

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
FEBRUARY 18, 2003
(APPROVED MARCH 3, 2003)

The meeting was held at the hour of 1:30 p.m. in Room 160, 224 West Winton Avenue, Hayward, California

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Commissioners Lena Tam, Chair; Matthew Edwards; Compton Gault; Glenn Kirby; Audrey LePell; Ario Ysit, Vice Chair

MEMBERS EXCUSED: Commissioner Matt Edwards

OTHERS PRESENT: James Sorensen, Planning Director; Chris Bazar, Assistant Planning Director, Phil Sawrey-Kubicek, Senior Planner, Louis Andrade, Planner III; Lisa Asche, Planner III; Andrew Young, Planner II; Karen Borrmann, Public Works Agency Liaison; Holly Janvier, Recording Secretary

There were approximately 14 people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 1:35 p.m.

ANNOUNCEMENTS BY THE CHAIR:

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** – February 3, 2003

Commissioner LePell made a correction to the minutes. Commissioner Kirby moved to approve the minutes as corrected. Commissioner Gault seconded the motion. The motion passed 5/0, with Commissioner Edwards excused.



2. 2146TH **ZONING UNIT - MARCHAND** - Petition to reclassify from the R-1-L-BE-CSU-RV (Single Family Residence, Limited Agricultural, five acre minimum building site area, 100 feet median lot width, 30 feet front yard, Conditional Secondary Unit, Recreational Vehicle Regulation) District, to a PD (Planned Development) District, allowing a 1280 square foot secondary unit, on one site containing approximately 11.45 acres, located at 8600 Oak Tree Lane, southwest side, approximately 340 feet southeast of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 085-5000-001-19. (Continued from January 21, 2003; continued without discussion until March 17, 2003.)

3. **CONDITIONAL USE PERMIT, C-8043 – MARSHALL** – Application to allow operation of a composting facility (topsoil processing center) on one site containing approximately 88.58 acres, in an A-B-E (Agricultural, 160 acre m.b.s.a.) District, located at 15885 Altamont Pass Road, south side approximately 1,500 feet west of Grant Line Road, unincorporated Livermore area of Alameda County, bearing County Assessor's designation: 099B-7750-005-00. (Continued from January 6, 2003; continued without discussion to March 3, 2002.)

Commissioner Kirby moved to approve the remainder of the Consent Calendar per staff recommendation. Commissioner Gault seconded the motion. The motion passed 5/0, with Commissioner Edwards excused.

REGULAR CALENDAR:

4. **UPDATE ON THE AGRICULTURAL ADVISORY COMMITTEE MEETING, REGARDING THE NEW CARETAKER UNIT STREAMLINING PROCESS**

Ms. Asche gave an update on the Agricultural Advisory Committee's recommendation. They asked to add wording to renewals to indicate that Zoning Enforcement could be visiting the sites, and the renewals could be subject to a hearing or disapproval if conditions of approval were not being adhered to. They agreed photos of the current site should be submitted with renewals. They endorsed the process.

The first reading at the Board of Supervisors was February 6, and the second reading would be March 6, 2003. Commissioner Ysitt asked if the fee reflected the extra staff time, or if it was basically the same. Mr. Bazar said it reflected the added cost. No one wished to speak on the subject under public testimony.

The Chair concurred with the decision of the Agricultural Advisory Committee on behalf of the Commission. Commissioner Gault said he appreciated all the work staff had put into the new

process.

ITEM #8 WAS TAKEN OUT OF ORDER. SEE #8 BELOW.

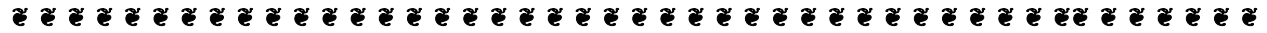
5. **2164TH ZONING UNIT AND TENTATIVE MAP, TRACT 7418 - ATWAL** - Petition to reclassify from the R-S-D-3 (Suburban Residence, 3,000 square foot m.b.s.a.) District, to the PD (Planned Development) District, to allow construction of nine townhouse condominium units on one site containing approximately 0.54 acres, located at 19505 Meekland Avenue, west side, approximately 50 feet south of Cherry Way, unincorporated Hayward area (Cherryland) of Alameda County, bearing County Assessor's designation: 429-0005-018-00. (Continued from January 21, 2003.)

Mr. Andrade presented the staff report. Commissioner Kirby clarified the number of units allowed under the zoning as eight. Public testimony was called for. Dave Atwal, the applicant, said he had worked with staff to cover all the requirements and the items, which the Commission had asked for. Commissioner Tam asked if the units would have fire sprinklers. Mr. Atwal said they would. Commissioner LePell said she liked the plan, and the addition of the play yard between the buildings. She asked why the applicant was asking for nine units. Mr. Atwal said it was because he had the units designed to look appealing, and upgrade the area. He needed the extra unit to help with the added expenses. Mr. Andrade said that the General Plan allowed nine units, and it fit in with the neighborhood density.

Commissioner Kirby asked if the parking requirements had been met. Mr. Andrade said they had, and all on-site. Commissioner Gault felt the applicant had made a lot of adjustments to meet the concerns of the Commission, and added that he appreciated that. Public testimony was closed.

Commissioner Kirby said he would like to have the rear chain link fence remain, with a solid wood fence along the back. Commissioner Gault moved approval per staff recommendation, with a condition for retention of the chain link fence and the solid wood fence in the rear. Commissioner LePell seconded the motion. The motion passed 5/0, with Commissioner Edwards excused.

6. **2167TH ZONING UNIT - KUMAR** - Petition to reclassify from the R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle Regulations) District, to the R-3 (Four Family Residence) District, one site containing approximately 0.26 acres, located at 19985 Wisteria Street, west side, approximately 860 feet south of Somerset Avenue, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084A-0154-002-00.



Mr. Young presented the staff report. Commissioner Kirby asked for a condition to retain the landscaping bulb. Updated plans were submitted to the Commission. Commissioner LePell asked about sewer approval. Mr. Young said that the sanitary district would provide service. Commissioner LePell expressed concern about the rear yard. She felt that six feet was much too small. She suggested moving the building forward four feet in order to get at least a ten-foot rear yard.

Commissioner Ysit asked that there be a condition to allow for fire access. Mr. Young said he would add one. Commissioner Ysit asked where it would be located. Mr. Young said he was unsure, but the Fire Department didn't see a problem. Commissioner Gault asked about a play area. Mr. Young said there was open space, but no formal play area. Commissioner Kirby suggested that four units might not warrant a formal play area. Commissioner Gault agreed. Commissioner Kirby added moving the buildings to gain rear yards might infringe on the 20-foot driveways. Public testimony was called for.

Mr. And Ms. Kumar came forward. Commissioner Tam asked about the setbacks and parking. Ms. Kumar said she was unaware of parking issues. Mr. Young said that at the Castro Valley MAC, only one member asked for more parking. Commissioner LePell added that the architecture was plain and unattractive. She suggested adding shutters or window boxes. She also felt there should be a five-mile-per-hour sign posted. Commissioner Kirby asked that the revised Exhibits B and C be reflected in the motion.

Commissioner Gault moved approval per staff recommendation, with the revised Exhibits used and an upgrade to the façade facing Wisteria Street. Commissioner Ysit seconded the motion. The motion was carried 5/0, with Commissioner Edwards excused.

7. **2166TH ZONING UNIT AND VESTING TENTATIVE MAP, TRACT 7426 – TOWN** – Petition to reclassify from the PD (Planned Development) District, (1408th Zoning Unit) to the PD (Planned Development) District, allowing subdivision and construction of nine single family dwelling units, on one site containing approximately 1.07 acres, located at 3129 Grove Way, southeast side, approximately 500 feet northeast of Center Street, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designations: 417-0010-014-04, -014-05, and -015-02.

Mr. Andrade presented the staff report. He added that the redesign now allowed 18-foot aprons for each unit, which addressed the Castro Valley MAC concerns. Commissioner Kirby said the lot constraints could bring up more issues than parking. Commissioner Ysit said since staff recommended a continuance in the staff report, which was public, some members of the community might not have come to the meeting, and this application should be continued. Others agreed.

Commissioner Tam asked about San Lorenzo Creek. Mr. Andrade said run off from the site would not run into the creek, but would flow toward the front of the site, and into the storm drain. He added that the creek level would not affect the buildings. Commissioner LePell asked for staff to obtain a copy of the current stream ordinance. Commissioner Tam asked for one for the next meeting. She asked to review parking, and questioned the setbacks. Public testimony was called for.

Mr. Rick Town, the applicant, said he had been working with the County. He had reworked the project to meet the MAC objections. There are now at least 19-foot setbacks. The changes are minor, but they address the parking issue. Commissioner Tam said she appreciated Mr. Town's work. Mr. Sawrey-Kubicek said MAC had recommended approval, but they had asked for longer aprons for units one and two. He noted that Mr. Town had gone beyond what was asked for. Mr. Town asked for approval that afternoon.

Commissioner Kirby said he would like to see how the redesign affected the elevation changes. He wanted the plans in hand. There was a brief discussion of grading, design and the revised plans. Commissioner LePell asked why they were going over eight units. Mr. Andrade said lot constrains hinder them, and there was over an acre on the site. There was another brief discussion of the gate, and the fact that it might not be a good idea to have a locked gate, with the chance of people backing up onto Grove Way. The Commission favored an entry feature rather than a lock gate. Public testimony was closed.

Commissioner Gault moved to continue the project to March 3, 2003. Commissioner Ysitt seconded the motion. The motion carried 5/0, with Commissioner Edwards excused.

The following minor modifications will be considered by the Planning Commission, acting as the Planning Commission, and the accompanying Conditional Uses will be considered by the Planning Commission, acting as a Board of Zoning Adjustments.

8. **MODIFICATION OF THE 1923RD ZONING UNIT & CONDITIONAL USE PERMIT, C-8108 - LEIDER/OAK TERRACE DEVELOPMENT** - Application for modification of the 1923rd Zoning Unit, with the relocation of the access road and modification of the lotting pattern, on one site containing approximately 58.96 acres, in a PD (Planned Development) district, located at Oak Terrace, east side, approximately 0.2 miles east of Fairview Avenue, unincorporated Hayward (Fairview) area of Alameda County, bearing County Assessor's designation: 085A-6000-002-03. (Continued from January 21, 3, 2003.)

Mr. Sawrey-Kubicek presented the staff report. Commissioner LePell asked the names of the creeks near the property. Mr. Sawrey-Kubicek said the tributary on-site is unnamed, as is the one below the Blackstone area. Commissioner LePell asked what school district residents would use. Mr. Sawrey-Kubicek said the Castro Valley Unified School District. Commissioner LePell asked if there was a bus line near. Mr. Sawrey-Kubicek said he didn't know. Commissioner LePell

asked that the roadway be conditioned to allow for a bus turnout. Commissioner LePell asked if there was a bike path or sidewalks. Mr. Sawrey-Kubicek said this was a rural area and there were no bike paths or sidewalks. Commissioner LePell felt there should be accommodations for children walking. She asked if there was a letter from the school district. Mr. Sawrey-Kubicek said they had not replied to the referral. Audrey said there should be a 100-foot setback from the riparian area. Mr. Sawrey-Kubicek said the ordinance only called for 20-feet. Commissioner LePell disagreed stating that there has been a new policy for a year-and-a-half. Mr. Sawrey-Kubicek said the revised design moves the road 250-feet away, and all the houses would require Site Development Reviews. Commissioner Tam asked about water service. Mr. Sawrey-Kubicek said it would be provided by Hayward Water. Public Testimony was called for.

Roger Poynts and Bob Bauer, representing the applicant, came forward. Mr. Poynts explained the project improvements. Mr. Bauer said they have given a right-of-way to the East Bay Regional Park District (EBRPD) for a bike path. Commissioner Tam asked which parts of the projects would be restricted from the public. Mr. Poynts said the whole project would be gated, but the gates could be left open so the parkway could be accessed.

Commissioner LePell said she had problems with the original project, but liked the changes. She felt gates sent a negative message, and asked for a justification for them. She said if they were for safety, they needed a guard. Mr. Poynts asked if they removed the gates, could she support the project. Commissioner LePell said she could. She added that they could create an attractive gateway to the project without actual gates.

Mr. Poynts provided the Commission with a map showing the access areas to the park. He said they had been drawn in by (EBRPD), showing public access. Commissioner Kirby said the map was helpful for him. He said the existing gravel road would remain. He asked how the change in the roadway would effect the pads for the homes. Mr. Poynts said the homesites would be better defined. Commissioner Kirby asked if there would be a conservation easement on lots 13-24 to guard the riparian area, and would the homeowners maintain it. Mr. Poynts said each homeowner would be responsible for maintaining their area. Commissioner LePell said the CC&R's needed to really stress this maintenance. She asked if there would be road fees paid. Mr. Sawrey-Kubicek said traffic mitigation fees would be paid. Ms. Borrmann said the fees were higher than standard, more like what was paid by the Five Canyons people.

Commissioner Gault felt they should check for requirements by the Castro Valley Unified School District for school bus turnarounds. It was his understanding that gravel would not support school busses. Commissioner Kirby suggested a turnout, with pavement.

Commissioner Tam asked if the City of Hayward gave them water conservation guidelines. Mr. Poynts said that information is given with the new homeowner's handout. Commissioner Tam asked if they could be specified in the CC&R's. Mr. Poynts said they could. Public testimony was called for.

Don Keller, an adjacent neighbor, and Llama Farm operator said he had been at his site for 31 years. He supported the project. He said he wanted to be sure there were retaining walls

installed, and proper drainage to protect his property. He added that he wanted the houses on the hilltop to be single story. He asked if bonds would remain in effect after the project was built out. He noted that the easement road was to be a County road, and asked for a lot line adjustment so as not to be held responsible for maintaining it.

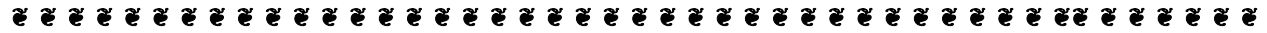
Commissioner Kirby asked if Mr. Keller's property would fall under the Agricultural Protection Ordinance. Mr. Sawrey-Kubicek said it would. Commissioner Kirby asked that new homeowners be informed about possibility of odors from the farm. He asked about bonding in case of abandoning the project after the grading was done. Mr. Poynts said bonding was required. Ms. Borrmann added that Public Works requires bonding at the time grading starts. Commissioner Kirby suggested extra money to insure proper drainage. Ms. Borrmann said an easement should be required. Commissioner LePell asked that Mr. Keller be noticed for each Site Development that occurred in the project.

Linda Chavez, of EBRPD said all were in agreement with regard to the trail. Commissioner Kirby asked if the District had any conditions. Ms. Chavez said only that their agreement be part of the conditions. Public testimony was closed.

Commissioner Kirby asked for maintenance of a conservation easement by the creek added to the CC&R's. Commissioner Gault moved approval per staff recommendations, with the conditions in the EBRPD letter of February 12, 2003, added, that the applicants work with the School District to provide for a bus stop, and that a for maintenance of a conservation easement by the creek added to the CC&R's. Commissioner Kirby seconded the motion. Commissioner LePell stated she would vote against the project, because there was no justification provided for the gates. Commissioner Gault said he was happy there had been positive discourse between the applicant, EBRPD, and the neighbors to work out problems. He thanked them. The motion passed 4/1, with Commissioner LePell voting "no" and Commissioner Edwards excused.

9. **MODIFICATION OF ZONING UNIT, MZU-2130, AND CONDITIONAL USE PERMIT, C-8112 - THAKOR PATEL -**
Application to amend the approved Site Development Plan to allow a new *porte-cochere*, revise the parking lot and first floor plan configuration, relocate the indoor swimming pool, and reduce the number of hotel rooms from 59 to 58, in a PD (Planned Development, 2130th Zoning Unit, allowing a 59-room hotel) District, located at 789-817 West A Street, unincorporated Happyland Area of Alameda County, designated Assessor's Parcel Number: 0432-0020-016-02. (Continued from January 21, 2003.)

Mr. Sawrey-Kubicek stated that this application was being continued without discussion to March 3, 2003. No one wished to speak on the application. Commissioner Kirby moved for the continuance. Commissioner LePell seconded the motion. The motion carried 5/0, with Commissioner Edwards excused.



STAFF COMMENTS & CORRESPONDENCE:

Mr. Sorensen spoke to the Commission about options for land use governance. He said he would bring back a presentation on the March 3, 2003 Planning Commission Agenda. Public meetings would also be held in Ashland on March 5, and in Castro Valley on March 17, 2003.

CHAIR'S REPORT:

The Chair announced she would be speaking on March 27, 2003, to the Association of California Water Agencies, in Napa.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:

Commissioner LePell asked again for a report on the sale of property adjoining the Dublin/Pleasanton BART site.

Commissioner LePell asked for a discussion on the new meeting room plans to be on the next agenda, and asked that the minutes reflect the fact that Commissioner Ysitt was the Commission representative to meet with the designers.

Commissioner LePell reminded the Commission of the Unincorporated Services Meeting on February 26, 2003, at 6:30 p.m.

Commissioner Kirby said he would be Washington D.C. the next week thru March 2, 2003.

Commissioner Kirby announced a Park Trails to the Bay field trip.

Commissioner Gault said he was looking forward to being the President of the California County Planning Commissioners' Association in 2004. The conference would be hosted by Alameda County in October or November of that year. He said he hoped to have a class event, with good topics, to give Alameda County a renewed spirit.

ADJOURNMENT:

There being no further business Commissioner Gault moved to adjourn the meeting at 4:55 p.m. Commissioner LePell seconded the motion, and carried 5/0, with Commissioner Edwards excused.



JAMES SORENSEN - PLANNING DIRECTOR
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY