

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**APRIL 4, 2005**  
**(APPROVED MAY 2, 2005)**

**FIELD TRIP:** There was no scheduled Field Trip.

**REGULAR MEETING: 6:00 p.m.**

**MEMBERS PRESENT:** Commissioners Compton Gault; Richard Hancocks; Frank Imhof; Vice Chair; Mike Jacob, Chair; Glenn Kirby and Edith Looney.

**MEMBERS EXCUSED:** Commissioner Michael Badner.

**OTHERS PRESENT:** Chris Bazar, Planning Director; Steven Buckley, Assistant Planning Director; Sandra Rivera, Assistant Planning Director; Louis Andrade, Planner III; Nilma Singh, Recording Secretary.

There were approximately forty-one people in the audience.

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

**ANNOUNCEMENTS BY THE CHAIR:** The Chair announced that Commissioner Badner was excused this evening and acknowledged receipt of a memo with enforcement statistics from Code Enforcement Manager, Ms. Henninger.

**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 PLANNING COMMISSION MINUTES** - March 21, 2005 – To be continued to April 18, 2005.
2. **LA VISTA QUARRY PERMIT EXTENSION PROJECT - SURFACE MINING PERMIT SMP-41, DUMBARTON QUARRY ASSOCIATES, INC.** - Petition to extend the period of operation at the La Vista Quarry by twenty (20) years beyond the termination date of the existing permit, to the year 2028, and modify the mining and reclamation plan to include further excavation below and into the base of the floor of the existing quarry site, including continued mining, production and sale of aggregate, recycling of construction materials, and production and sale of asphaltic concrete. The existing asphalt concrete plant would also be modernized and upgraded, and operations could be conducted up to 24 hours per day. The project site is located on the western slope of the hills

east of the City of Hayward, approximately 700 feet east of the intersection of Mission Boulevard and Tennyson Road, in the unincorporated area of Alameda County. (Continued from October 4, December 6 and 20, 2004, and March 7, 2005; to be continued to May 2, 2005).

3. **TRACT MAP, TR-8361 – CRAWFORD** – Application to construct and subdivide eight condominium units with access over adjacent parcel, and subdivision of adjacent lot developed with existing duplex and new parking lot, in a R-S-D-20 (Suburban Residence, 2,000 square foot Minimum Building Site Area/Dwelling Unit) District, located at 207 Laurel Avenue, south side, approximately 520 feet west of Meekland Avenue, Hayward area of unincorporated Alameda County, bearing Assessor's designations: 0431-0016-010-01 and 0431-0016-011-00. (To be continued to May 16, 2005).
4. **ORDINANCE UPDATES** – Review of potential updates to the Zoning Ordinance regarding: 1) fence regulations; 2) inclusion of a definition of "Restaurant"; and 3) location of freestanding canopy structures within residential districts.

**ORDINANCE UPDATE FOR REASONABLE ACCOMMODATION FOR DISABLED AND SENIOR PERSONS**

– Consideration of a "Reasonable Accommodation" provision to the Zoning Ordinance to allow disabled and senior persons the use of residential structures to meet their individual needs (reasonable accommodation provisions for disabled persons are already required by the 2003 *Housing Element* as mandated by the State; reasonable accommodation for senior persons would be a County-initiated provision). (Continued from March 7, 2005; to be continued to May 2, 2005).

Commissioner Gault made the motion to approve the Consent Calendar and Commissioner Kirby seconded. Motion carried unanimously.

**REGULAR CALENDAR:**

1. **HOUSING ELEMENT IMPLEMENTATION UPDATE - Informational** item regarding implementation amendments to the County Zoning Ordinance and Specific Plans necessary to comply with provisions of the Alameda County Housing Element, adopted by the County Board of Supervisors in October of 2003 and conditionally certified by the State Department of Housing and Community Development in January of 2004. Said modifications are as follows:

- a. Reclassify sites in the *Ashland-Cherryland Business District Specific Plan*, *Castro Valley Central Business District Specific Plan*, *Fairview Area Specific Plan*, and in areas currently designated for urban infill development in the Ashland, Cherryland, Hayward Acres, San Lorenzo, El Portal Ridge, and Castro Valley communities to provide opportunity sites for higher density development.
- b. Add a definition to the Zoning Ordinance for the term “emergency homeless shelter.”
- c. Modify provisions of the R-3 and R-4 zoning districts to conditionally allow, with performance and development standards, emergency homeless shelters, as defined, in these districts.

Ms. Rivera presented the staff report noting the revised meeting schedule. Mr. Bazar added that due to additional concern raised by the communities regarding the CEQA document, staff will conduct further environmental review, in the form of a Mitigated Negative Declaration. In response to Commissioner Looney, Ms. Rivera confirmed that photographs, data and maps will be sufficient documentation, and the focus groups do not need to conduct ‘drive-by’ tours.

Commissioner Gault asked about the reason for the emphasis on R-3 and R-4 Districts. The concept was that it actually focused the use into certain areas, as a permitted use, as opposed to a conditional use in many districts as is currently allowed for group living quarters. The purpose was also to respond as directly as possible to the original Housing Element implementation action, as it stated this approach, but performance standards were being added to address concerns.

Commissioner Kirby pointed out that there was no response from the shelter operators and thought that they should be notified of the scheduled meetings. In particular, FECSO and local churches might be interested in the discussion. Families and children are also affected, and service providers may have an opinion about the location and criteria.

Public testimony was called for. Dennis Pappalardo, 25245 Second Street, read and submitted his written testimony. He felt that there was evidence of significant environmental impacts such as landslide potential; drainage; wildlife and habitat and traffic, and two off-site environmental impacts, seismic and air quality, and that the project needed to be consistent with other plans and policies. Mr. Pappalardo submitted related information in support.

Kathie Ready, San Lorenzo Village Homeowners Association, pointed out that nine other counties’ housing element was not in compliance with the State requirements, and 122 cities did not have certified elements. Her concerns included the lack of definition on the types of residents to be located in homeless shelters; location standards since 500 feet she felt was not adequate; R-3 and R-4 districts were too broad; and Cherryland already has approximately 50 badly run residential care homes. She would like to see Housing Elements from other cities. Ms. Ready felt that insufficient thought has been put into this project, that ¼ mile should be used as a

distance to protect neighborhoods. San Lorenzo is the third most densely populated area, and more neighborhood input was needed.

Bob LoPoint, 951 Via Bregani, said he was a concerned homeowner and asked for clarification on 'high density'. He thought that the information provided was very broad, and that there were issues around alcohol outlets, daycare centers, and fire safety.

Steven Arionus, 871 Via Bregani, stated that it was unacceptable to move homeless in this area which would further saturate the neighborhood. The shelters will decrease the property values and there is a school would be within 500 feet of one site, which will only compound the issue of drugs, crime, and safety.

Suzanne Barba, 5787 Highwood Road, said she had a problem with 'rushing' as all meetings and the original Housing Element approval were rushed. Much mixed information has been provided and agencies were not communicating. She did not want to see similar mistakes as with the approval of the Housing Element. Ms. Barbar disagreed that there would be no impacts as reflected in the Negative Declaration and agreed with Ms. Ready that she would also like to see Housing Elements from other cities, and consistency with the redevelopment, Specific, and Castro Valley plans.

Jim Daniels, 895 Via Bregani, requested clarification on the 500 feet location standard and asked if this requirement would be from the property lines, street or parking lots. He recommended more analysis of creeks and schools, and stated that he was against the shelters. Commissioner Hancocks clarified with staff that the 500 feet would be measured from the closest property lines.

Tim Becker, 3439 D Street, requested clarification on the definition of 'short term'. There is a lot of concern with the type of residents. He complained of lack of notification for the meetings and the lack of any meeting scheduled for the Fairview area and further requested one. Mr. Bazar explained that there were no areas available to accommodate a shelter in the Fairview area.

Ron Leo, 904 Via Bregani, submitted a petition with 212 signatures in opposition to homeless shelters in R-3 and R-4 Districts. In addition, there will be additional petitions/signatures submitted to the Commission/Board throughout the process. His concerns were the close proximities to the schools which raises a safety issue and the impact on property values.

Public testimony was closed. Commissioner Looney said it was important to add the sex and numbers in the families to the definition. Families with children should be located near schools. Commissioner Gault added that character/restrictions should be in the definition. His concerns included location which needed to be more definitive; 500 feet was inadequate. He was also concerned about the lack of coordination with other involved agencies. He also recommended attendance at a hearing by operators, and a preference not to proceed in a rush to act on these measures, even if it meant the State might criticize the County. Commissioner Imhof agreed, and suggested that a tour could be arranged or model operations could be reviewed. Community concerns are a result of some group homes that have had negative impact and, as such,

Commissioner Kirby stated that it was important to know the operators and their qualifications, to have correct definitions for transitional or emergency, and conditions based on other regulations. He felt it was important to require as a condition that a site is restored to the original use at permit expiration; defining a few districts which perhaps would limit the availability areas and defining the word 'shelter'. The Chair discussed the referral process, suggesting that projects could be integrated into the areas if the location and issues are addressed. He recommended a ¼-mile distance from other uses would be a better alternative than 500 feet.

**STAFF COMMENTS & CORRESPONDENCE:** Mr. Buckley reported that Zoning Enforcement statistics will be made available to the Commission on a quarterly basis. Appealed items, TR-7467 Rombaugh will be heard by the Board of Supervisors this Thursday, April 7<sup>th</sup> and the Boundary Creek project appeal will be heard on May 26<sup>th</sup>.

**CHAIR'S REPORT:** None.

**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:** Commissioner Gault reminded the Commission to mail their registration for the Northern CCAP.

**ADJOURNMENT:** There being no further business, Commissioner Kirby moved to adjourn the meeting at 7:30 p.m. Commissioner Gault seconded the motion. The motion was carried 6/0.

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**CHRIS BAZAR, SECRETARY**  
**COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY**