

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
DECEMBER 18, 2006
(APPROVED JANUARY 8, 2007)

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Commissioners Kathie Ready, Frank Imhof, Mike Jacob, Glenn Kirby, Chair, Vice-Chair; Richard Hancocks.

MEMBERS ABSENT: Commissioners Alane Loisel and Ken Carbone.

OTHERS PRESENT: Chris Bazar, Planning Director, Steven Buckley, Assistant Planning Director; Arthur Valderrama, Public Works Agency Liaison; Brian Washington, County Counsel's Office; Maria Palmeri, Recording Secretary.

There were approximately ten people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 1:35 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair announced that there will only be one meeting in January. The meeting has been scheduled for January 8, 2006.

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** - December 4, 2006 (Continued to January 8, 2007).
2. **ZONING UNIT, ZU-2226 and TENTATIVE TRACT MAP, TR-7703, HAMPTON ROAD DEVELOPMENT COMPANY/ANDRADE TRUST/SOARES TRUST** ~ Petition to reclassify five parcels from the R-S-SU (Suburban Residence, Secondary Unit) to a P-D (Planned Development) District, so as to subdivide the properties into seven single-family lots and develop detached single family dwelling on lots 1-5 and one single family dwelling with a secondary unit on lots 6 and 7, located at 876 through 924 Hampton Road, north side, approximately 300 feet west of Mission Blvd, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 414-0021-064-01, 414-0021-064-02, 414-0021-083-01, 414-0021-083-02 and 414-0021-084-00. (Continued from June 19, September 18, November 6 and November 20, 2006; to be continued to January 8, 2007).

3. **ZONING UNIT, ZU-2240 and SITE DEVELOPMENT REVIEW, S-2078 - CHRISTENSEN** ~ Petition to reclassify one 5.73 acre parcel from the R-1-L-B-E (Single Family Residence, Limited Agriculture, 5 acre Minimum Building Site Area, 300 feet Median Lot Width, 30 feet Front Yard) District to the P-D (Planned Development) District, to allow construction of a secondary unit, located at 753 Kilkare Road, east side, approximately one mile north of Foothill Road, unincorporated Sunol area of Alameda County, bearing Assessor's Parcel Number: 096-0210-002-04. (Continued from November 6, November 20 and December 4, 2006; to be continued to January 8, 2007).

4. **ZONING UNIT, ZU-2241 and TENTATIVE TRACT MAP, TR-7834-PAK** ~ Petition to reclassify from the R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling Unit) District, to a PD (Planned Development) District, so as to allow fifteen townhouse units with attached garages on a site of 44, 568 square feet (1.02 acres) and site-specific development standards, located at 1630 – 159th Avenue, northwest side, approximately 400 feet northeast of E. 14th Street, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0040-071-00. (Continued from November 20, 2006; to be continued to February 5, 2007).

Commissioner Hancocks made the motion to approve the Consent Calendar per staff recommendations and Commissioner Ready seconded. Motion carried 4/0.

REGULAR CALENDAR:

1. **CONDITIONAL USE PERMIT, C-8515 – SEVENTH STEP FOUNDATION, INC.** ~ Application to allow expansion of a Residential Care Facility from 24 to 34 beds, in a R-S-SU (Suburban Residence, Secondary Unit) District, located at 475 Medford Avenue, south side, approximately 100 feet east of the intersection with Haviland Avenue, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 429-0019-002-00 and 429-0019-026-02.

Mr. Buckley presented the staff report.

Public testimony was called for. Glenn Moss, Attorney representing the applicant, stated that this facility is a benefit to the community and the expansion from 24 to 34 residents is not overcrowding. The number of residents per room is less than college dormitories.

Ms. Ingrid Moller, member of the Cherryland Community Association and a Real Estate Broker for the area, stated that this facility has been a good neighbor but she expressed concern with the number of care facilities in the Cherryland area. She stated that there is another facility like this

one for women located on Haviland which adjoins this property on Medford. She said that the concentration of these facilities negatively affect the value of the properties in the area. She expressed concern with disclosure issues for these properties. She asked that the commissioners take into consideration all of these issues when making a decision for this application.

Ms. Erica Campisi, member of the Cherryland Community Association, disagreed with Mr. Moss' statement of this facility being a benefit to the community. She visited the facility and placing bunk beds for 8 people per room is overcrowding. There are only three bathrooms in this building, not enough for 34 residents. There is a concentration of care facilities in the area. This facility will receive \$14,000 added monthly income with this expansion. She also mentioned that the success rate for the residents is only 45 to 50% which is too low.

Bob Campisi, a resident of Cherryland, said he is against the increase of residents from 24 to 34 residents. He said the three bathrooms are not enough to accommodate the number of residents. Even in prisons they have one toilet per two prisoners. He asked the Commissioners to deny the expansion.

Barbara Woody, resident of Cherryland, expressed her concern with fire and health issues for such a crowded facility.

Mr. Ron Doyle, owner of the facility, stated that he is also an owner of property in Cherryland. He stated that there are enough bathrooms in this facility to accommodate the expansion. He said that only one person of the residents speaking against the facility has visited the site.

Mr. Moss, Attorney representing the applicant, said that the facility has met all fire and health requirements. This is a communal type of living, the use will not change and it will not affect the community. The number of residents in a facility does not affect disclosure obligations. This does not affect the value of real estate properties in the area. The women's facility on Haviland is not related to this facility and there is no interaction between the residents. He pointed out that in 1969 this facility was approved for 39 beds, this should be good evidence that this facility is not overcrowding the neighborhood.

Commissioner Kirby stated that the lot is big enough for the expansion of the building. Mr. Moss stated that buying bunk beds is a lot cheaper than an expansion and that not too many people donate money for a facility such as this one.

Ms. Kathy Gill, President of the Cherryland Community Association, stated that she has a different opinion about the number of parolees in the neighborhood and how it affects the sense of safety for residents. Elderly residents are especially vulnerable. There is an overabundance of care facilities in this area.

Public testimony was closed. Commissioner Hancocks complimented staff for a well written report. There has been a concern expressed by residents with the concentration of care facilities in the Cherryland area. The purpose of this process is to determine how many is too many, and Cherryland has reached the too many point. It is time to share these facilities with other

communities.

Commissioner Hancocks moved to approve the conditional use permit for 24 residents only, Commissioner Ready seconded and commented that an expansion would cause overcrowding. 24 is a reasonable number of residents for this facility.

Commissioner Jacob asked if Commissioner Hancocks would consider changing the motion to extend the conditional use permit to five years with the number of residents remaining at 24. Commissioner Hancocks agreed to the amendment to the motion, for a 5-year term.

Commissioner Kirby said he shares the concern of the community with the concentration of facilities in the Cherryland area. He added that his decision to deny the expansion was based on the occupancy requirement of 50 square feet per resident under the Building Code for comparable uses such as a college dormitory or congregate living spaces such as this facility.

Motion carried 4/0.

2. **ZONING UNIT, ZU-2242 and TENTATIVE PARCEL MAP, PM-9255 - KHAN – Preliminary Plan Review** ~ Petition to reclassify from the R-S-D-20 (Suburban Residence, 2,000 square feet Minimum Building Site Area per dwelling unit) District, to a P-D (Planned Development) District, so as to allow three single family detached dwellings on individual lots of less than 5,000 square feet and site-specific development standards, located at 1630 - 159th Avenue, southeast side, approximately 100 feet north of Marcella Street, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0051-001-14.

Mr. Buckley presented the staff report. He stated that the applicant has responded to staff comments and has made changes accordingly. The current proposal is for three single family homes.

Commissioner Hancocks stated that he is concerned with the overbuilding of this site. There could be other types of homes on this site that could meet the driveway and setback requirements. Commissioner Ready said she agrees that three homes are too many for this site. The homes look like they will be beautiful but maybe two would be a better number.

Public testimony was called for. The applicant, Mohamahed Khan, stated that the shape of the property is unique. Mr. Khan said they have tried various combinations that would allow development of some kind to enhance the neighborhood. The first plans had five homes, it was reduced to four and now three. This design would improve the neighborhood.

Commissioner Kirby stated that he appreciates the applicant's efforts. The applicant stated that to address the driveway concern the home sizes has been reduced.

Jitender Makkar, the designer for the project stated that the site has been a constraint in

designing this project. They have come up with various alternatives. This site could accommodate condos, apartments, or homes and no matter what the configuration is, all units will be housing families and their needs. There has been concern with open space but most homes nowadays do not provide much backyard, all units have some type of yard. Potentially this is a better design for this site.

Commissioner Hancocks expressed his concern with PD applications and that in such cases there should be a benefit to the public. He does not see the benefit to the community in this case. The designer stated that these are bigger homes, individual units and better quality homes which will benefit the neighborhood. Commissioner Hancocks stated that the County has been criticized in using PDs to approve lower standard subdivisions.

Commissioner Kirby stated that he has concern with the lack of open space and setbacks. He understands that the market is driving developments of smaller homes and smaller yards. Three units on this property could work if the middle unit was a two bedroom unit. Commissioner Jacob concurred with Commissioner Kirby's comments and asked staff to explain zoning for this lot and why the easement is not included in the calculations. Discussion ensued on setbacks and width of driveway.

Commissioner Hancocks stated that this would be a better townhome project, perhaps even four units with a better design. Commissioner Imhof expressed concern with the driveway and parking.

Commissioner Kirby thanked the applicant for the proposed changes and stated that the consensus is to support a larger number of units if better configured for this site.

No action was taken on this project at this time, because it is a Preliminary Review.

3. **ZONING UNIT, ZU-2243 and TENTATIVE PARCEL MAP, PM-9134, KAWALJIT and RUBY WALIA - *Preliminary Plan Review*** ~ Petition to reclassify one parcel containing approximately 0.38 acres from the R-S-SU (Suburban Residence, Secondary Unit) District, to a P-D (Planned Development) District, to allow subdivision for an existing single family dwelling with a proposed addition on one parcel and an existing four-plex on the second parcel, located at 20325 Concord Avenue, west side, approximately 350 feet north of Medford Avenue, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 414-0036-058-00.

Mr. Buckley presented the staff report.

Public testimony was called for. Ms. Erica Campisi, resident of Cherryland, said that this plan does not fit the neighborhood. The driveway is very narrow and the old fourplex needs to be refurbished. She asked for denial of the project.

The architect for the project, said that they have been working with county staff for a while in developing this project. They will build a new house, widen the driveway add parking and a playground area, enhance landscaping in the front and back. All of these will be an improvement for this area.

Commissioner Ready said that she likes the improvement to original drawings but asked that the design fit the neighborhood. She said she likes the improvement to the fourplex. Commissioner Kirby also liked the architectural enhancements

Commissioner Hancocks expressed his concern with the use of a PD for a development that otherwise would not be allowed on this site. He opposes the use of the PD for this project.

No action was taken on this project because it is a Preliminary Review.

4. **ZONING UNIT, ZU-2245 and TENTATIVE PARCEL MAP, PM-9285 – MOSS - Preliminary Plan Review** ~ Petition to reclassify from the R-1 (Single Family Residential, 5,000 square feet Minimum Building Site Area per Dwelling Unit) District to a P-D (Planned Development) District, to allow three existing single-family dwelling units with attached garages to be located on separate, legal lots, on a site approximately 14, 248 square feet (0.33 acre) and site-specific development standards, located at 1839, 1843 and 1847 Hill Avenue, south side, Fairview area of unincorporated Alameda County, bearing Assessor's Parcel Number: 416-0230-009-02

Mr. Buckley presented the staff report. Commissioner Kirby asked for clarification on the parcel number.

Public testimony was called for. Yev Philipovitch, project engineer, stated that the homes are in good shape. The applicant has made a number of improvements to the property. The owner does not have a problem with the proposed conditions of approval for the project.

Public testimony was closed. Commissioner Hancocks stated that this is another situation where a PD is being used to legalize units and create sub-standard lots. He said that at the last meeting Charles Snipes, the President of the Fairview Community Club, asked that we deny this application for a PD on existing units and the lack of consistency with the Fairview Specific Plan and the Zoning Ordinance.

Commissioner Imhof asked for clarification on a PD. He expressed his concern with the possibility of someone purchasing the lots, demolishing these homes and building new homes on the substandard size lots. Mr. Buckley explained that one of the conditions for this development is very specific for future construction on these lots.

Commissioner Kirby expressed concern with the PD proposal and its public benefit. If left as they are they will most likely remain as rental units and the improvements are negligible and not much public benefit. If the lot is subdivided they will be sub-standard lots.

Discussion ensued amongst commissioners in regards to lot sizes and setback issues.

Commissioner Hancocks moved to deny the application, seconded by Commissioner Ready. Motion passed 5/0.

STAFF COMMENTS & CORRESPONDENCE: None

CHAIR'S REPORT: None

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Imhof inquired about the County's tree ordinance. Commissioner Hancocks stated that redevelopment staff is not getting referrals to projects in their areas. Chris Bazar stated that they are working on having one designated planner to handle all projects in the redevelopment areas. Commissioner Kirby announced the next meeting to take place on January 8, 2007.

ADJOURNMENT: There being no further business, Commissioner Hancocks made the motion to adjourn the meeting at 3:17 p.m. Commissioner Ready seconded the motion. The motion was carried 5/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY