

**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**



**STAFF REPORT**

**TO** Members of the Alameda County Planning Commission  
**RE** Scenic Corridor Combining District  
**HEARING DATE** December 17, 2012

**GENERAL INFORMATION**

The staff report describes the development of the proposed Scenic Corridor Combining District.

**STAFF RECOMMENDATION**

Staff requests that the Commission hear the staff presentation, provide comments on regulations pertaining to scenic corridors in unincorporated Alameda County, and adopt the attached resolution.

**STAFF ANALYSIS**

Overview

On November 5, 2012, staff presented a draft Ordinance to your Commission. Since that time staff has sought the input of the Sunol Citizen's Advisory Committee (Sunol CAC), Castro Valley Municipal Advisory Council (CVMAC), the Alameda County Parks, Recreation and Historical Commission (PRHC), and the Agricultural Advisory Committee (AAC). The following paragraphs summarize comments received during each of the meetings.

**Sunol Citizen's Advisory Committee (Sunol CAC)**

On November 14, 2012 the matter was discussed by the Sunol CAC. The group took no formal action on the Ordinance; however, they did express their support for the proposed district.

**Castro Valley Municipal Advisory Council (CVMAC)**

On November 26, 2012 the matter was discussed by the CVMAC. The CVMAC recommended that the Ordinance be approved by the Planning Commission with a vote of 7-0. No revisions were requested.

**Parks, Recreation and Historical Commission (PRHC)**

On December 6, 2012 the matter was discussed by the PRHC. The PRHC recommended that the Ordinance be approved by the Planning Commission; however, they did ask staff to clarify the language in Section ###.###.060 A (3) of the ordinance and the ordinance has been revised accordingly.

**Agricultural Advisory Committee (AAC)**

This matter was to be heard by the Committee on November 27, 2012; however, the meeting was cancelled. Staff sent the staff report to the members of the Committee and invited them to submit their comments in writing, via telephone, or at today's hearing.

Planning Staff Recommendation

Staff recommends that the Commission either recommend that the Board adopt the Ordinance found in Attachment B.

California Environmental Quality Act (CEQA)

Staff has determined that the proposed Ordinance is subject to Section 15061(B)(3) of CEQA, as the it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed Ordinance would establish a discretionary review process for development within areas of scenic value. The proposed Ordinance would require stricter development standards than exist currently. The proposed Ordinance would not create any public health or safety hazards and would not have a significant impact on the resources or services within this area, such as water, sanitary services, surrounding roadways and intersections, schools, and existing agricultural uses.

Staff has reviewed the County’s Scenic Route Element, Specific Plan for Areas of Environmental Significance, the Castro Valley, Eden Area, and East County General Plans to determine the policy direction given by the General Plan. The Alameda County General Plan contains numerous policies and standards that are designed to protect environmental resources such as public views, open space, habitats and other biological resources that serve to prevent development from having a significant, adverse effect on the environment. Therefore, any development determined to be consistent with the development standards of the County’s General Plan will not result in any significant environmental impacts. Therefore, no significant environmental impacts are expected as a result of this Ordinance amendment.

**CONCLUSION**

The attached ordinance amendments will establish development standards and regulations within scenic corridors located within unincorporated Alameda County. In preparing these amendments, the County wishes to 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. At this time staff requests that the Planning Commission consider the proposed amendments and adopt the attached resolution. With the approval of the Planning Commission, the matter will be referred to the Board of Supervisors for consideration

The following timeline lists those remaining meetings/tasks necessary to amend the County’s Ordinance to address scenic corridors.

*Scenic Corridor Combining District Meeting and Hearing Schedule*

January 7, 2013	BOS - Transportation and Planning Committee
February 5, 2013	BOS Meeting –first reading
March 5, 2013	BOS Meeting –second reading
TBD	Notice of Exemption filing

**ATTACHMENTS**

- A. Draft Resolution
- B. Proposed Ordinance Amendments

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

**THE COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY  
HAYWARD, CALIFORNIA**

**RESOLUTION NO. ## - AT MEETING HELD TBD, 2012**

**SCENIC CORRIDOR COMBINING DISTRICT**

**Introduced by Commissioner  
Seconded by Commissioner**

**WHEREAS**, the Alameda County Planning Commission did hold three public hearings on the proposed Scenic Corridor Combining District (“Ordinance”) of Alameda County on the fifteenth day of October fifth day of November and the TBD day of TBD 2012 at the County of Alameda, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law, and at which time the Commission took public testimony; and

**WHEREAS**, notice was given as required by law; and

**WHEREAS**, the Alameda County Planning Commission did review the proposed Ordinance in accordance with the provisions of the California Environmental Quality Act, and considered an exemption under Section 15061(b)(3).

**WHEREAS**, Section 15061(b)(3) of CEQA states “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.; and

**WHEREAS**, on the basis of the record before the Alameda County Planning Commission, there is no substantial evidence that the proposed Ordinance will have a significant effect on the environment.

**WHEREAS**, this chapter of the General Ordinance Code will addresses the regulation of development within scenic corridors in Alameda County; and

**WHEREAS**, this chapter of the General Ordinance Code will establish development standards and regulations within scenic corridors located within unincorporated Alameda County to ensure that these areas continue to be preserved for future generations; and

**WHEREAS**, the Planning Commission is authorized and obligated to make recommendations to the Board of Supervisors on matters related to planning and zoning; and

**WHEREAS**, the testimony submitted in writing and at the public hearing and items in the public record have been considered by the Planning Commission prior to this action; and

**WHEREAS**, the complete record for this process is in the custody of the Alameda County Planning Department, and may be found at Room 111, 224 West Winton Avenue, Hayward, California 94544.

**BE IT RESOLVED**, that this Commission does hereby recommend adoption of the proposed amendments to the Alameda County General Ordinance Code to establish a Scenic Corridor Combining District and regulating development within designated scenic corridors as provided in Exhibit A (Draft Ordinance); and

**BE IT FURTHER RESOLVED**, the Alameda County Planning Commission did find that the proposed Ordinance meets all provisions of Section 15061 (b) (3) of the California Environmental Quality Act and that the Commission hereby recommends that the Board of Supervisors adopt a Declaration of Categorical Exemption.

**ADOPTED BY THE FOLLOWING VOTE:**

**AYES:**

**NOE:**

**EXCUSED:**

**ABSENT:**

**ABSTAINED:**

ALBERT LOPEZ, PLANNING DIRECTOR AND SECRETARY,  
ALAMEDA COUNTY PLANNING COMMISSION

## 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:

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- 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. If permitted under this chapter, 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 directed on site and 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.

## SC DISTRICTS

12. The number of access points to and from the scenic corridor shall be minimized 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.~~
14. 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.
15. All development shall be consistent with the Alameda County General Plan.
  - 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.