimney.

Lisa Wyrabkiewicz, representing Grissom Mortuary, in reference to the field trip to the Irvington Crematorium, pointed out that it has four stacks and has newer up-dated equipment, similar to their proposed units, and is surrounded by high density residences, schools and apartments with no complaints. The proposed stack will appear as a secondary chimney and will not be obstructive or intrusive.

Public testimony was closed. In response to Commissioner Jacob, Brian Bateman, Director of Engineering, BAAQMD, regarding potential emissions (IS, Appendix H, page 10) and trigger levels for permitting requirements, explained the following: estimate the emissions of toxic air contaminants, both on short and long term chronic basis, trigger levels for each contaminant which results in site specific health risk screening analysis; moratoriums always trigger such health risk screenings; the Millennium III specifications does meet the District's requirements and the correct title for the district is Air Quality Management District. And, in response to Commissioner Carbone, he indicated that back-up diesel and gas stations emissions have similar health risk levels. The Chair pointed out the impacts of Measure D--all developments will be in the West County and Commissioner Jacob added that this is an ordinance amendment and any future development would require a CUP which will be heard by this Commission. *Commissioner Imhof, bearing in mind all the information/discussions at the Commission hearings and the field trip, made the motion for an approval and Commissioner Loisel seconded. Motion carried unanimously, 5/0.*

4. **PROPOSED DRAFT CLIMATE ACTION PLAN FOR UNINCORPORATED AREAS OF ALAMEDA COUNTY** ~
Consideration of the draft Climate Action Plan on how to reduce greenhouse gas emissions from community activities in line with local and regional targets. *(Continued from October 18, 2010)*
Staff Planner: Bruce Jensen

Mr. Lopez noted receipt of letters from various regional bodies, property management company and home association, copies of which have been provided to the Commission and Mr. Jensen presented the staff report. Commissioner Loisel asked if E-8 is mandatory and voluntary. Staff explained that the new E-8 specifies Tier I and the GBO is mandatory.

Public testimony was called for. Patrisha Piras, a San Lorenzo resident and representing Sierra Club, urged an adoption of the current Draft Plan as it is consistent with the current County Plans.

Tom Silva, representing Rental Housing Owners Association and a resident of San Lorenzo, stated that the Association still has issues with eleven areas in the staff report and have been working with staff. He further noted that although November 1st staff report page 2 lists four State measures, page 4 does not include SB375 and is also not included in the November 15th report. A draft report from the CA Air Resource Steering Committee was submitted to staff regarding the SB375 implementation. Although the Association concurs with MAC's resolution for L-1, L-3, E-5, E-6, E-10, E-11, E-12 and WT-2, there is incomplete information and decision will be made without knowing the effects of SB375 along with the ten other issues. As such, additional time is needed to flesh these out. The Association supports Bay East Association of Realtors' request to delete the point of sale reference in E-4; the complete elimination of RECO and CECO from the entire report including the Appendix; and the recommendation to remove Implementation Action C from E-6 as per November 15th staff report. Mr. Silva provided the correct name of the association (staff report, page 6), Rental Housing Owners Association, Southern Alameda County.

David Stark, Bay East Association of Realtors, recommended deleting the words "at the point of sale" from E-4 on page 4 of the staff report. Both the Residential and Commercial Energy Conservation Ordinances are both excluded. He suggested making the document cleaner and more streamlined and mention RECO and CECO in the BOS staff report.

Matt Vander Sluis, Senior Field Representative, Greenbelt Alliance, stated his appreciation for moving forward with all the measures reducing the climate impact while strengthening the economy, long and short term, and both for individuals and municipalities. This transition will be helpful when discussing SB375 in future regarding creation of sustainable communities.

Cliff Sherwood, a Castro Valley resident, concurred with Mr. Stark and Mr. Silva.

Bill Lambert, RDA, stated his disagreement with the changes made at the last meeting regarding T-3 (Bike Shower Requirements), page 3 of November 15th staff report – a square feet threshold rather than number of employees as there will most likely be perhaps only 1-2 75,000 square feet projects and employment densities differ for different uses. He suggested a threshold of square feet and by use. A discussion followed. Commissioner Carbone thought that perhaps this issue should be determined by RDA. Mr. Lopez pointed out that although a supporting measure, it is linked.

Marc Crawford, representing all home builders, expressed concerns with L-1, a new impact fee when there are no developments/jobs and recommended deletion; delaying implementation of E-1; E-10 – using 10% recycled materials which is not readily unavailable or is prohibitively expensive.

Cliff Sherwood, in response to T-3 discussion, stated that he concurred with Mr. Lambert; clarified that this is an urban requirement and the cost of a shower room has to be considered with the total cost of the project (land, financing, architectural...etc). Per discussions at the last meeting, 75,000 square feet was pertaining to office space and not manufacturing space.

Public testimony was closed. A following discussion ensued regarding the measures as per the staff report:

T-3 – Commissioner Carbone felt the threshold should remain at 75,000 square feet and Commissioner Imhof suggested eliminating retail. A discussion followed regarding the possibility of deleting Table 2.3 and its reference in paragraph 1 to be replaced by 75,000 sq.ft. or approximately 375 employees for office space; staff noting that Table 2.3 is for dual purpose--provides new construction bicycle requirements and guidance for existing facilities. Commissioner Jacob recommended adding Implementation Action D referencing the threshold of 75,000 square feet or 375 employees for office only.

E-4 – Delete the words “at the point of sale”.

E-10 – Commissioner Jacob noted the conflict between E-8 and E-10 and staff suggested adding a sentence to E-10 to reflect that it be consistent with E-8 if there is a conflict. Commissioner Jacob recommended deleting the reference to ‘fly ash’ in the second bullet and Implementation Action A to read: Adopt an ordinance that requires or incentivize use.....construction to the extent that it is consistent with E-8”.

E-12 – Staff suggested that perhaps the last line of the last paragraph (25% of building envelope surface) could be deleted. The Commission recommended installation for electricity and gas only, and water be deferred to State.

Optional measures RECO and CECO – Commissioner Loisel expressed concern with an inclusion and the Commission opted for the removal.

2.8 “Green Infrastructure” – The Commission agreed with staff’s suggestion of “Biological Infrastructure”.

Page 91 (organizations) – correct name: Rental Housing Owners Association.

Commissioner Jacob made the motion to approve staff recommendation as amended as above and the Chair seconded. Motion carried unanimously, 5/0.

STAFF COMMENTS & CORRESPONDENCE: Mr. Lopez announced that he would forward an informative powerpoint presentation, “What Planning Directors Want Planning Commissioners to Know” from the CCPCA to the Commission.

CHAIRS REPORT: The Chair reported that the presentation of Dick Jackson, Chair of Public Health, UCLA, was also very informative.

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS:

ADJOURNMENT: *There being no further business, Commissioner Jacob moved to adjourn the meeting at 8:30 p.m. Commissioner Loisel seconded the motion. The motion was carried 5/0.*

ALBERT LOPEZ, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY