

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
SEPTEMBER 19, 2005
(APPROVED OCTOBER 3, 2005)

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone; Richard Hancocks; Frank Imhof, Chair; Mike Jacob and Edith Looney.

MEMBERS EXCUSED: Commissioners Glenn Kirby, Vice Chair and Alane Loisel.

OTHERS PRESENT: Chris Bazar, Planning Director, Steven Buckley, Assistant Planning Director, Darryl Gray, Assistant Planning Director, Rodrigo Orduna, Planner; Karen Borrmann, Public Works Agency Liaison; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were twelve people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 1:30 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair acknowledged receipt of a letter from Mr. Carson, President of Board of Supervisors, requesting donations for the hurricane relief fund from the Commissioners.

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.

Howard Beckman, a San Lorenzo resident, spoke on communication, both as a suggestion and clarification, with the Commission. He asked if the Commission had received his July 6th letter regarding the Planned Development issue. Mr. Bazar and the Chair both replied no. Mr. Beckman then submitted a copy of the above letter adding that he had submitted another letter on the rezoning process, specifically related to the Bockman Road project. He asked if a response from the Commission would be out of order and if a citizen could request the Commission to initiate an issue/investigation. Mr. Beckman requested responses. Commissioner Jacob thought that issues/comments/correspondence could be listed on the agenda under Commission Correspondence for action, if needed. Mr. Beckman agreed that it would be inappropriate for the Commission to respond to the rezoning issue since it was related to the specific project in progress.

CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES** -
September 6, 2005.

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2. **ZONING UNIT, ZU-2204 and AGRICULTURAL SITE DEVELOPMENT REVIEW, S-1978 – BRAUN/THOMPSON** – Petition to reclassify from the ‘A’ (Agricultural) District to a P-D (Planned Development) District with an Agricultural District base-zone, and allowing one secondary dwelling unit, on one site approximately 3.21 acres, located at 8855 Pleasanton-Sunol Road, west side, approximately 1.8 miles north of the intersection with Highway 84, Sunol area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 0096-0320-003-00. (Continued from July 18 and August 1, 2005; to be continued to October 17, 2005).

3. **ZONING UNIT, ZU-2207 and TENTATIVE TRACT MAP, TR-7614, UTAL** – Petition to reclassify three parcels containing approximately 1.17 acres from the P-D (Planned Development, 1779th Zoning Unit) to a P-D (Planned Development) District, allowing subdivision into 10 parcels intended for single-family dwellings, located at 18911 and 18919 Lake Chabot Road, approximately 234 feet northeast of Keith Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Numbers: 084B-0502-045, 084B-0502-055 and 084B-0502-046. (Continued from June 20, July 18, September 6, 2005; to be continued to October 17, 2005).

4. **TENTATIVE TRACT MAP, TR-6864, ONE STOP DESIGN, INC.** – Petition to subdivide one parcel into five lots, located between 25129 and 25165 Second Street, south side, approximately 903 feet west of Winfeldt Road, Fairview area of unincorporated Alameda County, bearing County Assessor’s designation: 0425-0150-006-00. (Continued from January 18, March 7, May 2, June 20, July 18 and August 15, 2005; to be continued to October 17, 2005).

5. **MODIFIED TRACT MAP, MTR-7118 – COURTNEY** – Petition to allow modification to TR-7118 to subdivide one site containing 4.60 acres into 19 parcels in a PD-ZU-1762 (Planned Development, 1762nd Zoning Unit) District, located on Page & Miramar, east side, corner south of Page Street, San Leandro area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 080A-0197-001-06. (To be continued to October 17, 2005).

6. **Motion to Reconsider Action Taken at 7/18/05 - AMENDMENT TO CONDITIONAL USE PERMIT, C-4158, REPUBLIC SERVICES – VASCO ROAD LANDFILL** - Application to extend the term of the Conditional Use Permit for this facility (“Permit”) from 2008 to December 31, 2022; and to formalize permission to continue to conduct waste diversion and materials recycling operations that have been ongoing for a number of years on the site. The Vasco Road Landfill (VRL) (formerly

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Vasco Road Sanitary Landfill) is an existing permitted landfill in an A (Agriculture) District, located at 4001 North Vasco Road, east side, approximately 1 mile north of Dalton Road, Unincorporated Livermore area, designated as Assessor's Parcel Numbers 99B-4901-2-3; 99B-4926-1-1, 1-2, 2- 4, and 2-5; and 902-6-2-2. (Continued from August 1 and September 6, 2005; to be continued to October 17, 2005).

Approval of September 6th Minutes was continued to the next meeting, October 3, 2005. Commissioner Jacob made the motion to approve the Consent Calendar per staff recommendation. Commissioner Carbone seconded and motion carried 5/0. Commissioners Kirby and Loisel were excused.

REGULAR CALENDAR:

1. **REVIEW OF EXISTING PD DISTRICT PROCEDURES AND RECOMMENDATIONS FOR POSSIBLE MODIFICATIONS**
(Continued from May 16, June 20, July 18 and September 6, 2005).

Mr. Buckley presented the staff report. Commissioner Hancocks indicated that the community's desire is a minimum parcel size and not an increase in the density. Commissioner Looney asked why the cluster permits and the density bonus have not been used in the prior years and felt that the language in the Zoning Ordinance was too vague and needed preciseness. Commissioner Carbone concurred with Commissioner Hancocks on minimum parcel size. Commissioner Hancocks urged all Commissioners to read Title 17 Zoning Ordinance.

Public testimony was called for. Howard Beckman pointed out that the staff report indicates that this matter will be heard by the Board of Supervisors in the near future, but there is no mention of any future community discussion/meeting. Since this matter was initiated by the community, he felt that it should be re-presented to the community organizations for discussion and feedback. There is confusion on density and preservation of land issues and he, along with the community, did not support the use of PDs to increase density. Another issue is the public benefit and interest, and water creek exemptions on which he would submit a written response.

Ingrid Moller, 311 St. George Street, said she was a member of the Cherryland Redevelopment Citizen's Advisory Committee and Adhoc Up-date Committee, read her written testimony and submitted copies of the letter from Cherryland Community Association on secondary units in the PD Districts. Her concerns included the use of PDs in place of variances, increase in density without concern for neighborhood impacts and lack of findings for rezoning and minimum lot size. Her recommendations included a one acre minimum lot size and/or a 100 feet frontage, mandatory findings for rezoning, a thorough review of application and implementation of architectural design guidelines conforming to the neighborhood. Ms. Moller felt that PDs should only be allowed if they improve quality of life and add to the general welfare of the community.

Public testimony was closed. Commissioner Looney requested clarification on the future

process and suggested further community meetings. Commissioner Jacob pointed out that to-date the Commission has had four meetings and one committee meeting with testimonies from only two community residents. He requested that history be provided to the new Commissioners adding that he was not against re-presenting the matter to the community organizations. Commissioner Jacob also agreed with the issue of public benefit which should include transit-oriented development, under sub-5 and #2 Finding (parking requirement). Mr. Bazar also concurred with additional community review, particularly to the Ordinance Up-date Committee. His only concern was the delay during which time PD rezoning applications continue to be submitted under the existing mechanism/process. A discussion followed on the importance of minimum lot size, regulations of neighboring jurisdictions, suitability factors, density issues, minimum roadway widths, parking requirements and/or public transportation accessibility and findings (particularly #2). The Chair requested figures of average lot sizes from neighboring jurisdictions. Commissioner Looney made the motion for a continuance to allow time for re-presentation to the Ordinance Review Committee. Commissioner Looney felt that the findings were crucial rather than the minimum lot size. Commissioner Hancock said his concern was that the PDs eliminate the underlying zoning requirements/standards, becoming a ‘super variance’. Mr. Bazar indicated that some language clarity would be appreciated from the Commission and/or community. Commissioner Hancock made a substitute motion for a continuance and summarized that the Commission would like staff to focus primarily on information on minimum lot size, mandatory findings and density issues. Mr. Bazar discussed funding for design guidelines. Commissioner Carbone seconded the motion, which passed unanimously.

2. **D-159 - CONSIDERATION OF DETERMINATION OF ALAMEDA COUNTY GENERAL ORDINANCE CODE FOR NONCONFORMING AUTO BODY AND REPAIR BUSINESS, SHANKLIN** – Appeal by Bernie D. Shanklin from the Planning Director’s Determination that an auto body and repair business is not a legal non-conforming use under the A-2 District, Article 20, Section 8-61.0; and is not of the same character as any permitted agricultural use listed in the A-2 District under section 17.54.060, located at 1824 Almond Avenue, Livermore area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 99-1150-18. (Continued from September 6, 2005).

Mr. Gray said he has distributed copies of a truncated version of an email from the appellant’s attorney requesting a continuance to the next hearing. Commissioner Looney requested clarification on the last two sentences and requested a list of other surrounding businesses along Almond Avenue. Mr. Gray explained that this item was separate from the abatement issue which is pending before the Board of Supervisors and the issue of surrounding uses was part of the abatement process. Commissioner Jacob requested clarification on the last paragraph on Page 1 and the first paragraph on Page 2. No public testimony was submitted. Commissioner Looney made the motion for a continuance and Commissioner Hancock seconded adding that the matter will be acted on at the October 3rd hearing with or without the appellant. Motion passed unanimously.

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3. **TENTATIVE PARCEL MAP, TR-7624 – 167th AVENUE LP** – Petition to allow conversion of a 7-unit apartment complex into 7 condominium units, in a R-S-D-25 (Suburban Residence, 2,500 square foot Minimum Building Site Area/Dwelling Unit) District, on one parcel containing approximately 0.45 acres, located at 1430-44 167th Avenue, southeast side, approximately 300 feet northeast of East 14th Street, San Leandro area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080A-0100-034-00.

Mr. Buckley presented the staff report.

Public testimony was called for. Steve Benetti, general partner, said he was aware of the new guidelines and was willing to comply with all, both Fire and Building Department's requirements, and further listed all improvements completed so far. Commissioner Looney asked if the current tenants will have the first right of refusal and the longest term of a tenant. Mr. Benetti replied yes adding that he had seven MCC applications, a County Program, on hold and the longest tenant stay was five years.

Public testimony was closed. Commissioner Jacob made the motion to move staff recommendation and Commissioner Looney seconded adding that she supported home ownership. Commissioner Carbone asked if this subdivision could affect the E. 14th Redevelopment project in future. Commissioner Hancocks said he preferred single ownership. Staff indicated that this site was back three parcels from E. 14th Street, neighbored by several large apartment complexes and not within the E. 14th frontage. Commissioner Jacob requested an up-date from Redevelopment staff on their projects and said he also supported home ownership. Motion carried 4/1 with Commissioner Hancocks dissenting.

4. **2203rd ZONING UNIT, JOSE M. VALDES** – Petition to reclassify one parcel from the R-S-SU (Suburban Residence, Secondary Unit) District, to a P-D (Planned Development) District, to allow construction of a new duplex and retention of two existing dwellings, on one site containing approximately 0.37 acres, located at 374 Medford Avenue, north side, approximately 412 feet west of Western Boulevard, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 413-0039-024-00. (Continued from July 18, 2005).

Mr. Buckley presented the staff report noting that this item was continued from the August 18th hearing with the Commission requesting revised plans. Revised plans were submitted in August. Commissioner Looney asked if the driveway was a pre-existing condition. Staff replied yes and further listed the revisions. Commissioner Hancocks said his concern was the use of the PD District and Commissioner Jacob said his concern was the location of the stairs, blind to the driveway, for the existing house on the southeast corner and asked if it could be reconfigured.

Public testimony was called for. Jose Valdes, Applicant, confirmed that the stairs could be reconfigured to face the street. He further described the revised project. The existing accessory structures will be demolished. Commissioner Carbone asked if there was a mechanism to keep the units under one owner. A discussion followed. Staff explained that if the project came back as a condo conversion, it will be a different application with a separate set of findings.

Erica Campisi, President of Cherryland Community Association, asked that the following two issues, front gate/fence facing Medford is above the four feet allowed and the paving of the front yard for parking purposes, be resolved before an action is taken on the reclassification request.

Ingrid Moller stated that she concurred with Commissioner Hancocks. The property was zoned for only three units but four were being proposed. Since the small one-bedroom house on the right hand side was very old and not in a good shape, it could be demolished to provide a wider driveway and allow addition to the existing house on the west side to provide a better project. She opposed the project as submitted.

Public testimony was closed. Commissioner Jacob asked if the revised plan show the removal of fence and the paved lawn. Commissioner Jacob made the motion to move staff recommendation with the following modifications: the stairway be reconfigured to face the sidewalk on the one-bedroom house, the landscape plan to include a concrete walkway with lawn on two sides for the front yard and the removal of the fence. Commissioner Carbone said he concurred with Ms. Moller. It would be a better project with the removal of the old building as it would eliminate the variances and the density issue. Due to the lack of a second, Commissioner Looney made a substitute motion to deny the reclassification to a PD. A discussion followed on the possibility of a revised project with the above modifications; availability of a single bedroom rental unit and impact on street parking/transportation. Commissioner Carbone seconded the substitute motion. Motion carried 3/2 with Commissioners Jacob and Imhof dissenting.

5. **2216th ZONING UNIT AND TENTATIVE PARCEL MAP, PM-8742 – RAMESH and LALIT KUMAR – Preliminary Plan Review** - Petition to reclassify from the PD-ZU-1487 (Planned Development, 1487th Zoning Unit, allowing on those properties fronting on “A” Street, C-N, Neighborhood Business and C-O, Administrative Office District uses, certain other uses and R-S-D-25, suburban Residence, 2,500 square feet Minimum Building Site Area) District, located at 779 West A Street, north side, approximately 400 feet west of Royal Avenue, Hayward area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 432-0020-015-02.

Mr. Buckley presented the staff report. Although noticed for a public hearing, Public Works has requested additional time to review the geotechnical report. City of Hayward has also raised similar concerns. Some initial issues include limited setback from the driveway to unit entrances, limited windows facing the street or on the ground floor and additional architectural details. The project was being presented to the Commission for comments. Commissioner Hancocks asked for the trend changes in land use on West A Street. Mr. Buckley said that

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although zoning allows mixed uses, the trend has been from small residences to residential complexes. Commissioner Looney asked if the project had been presented to PRHC. Staff replied no.

Public testimony was called for. Randy Jones, Project Designer, described the project in detail and discussed the staff report statements. Although the property was zoned for four units, only three was being proposed, all the floor plans work well, these units meet a need as there are not many townhouses in the area, the Fire Department has no concern with the 18 foot-plus driveway; and no grading will be required as there is an existing 12 inch storm drain in the rear and a grading waiver has been issued. Mr. Jones requested initial comments from the Commission regarding the designs. He complained that there has been much delay already as the application had been submitted in May and, as such, requested an earlier hearing date.

Commissioner Carbone said he had no architectural concerns but was concerned with parking availability. He asked staff how parking requirement was determined. Mr. Buckley explained that two parking spaces per unit were required plus one guest space per tract map, regardless of size of the dwelling units.

Howard Beckman pointed out that there is an existing policy in this area, for a neighborhood serving businesses, and it was important to the future of this community not to erode the economic potential. He felt that there has been a lack of planning for this area by both City of Hayward and the County. He adamantly opposed this project as an approval would lose any commercial potential and further urged the Commission to consider the preservation of neighborhood serving businesses.

Jose Valdes felt that the issue was the shortage of housing in this area and housing was needed to support the neighborhood businesses.

Public testimony was closed. Commissioner Hancocks agreed that there was a shortage of housing but not in the Cherryland area where there is a shortage of neighborhood businesses.

Commissioner Jacob made a motion for a continuance to October 17th and Commissioner Hancocks seconded. Motion for the continuance passed unanimously.

STAFF COMMENTS & CORRESPONDENCE: Mr. Bazar reminded the Commission of the CCPCA State Conference to be held in San Diego. Commissioner Jacob indicated that he will notify CCPCA on behalf of Commissioner Carbone for his registration package.

CHAIR'S REPORT: The Chair urged receipt of Commission packages before Friday.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Jacob requested that the Condo Conversion Guidelines, Building and Fire Department requirements, be placed on the October 3rd agenda for action.

Commissioner Carbone requested clarification on private road widths and the number of houses allowed on a private street, and Commission initiation process for ordinance amendments. A discussion followed. Mr. Bazar explained that if the Commissioner has the support of the Commission, he can initiate the process or could be brought forward by the Ordinance Update Committee. Commissioner Jacob noted the two existing committees of the Commission, Circulation Element and Stanley Blvd Sub-committees.

ADJOURNMENT: There being no further business, Commissioner Jacob moved to adjourn the meeting at 3:45 p.m. Commissioner Carbone seconded the motion. The motion was carried 5/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY