

**ALAMEDA COUNTY PLANNING COMMISSION
GENERAL PLAN BOUNDARY IN THE EL PORTAL
RIDGE AREA
JULY 16, 2007**

EDEN AND CASTRO VALLEY AREA PLANS: GENERAL PLAN BOUNDARY IN THE EL PORTAL RIDGE AREA.

A change to the proposed boundary between the Castro Valley General Plan (CVGP) and the Eden Area General Plan (EAGP) in the El Portal Ridge area is under consideration. This discussion of the mutual boundary line has been identified as a separate agenda item, apart from consideration of the two General Plan elements, because the potential for change to the line would affect both the EAGP as well as the CVGP.

BACKGROUND

State General Plan Law Requirements and the Boundary Discussion

State General Plan Law provides guidance about setting of General Plan (GP) boundaries. By law, general plans must include all land within the jurisdictional boundaries. This may be accomplished in one document, or through several discrete planning areas and plans, combining into one general plan. The Alameda County General Plan is split into several elements and plan areas to recognize distinct planning areas within Alameda County's jurisdiction. The EAGP and CVGP act as two of these plan areas within the overall GP of the Alameda County unincorporated area.

County Counsel and Planning staff have conferred on this issue since the beginning of the General Plan update process, and have consistently concluded that the County is legally able to set the EAGP and CVGP boundaries as they are currently proposed in the two draft plans. Further, the setting of a boundary for the planning area is not constrained by prior boundaries for existing plan areas.

History of the EAGP and CVGP Processes

EAGP process to date

- October 2002 - EAGP process initiated; boundary issue is raised by participants in process and discussed at this and subsequent EAGP workshops public meetings
- April 2003 – Planning Commission receives update on EAGP at which boundary issue is discussed. Concept of shift of El Portal Ridge is put forward; no formal action is taken, but no concerns regarding shift of area to EAGP are expressed by Commission or public.
- June 2003 – MAC hears update on EAGP during which boundary issue is discussed. Concept of shift of El Portal Ridge is put forward; no formal action is taken by MAC, but no concerns regarding shift of area to EAGP are expressed by Council.

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- 2003-2007 - EAGP planning process continues; draft plan and EIR are currently ready for presentation to the Planning Commission.

CVGP process to date

- 2004 – CVGP initiated with the boundary assumed based on the proposed line developed during the EAGP process.
- 2004-2007 – Numerous public hearings and meetings held. Towards the end of the process, the proposed boundary change begins to be identified as a concern by certain parties. Draft plan and EIR are currently ready for presentation to the MAC.

Evolution of the proposed boundary shift

Key community concerns relating to the processes summarized above have centered on how the idea of the boundary shift originated. Meeting summaries from the EAGP process are not very detailed, but combined with other materials and staff/consultant recollections, it is clear that this issue first arose during the very first EAGP Workshop, which occurred in October 2002. Members of the public identified a desire for unity within the Eden Area which eventually led to a more geographically-based discussion that included whether or not El Portal Ridge was being addressed in the correct planning process. It was identified as a topic of discussion for future meetings, and beginning with Workshop #2 in February 2003, El Portal issues began to be incorporated into the EAGP process (El Portal Ridge was by no means formally ‘moved’ into the Eden Plan Area at this point, but there was a sense that this might occur at some future date so the consultants structured the meetings so there would be opportunities to address El Portal issues).

Representative of the general tenor of comments received by staff and consultants during this period is the letter received in December 2002 by RAFTA, a Fairmont Terrace community group that spoke to issues relating to that neighborhood as well as the broader El Portal area. The input focused on the location of local service districts, and suggested that residents of the area were poorly served by inclusion in the CVGP in that most of their services and planning issues related to the Eden area. This type of input fueled a growing sense among staff and the consultant that that this was a significant issue for people in the area, and that we would be negligent if we failed to address it.

To that end, it was agreed that it was appropriate to bring the matter to both the Planning Commission and the MAC in the context of an update on the EAGP process. The intent was to gather input from both community and policymakers to ensure that staff and consultants were on the right track with respect to the potential boundary modification. As previously noted, neither body took a formal action at these meetings, but the concept of a potential shift of El Portal

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Ridge was quite clearly presented and discussed. While those discussions did not constitute any sort of formal action to change the boundary (which can only be accomplished by the Board of Supervisors), staff did derive from those meetings that there was a general comfort level with respect to the potential boundary shift. Based on that understanding – which, in retrospect, appears to have been incorrect -- staff concluded that it was appropriate to move forward in the Eden Plan process with an El Portal Ridge subarea. This assumption then carried forward into the Castro Valley Plan process when it began in 2004; the proposed boundary shift was identified from the inception of that process.

Input received towards the end of the CVGP and EAGP processes began to suggest that previous assumptions relating to community perceptions of the proposed boundary shift were not necessarily accurate, and that noticing and publicity relating to the General Plan updates had not been as successful as desired in alerting the El Portal community of this potential change. Although staff adhered carefully to all legal requirements and had undertaken a fairly extensive outreach program, increasing testimony at public hearings suggested that this issue warranted special focus prior to final action on the CVGP and the EAGP. To that end, Planning staff has recently set up a series of meetings to specifically address issues relating to El Portal Ridge and the common boundary between the Eden and Castro Valley General Plans.

June 18 General Plan Meeting

The first of those meetings took place Monday, June 18 at the Eden United Church of Christ. There were approximately 350 members of the public in attendance. Staff in attendance included the County Community Development Director, the Planning Director, other Planning Department staff, representatives from the County Sheriff's Department, and representatives from the Castro Valley Unified School District and the San Lorenzo Unified School District. There were a number of elected and appointed county officials in the audience as well, including members of the MAC, the Planning Commission, the Board of Zoning Adjustments and the Board of Supervisors.

The meeting began with a presentation by the Planning Director that addressed a variety of questions that have been asked regarding the common boundary in the El Portal Ridge area (see attached PowerPoint presentation). Approximately three hours of testimony was given by the public. The overwhelming majority of attendees (90% or more) identified themselves as residents of the El Portal Ridge area, and expressed a very strong desire to remain in the Castro Valley General Plan Boundary (the area is currently within the bounds of the 1985 Castro Valley General Plan, but has been proposed for inclusion within the Eden Area Plan per the ongoing update process for that plan).

In advance of the meeting, Planning Staff provided a Frequently Asked Questions handout that addressed a range of issues raised by the public. Staff asserted that General Plan boundaries do

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not have any direct impacts on school or service district boundaries, nor do they have any direct effect on census tract boundaries, precinct boundaries, or postal service areas/zip codes. However, some audience members suggested that a shift in General Plan boundaries could indirectly prompt boundary shifts at some future date. A fairly detailed question-and-session ensued with audience members and representatives from Castro Valley Unified School District and San Lorenzo Unified School District.

Please note that in addition to providing summary minutes of the June 18 meeting, staff has provided a link under the Planning Department website so that the public and policymakers can listen to the hearing in its entirety.

June 25 Meeting of the Castro Valley MAC

The second in the series of four scheduled meetings on this issue occurred June 25 before the Castro Valley MAC at the Performing Arts Center at Castro Valley High School. No formal attendance count was provided, but it is estimated that there may have been over 400 people present. The meeting began with a brief staff presentation by the Planning Director, followed by an opportunity for the MAC and audience members to ask questions of Matt Raimi, the primary planner for the project consultant at the inception of the Eden process. Extensive public testimony then ensued, provided primarily by residents of El Portal Ridge, expressing an overwhelming preference in favor of the area staying in the CVGP (a straw poll confirming this preference was conducted towards the end of the meeting). At the conclusion of the meeting, the MAC voted unanimously in favor of retaining the 1985 CVGP boundaries (with the result that El Portal Ridge would stay within the Castro Valley Plan area).

The minutes of the Castro Valley MAC meeting on June 25 are not posted on the website in that the MAC has not yet had an opportunity to approve them; however, the audio link is available on the website so that the meeting can be heard in its entirety. A variety of additional materials relating to this issue are also available at the website under a special web link.

IDENTIFIED OPTIONS FOR ADDRESSING CONCERNS

Several general options have been expressed for addressing this issue based on comments received from the public at this meeting and elsewhere. These are:

1. Leave El Portal Ridge in its entirety within the planning Boundaries of the current (1985) Castro Valley General Plan.
2. Move a portion of the El Portal Ridge area back into the Castro Valley Plan area. (Different concepts have been forward relating to how one might draw the boundary between the two planning areas under this scenario, including use of the boundary that

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was developed as part of the Castro Valley Incorporation Study process -- see attached map).

3. Merge the two general plan areas into one area, covered by two documents.

Staff can discuss the pros and cons of these different approaches at the July 16 hearing should the Commission so desire.

RECOMMENDATION

There has been extensive debate relating to the perceived significance of the boundary line between these two General Plan areas. Staff has not typically construed the line between the different Plan Areas to be as significant as many members of the public consider it to be; to a certain degree, the line simply represents a way for the County to logically address a very large and diverse unincorporated area, by identifying more manageable geographic sub-areas. However, staff recognizes that the issue of community identity is closely entwined with the issues of the General Plan areas, and we believe that General Plan elements should represent local preferences regarding community identity whenever feasible.

Based on testimony received in this process thus far, it seems clear to staff that the vast majority of El Portal Ridge residents wish to remain in the Castro Valley Planning Area. Should public testimony continue to reflect this preference, we believe that the Commission should recognize this by recommending that the El Portal Area stay with the Castro Valley Planning Area. Modification of the boundary will have some implications relating to timing and cost, but Planning staff believes these are manageable; we have identified funds to accomplish this within our existing budget, and if so directed, will develop an expeditious schedule for any modifications that may need to occur to the Castro Valley General Plan and Eden Area General Plan.

ADDITIONAL ISSUES

The Office of the County Counsel has been asked to address allegations of potential bias among members of the Commission relating to the item under consideration. Counsel's response is provided in the attached opinion, and the Office of the County Counsel will be represented at the hearing Monday night to address any questions that may arise on this matter. Counsel has also provided a memo (attached) relating to questions raised regarding the legal sufficiency of noticing done in conjunction with the General Plan Update process.

In addition to other items already cited, staff has included the following attachments to this staff report:

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- PowerPoint Presentation from the June 18 community meeting
- Minutes from the June 18 community meeting
- Correspondence received to date
- Minutes and Staff Reports from the June 23, 2003 MAC hearing and the April 21, 2003 Planning Commission hearing (when this issue was previously heard)

Extensive testimony has been provided on this matter in recent weeks, both for and against the proposed boundary change (although the vast majority of testimony has been against the boundary shift). Rather than attempting to summarize this testimony, staff would refer the Commission to the various attachments provided in this packet from the public record, as well as the County website.

NEXT STEPS

Staff recommends that the Commission take public testimony on the common boundary between the two general plans, and provide a recommendation to the Board of Supervisors on the resolution of this issue. There will be one more meeting held on this issue over the next month: July 24 at the Board of Supervisors at 1PM (County Administration Building, 5th Floor, 1221 Oak Street)