

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**MARCH 1, 2004**  
**(APPROVED APRIL 5, 2004)**

The meeting was held at the hour of 6:00 p.m. at 224 W. Winton Avenue, Room 160, Hayward, California.

**FIELD TRIP: 12:00 p.m.**

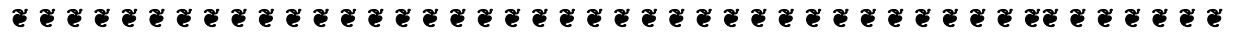
**MEMBERS PRESENT:** Commissioners Ario Ysit, Chair; Compton Gault; Frank Imhof; Mike Jacob, Vice Chair; Lena Tam

**MEMBERS EXCUSED:** Commissioners Richard Hancocks and Glenn Kirby

**STAFF PRESENT:** Bruce Jensen, Senior Planner

**FIELD TRIP:** The meeting adjourned to the field and the following property was visited:

1. **CHEVRON PIPELINE RELOCATION AND WATERSHED PROTECTION PROJECT** – Chevron Pipeline Company proposes to construct and operate a new pipeline segment (approximately 7.5 miles long) to be joined to an existing petroleum products pipeline in order to reduce the risk of water supply contamination at the San Antonio Reservoir in the event of a pipeline failure within the reservoir's watershed. The relocation of the existing pipeline is a condition of the Project applicant's current right-of-way lease agreement with the San Francisco Public Utilities Commission. The proposed pipeline segment is generally within an existing electrical transmission line easement and would extend for approximately 6 miles through an area north of the San Antonio Reservoir and south of Vallecitos Road (Highway 84). The proposed pipeline segment would separate from the existing pipeline at the northeastern end of the Project site withing Sycamore Grove Regional Park and rejoin the existing pipeline approximately 1 mile south of Livermore and approximately 1 mile southwest of the Vallecitos Road (Highway 84)/I-680 Interchange near San Antonio Creek. The area through which the proposed pipeline segment would pass is generally characterized as grasslands and rolling hills, currently used for grazing. Once the proposed pipeline segment has been completed within the alignment ultimately selected, the existing pipeline segment near the San Antonio Reservoir would no longer be used, and would be decommissioned in-place.
2. **VARIANCE, V-11806 – CUEVAS** - Referral from the West County Board of Zoning Adjustments, the petition of **CUEVAS**, to allow continuance as a building site: APN: 083-0100-001-03 without County



road frontage, 11.30 acres; and APN: 078C-0650-001-15, containing 1.44 acres, where 100 acres is the minimum parcel size in an “A” (Agricultural) District, located at 1151 Calhoun Street, east side, approximately 0.5 miles east of Mission Boulevard, unincorporated Hayward area of Alameda County.

3. **2189<sup>TH</sup> ZONING UNIT – MERCY HOUSING** – Petition to reclassify from an R-S-D-35 (Suburban Residence) and R-1 (Single Family Residence) Districts, to a PD (Planned Development) District, to allow construction of 83 one-bedroom Senior apartments and 1 two-bedroom senior apartment, with 52 parking spaces (8 for guests), on one site containing approximately 2.15 acres, located at 16438 and 16450 Kent Avenue, unincorporated Ashland area of unincorporated Alameda County, bearing County Assessor’s designations: 080B-0300-023-00 and -022-01.

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

**MEMBERS PRESENT:** Commissioners Ario Ysit, Chair; Compton Gault; Richard Hancocks; Frank Imhof; Vice Chair; Glenn Kirby; Lena Tam

**MEMBERS EXCUSED:** Commissioner Mike Jacob

**OTHERS PRESENT:** Steven Buckley, Assistant Planning Director, Sandra Rivera, Assistant Planning Director; Gerald Wallace, Contract Planner; Eric Chambliss, County Counsel’s Office; Holly Janvier, Recording Secretary

There were approximately twenty people in the audience.

**CALL TO ORDER:**

The Chair called the meeting to order at 6:06 p.m.

**ANNOUNCEMENTS BY THE CHAIR:** There were none.

**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 2, and February 17, 2004

Commissioner Kirby moved to approve the minutes of February 2, 2004 as submitted. Commissioner Hancocks seconded the motion. The motion was carried 6/0, with Commissioner Jacob excused.

Commissioner Gault moved to approve the minutes of February 17, 2004 as submitted. Commissioner Tam seconded the motion. The motion was carried 6/0, with Commissioner Jacob excused.

2. **CONDITIONAL USE PERMIT, C-7777 – M. A. CENTER** – Petition to expand an existing church facility by allowing construction of a new worship/activities room, with new kitchen, and to add 1,500 square feet to the existing prayer hall, on one site containing approximately 166.17 acres, in an A (Agricultural) District, located at 10200 Crow Canyon Road, west side, approximately 1.3 miles north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor’s designation: 0085-1050-006-01. (Continued without discussion to May 17, 2004.)
3. **2184<sup>TH</sup> ZONING UNIT AND GENERAL PLAN AMENDMENT – MOSTOFI/ONSORI** – Petition to amend the East County Area Plan, and zone to an H-1 (Highway Frontage) District, which was eliminated with the passage of Measure D, one site containing approximately 1.04 acres, located at 10 Grantline Road, east side, corner, southeast of I-580, unincorporated Tracy area of Alameda County, bearing County Assessor’s designation: 099B-7700-012-02. (**This application has been withdrawn.**)
4. **MODIFICATION TO THE 2091<sup>ST</sup> ZONING UNIT AND CONDITIONAL USE PERMIT, C-8246 – IBRAHIM** – Modification to ZU-2091, to allow construction and operation of a new car wash on a parcel containing an existing gas station and drive-in business (McDonald’s restaurant), on one site containing approximately 0.72 acres, in a TC (Transit Corridor) District, located at 16552 East 14<sup>th</sup> Street, northeast side corner, northeast of 166<sup>th</sup> Avenue, unincorporated Ashland area of Alameda County, bearing County Assessor’s designation: 0080-0076-032-00. (Continued from February 2, 2004; Continued without discussion to April 5, 2004.)
5. **PERIODIC REVIEW OF CONDITIONAL USE PERMIT, C-4158, VASCO ROAD SANITARY LANDFILL** - Review to allow continued

operation of an existing landfill (Vasco Road Sanitary Landfill, VRSL) in an A (Agriculture) District, located at 4001 North Vasco Road, east side, approximately one mile north of Dalton Road, Unincorporated Livermore area, designated as Assessor's Parcel Numbers 99B-4901-2-1 and 2-3; 99B-4926-2-1, 2-2, 2-4, and 2-5. (Continued from February 2, 2004; Continued without discussion to April 5, 2004.)

Commissioner Gault moved to approve the remainder of the Consent Calendar per staff recommendation. Commissioner Kirby seconded the motion. The motion was carried 6/0, with Commissioner Jacob excused.

**REGULAR CALENDAR:**

- 6. **PROPOSED REVISIONS TO PARK DEDICATION REQUIREMENT** - Proposed revisions to provisions of Chapter 12.20 of the Alameda County Ordinance Code regarding dedication of land or payment of fees to local park agencies for provision of park and recreation facilities. (Continued from February 2, 2004.)

Mr. Buckley presented the staff report. He stated that the MAC had heard this proposal at their last meeting and had continued it to March 22, 2004. The San Lorenzo Village Home Owners' Association had heard it, and continued it as well. The County Agricultural Committee had also heard the proposal, and felt that agricultural areas should be exempt from the fee. He stated that County Counsel felt that setting fees by property values would not work because it was not done in other areas in that way. There was a question from the Commission about the State getting a portion of the money; however, this would be a local fee, not property tax, and used in the area where the money was received, so no portion would be sent to the State.

Gloria Walker of CORE said she lived in the unincorporated area. The opinion of her organization was to support the increase, with no new fees to affordable housing. She said they had contributed to the Cherryland area. She noted that if affordable housing requirements from ABAG were to be met, affordable housing should not have to be burdened with an additional fee. She hoped to keep people in the area and encourage them to stay by not raising fees. She asked again to keep affordable housing exempt from the new fees, and submitted a letter for the record.

Ronald Keeney, of Ashland, said he had lived in the area for 40 years and had submitted a letter for the record. He supported raising fees, but felt affordable and special housing units should be exempt. He said a specific number of homes need to be built to meet ABAG quotas. Commissioner Kirby asked if Mr. Keeney was in favor of tiering the fee for affordable units. Mr. Keeney said he supported statutory exemption.

Marc Crawford, a local developer, said that he had also testified at the MAC hearing and net with HARD. He said he understood the fee hadn't been raised in several years, but it was unfair

to raise it all at once. He thought the calculation should be made without including parks that are in the City. He said they needed parks in the unincorporated County but they needed housing more. He agreed with the Home Builders' Association, that the fees should be based on three acres per 1,000, and should be set at 6 to 7,000 per unit. He felt four times the current fees was too much to ask.

Crisannnd Giles from the Homebuilders Association said she had met with staff and felt they had reached some compromises. She still felt the differences with the Quimby Act needed to be addressed. She stated five acres was not part of the equation used in the Act, but that 3.21 acres should be used in the unincorporated area.

Eric Willyerd, of HARD, said he had met with Ms. Giles, but the Quimby Act and AB 1600 were things they were still trying to work with. He said the Act was based on the number of people moving into an area. He felt if some types of units were omitted, than how could the Park District pay for their facilities. He said the other special districts could levy fees to meet their needs. He asked to be factored in with all the other impact fees at some point. He noted that Ken Craig was also present, representing LARPD. Commissioner Kirby asked about how Mr. Willyerd felt fees should be adjusted. He asked if waivers were something Mr. Willyard was willing to work with. Mr. Willyard said they were in favor of opening dialogue in that area.

Linda Gardner, Manager of HCD, said affordable housing needed to be exempt. The Housing Element compared the fee load on housing and found that the County is similar or less than surrounding areas. She noted that other sources of funds are available for parks, including redevelopment, and that the staff report properly analyzes the public policy trade-off of parks and affordable housing. Increased fees are offset by either less affordability, or fewer affordable units. She also recommended that the fees be collected at occupancy, and that the affordable term be 55 years. Commissioner Kirby asked if the impact to parks would be made up somehow with other funds. Ms. Gardner responded that the funds would have to come from the same subsidy used to build the affordable units.

Randi Gerson stated she worked for Mercy Housing. She said that they worked on development of affordable housing. She added that they relied on grants to build their units. They look to local government to close the gap in funding they needed.

Linda Mandolini, of Eden Housing, said they had done a lot of work in Alameda County. She said that it was very difficult to pay for the building of units with current park fees as they exist, and raising the fees would further hurt the ability to provide new units without having the fees raised. She asked for a waiver of the fees for affordable housing.

Public testimony was closed. Commissioner Tam asked about benefit areas and boundaries. Mr. Wallace said that at present all A (Agricultural) Districts were exempt, but HARD and LARPD said they should pay full fees, so as a compromise staff felt that they should pay ½ fees. They were going to use the County designations for benefit areas rather than the old Fire District maps, which no longer exist. He noted that there were small areas that had been grouped into a "remainder" set. He added that in most areas at least 70% spent in the area in which they were

collected and the other 30% could be spent outside the area if it provided services that could be used by the area residents.

Commissioner Kirby asked what would happen in North Livermore if the A District were exempt. Mr. Wallace said they would all be exempt. Commissioner Kirby said the simple way to go would be to assume that there was room for recreation on 100-acre lots, but those that were of less acreage, would be subject to the fees, as well as any secondary units on any lot. Mr. Wallace asked if that would include South Livermore. Commissioner Kirby said that was his opinion, and any new parcels should be subject to this fee. He felt the fee should be across the board but should look at ways to make it work for affordable housing, while not exempting it entirely.

Commissioner Hancocks suggested block grant funds and redevelopment funds to help with affordable housing. He said the unincorporated area was far below the cities in parkland. He said the homebuilders continue to peck away at the Quimby Act. He noted that it dealt with several scales of analysis, and that using all of the HARD parks would set the fee based on 5-3/4 acres per 1,000 population. He added that fees needed to be consistent to providing five-acres of finished parkland for the unincorporated county. He asked if they could apply fees to apartments and other multiple units. Mr. Wallace said they were doing that now. He added that they are tied by ordinance to meeting the actual costs, and that it wasn't tied just to subdivisions.

Commissioner Kirby mentioned that the county has a lot of discretion in issuing waivers, and that the Park District was not consulted. He said in the future they should be included.

Commissioner Tam said exempting one group put a burden on others. She felt the increase in fees seems to be driven by the cost of land in the County. She said she understood the difficulty in getting work force housing built, let alone affordable housing. She said the 100-acre parcels should be exempt, and that a two year reevaluation should be set. She appreciated the comments by Ms. Gardner. She felt the canyonlands and Eden sub-area should be included in the agricultural lands when setting fees.

Commissioner Ysitt felt senior and affordable housing should be looked at with the constrictions of Measure D.

Commissioner Gault agreed with Commissioner Kirby concerning the Agricultural areas in the 100-acre areas, differing from the 20-acre lots. He asked how they define affordable housing. He said he would like to hear more about where other sources of income would come from and if it was adequate to offset the lost revenues. He noted that everyone uses the parks. He said he would like to find more creative ways of finding funding.

Commissioner Imhof noted that one point the Agricultural Advisory Committee talked about was the Williamson Act parcels, of any size, and felt they should be exempt, and that secondary units in agricultural areas should be exempt.

Commissioner Kirby said that, to the extent they were successful in implementing the Housing

Element, the park districts needed to collect that money from somewhere to meet the demand for parks. It was not the park districts' job to find a way to keep things affordable, it was the County's job to find the funds. He said using these fees to remove acreage from agricultural production wouldn't likely happen.

Commissioner Hancocks said that by law they must maintain the nexus between increase in population and increase of fees.

Commissioner Gault wanted every avenue possible searched for ways to assist offsetting fees.

Commissioner Tam said she appreciated that they should look at fully funding parks, but felt that waivers should be looked at as a tool to work through things. Commissioner Kirby agreed on case by case exemptions with input by special districts. Commissioner Ysit said he felt the secondary unit policy was for the elderly to keep families together. He asked when they would start collecting the fees. Most commissioners felt it should be collected said when residents moved in. Commissioner Tam felt there were tax breaks for Williamson Act lands and their commitments are around 25 years.

Commissioner Gault moved for continuance to April 5, 2004. The motion was seconded by Commissioner Imhof. The motion was carried 6/0, with Commissioner Jacob excused.

7. **NORTH LIVERMORE INTENSIVE AGRICULTURE PROGRAM DRAFT EIR, AS PROVIDED BY MEASURE "D"**– Public hearing to present, and take comments on, the North Livermore Intensive Agriculture (NLIA) Program DEIR. The NLIA Project Area is located within an unincorporated area of Alameda County situated primarily in the Livermore/Las Positas Valley and in the hills and canyonlands known as Doolan and Collier Canyons to the west. The Project Area covers approximately 11,820 acres. (Continued from February 2, 2004.)

Ms. Rivera presented the staff report. She stated that Zone 7 indicated that they had no commitment to providing water for North Livermore and didn't have plans to in the future. The City of Livermore said they were not committing to providing water at this time, it wasn't in their plan. She stated that the Agricultural Advisory Committee said they intended to provide comments before the comment period ended. They had indicated that they didn't feel that the EIR evaluated current agricultural practices and some that were reflected in the EIR were unrealistic for the area. The County is expecting comments from these groups plus others.

Commissioner Ysit asked what would happen if everyone started using wells. Commissioner Imhof said he knew people in Collier Canyon and they all had holding tanks because there wasn't enough water. Ms. Rivera said the EIR did not discuss digging wells to support agriculture. Mr. Gregory was not sure what to add, except that they were still taking comments and he would get back to the Commission. Commissioner Ysit said he didn't want everyone sinking wells and sucking the land dry. Mr. Gregory said Environmental Health would check to



see if they could put in wells and test as part of the permit process. Commissioner Imhof said this didn't happen in Happy Valley where he lived, and they were now having problems.

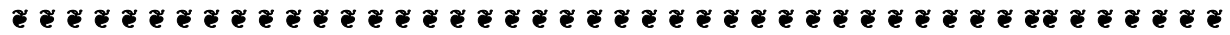
Commissioner Kirby said the process would work for the first few applicants, but the latter ones would diminish the water supply and the crop of the first people would then fail. He felt that a water source needed to be identified. Commissioner Imhof said different crops could be looked at like olive trees, which take little water. Ms. Rivera said the program was already in place, they were just looking at the EIR. Commissioner Imhof said they should take a survey of what was there and what type of engineered septic systems might be available. Commissioner Hancocks said he was struck by the fact that the issue of ground water is unknown. He asked if any capacity testing had been done. Commissioner Kirby said Zone 7 has done a lot of study. Commissioner Imhof said drip systems have done a lot to help. Public testimony was called for.

Dick Ward of Vasco Road said the impact of this project on the area was what he wanted to discuss. He said Zone 7 has only examined the main basin, but none of the sub basins. The Vasco, Altamont and Spring sub-basins weren't looked at. He was very concerned about what the additional homes would do to his water supply. He said there would be 11,000 acre feet of water needed. He didn't feel it would be able to handle it. He asked that the Vasco/Laughlin area would be studied as to the effect this project would have on them. He asked for protections. He asked these sub areas be made a part of the study. He said he was gratified that the Commission had the same concerns as he did. Commissioner Tam asked about the aquifers. Mr. Ward said Zone 7 said they had not done any studies on it. Commissioner Imhof asked about improvement of water quantity of Los Vaqueros. Mr. Ward said it had no effect to his property. He said his water is based on rainfall. He had a concern about protecting areas, but these areas are in the Vasco/Laughlin area, not the project area. Public testimony was closed.

Commissioner Tam said the project was a policy and asked how does that translate into a project. She said the three findings need to be made under Measure D. The adequacy of the water supply is one. She suggested that if Livermore or Zone 7 didn't have a program to take care of this, then they need to develop one. Commissioner Kirby agreed. Commissioner Ysit agreed that if someone buys 20 acres they would want to sink a well and it would strain the water supply. Ms. Rivera said the wells would have to provide adequate water to be allowed. Commissioner Ysit said if they had the water, they could do that now. Commissioner Tam asked for a study of the groundwater aquifer. Commissioner Gault asked about the source and availability and how it effects the surrounding area. He felt Mr. Ward had a good point and felt his area needed to be studied. He said he had seen attempts to grow certain crops and they failed for lack of sufficient water and that the economic viability was going to be affected. Commissioner Imhof asked if the Vasco side was on the other side of the hill and if that was why it wasn't included. Mr. Gregory said it wasn't part of the project area.

8. **2185<sup>TH</sup> ZONING UNIT AND TENTATIVE PARCEL MAP 8210 – CORRAL** – Petition to reclassify from a R-1-SU (Single Family Residence, Secondary Unit) District, to a PD (Planned Development) District, for the purpose of subdividing one site into three parcels with less





than 5,000 square feet, and non-conforming yards, parking and open space, on one site containing three residential structures and four residential units, containing approximately 11,724 square feet (0.27 acres), located at 1417 Thrust Avenue, west side corner, southwest of Oriole Avenue, unincorporated Ashland area of Alameda County, bearing County Assessor's designation: 0080-0035-099-00. (Continued from January 20, 2004.)

Mr. Buckley presented the staff report. He went over the various options presented in the staff report. He stated that the applicant was not present. No public testimony was offered on the project. Commissioner Kirby said he appreciated the options offered, but saw no benefit to the County in approving this application. He didn't see any of the options as viable, and felt they should leave the site as is. He felt denying the project was best and so moved. Commissioner Hancock seconded the motion. He shared Commissioner Kirby's concern. He said he hears from the community all the time, and they feel "substandard" is the "standard" for Alameda County. He added that none of the proposals meets the standards of the Zoning Ordinance.

Commissioner Imhof felt one of the options looked like it could be done. Commissioner Kirby said this would be trading one substandard parcel for three substandard parcels. Mr. Buckley said the applicant indicated that this would provide four affordable houses. Commissioner Imhof felt the county could benefit from affordable housing. The motion for denial was carried 4/2, with Commissioners Imhof and Tam voting against the motion.

9. **VARIANCE, V-11806 – CUEVAS** - Referral from the West County Board of Zoning Adjustments, the petition of **CUEVAS**, to allow continuance as a building site: APN: 083-0100-001-03 without County road frontage, 11.30 acres; and APN: 078C-0650-001-15, containing 1.44 acres, where 100 acres is the minimum parcel size in an "A" (Agricultural) District, located at 1151 Calhoun Street, east side, approximately 0.5 miles east of Mission Boulevard, unincorporated Hayward area of Alameda County.

Mr. Buckley presented the staff report. Commissioner Tam noted that the property was gated and locked when they arrived there for the Field Trip that afternoon. Commissioner Imhof said that he couldn't make a determination on what he couldn't see. Commissioner Hancock said he was at the BZA's meeting when this was heard, and there was a lot of site information presented there that the Commission would benefit from. Commissioner Kirby said this was a lapsed application and approval would reinstate it with the same conditions. He said he understood that this area was being considered for annexation. Public testimony was called for.

Ed Bullock said he was a friend of the applicants. He said the applicants had an approved project but the applicant had a child and couldn't work resulting in a loss of income. They couldn't afford to build their house at that time. He stated that the applicants own both parcels with the understanding that they didn't have an access problem. They had a situation where a

family owns two pieces of property in two different districts. The city said one house could be built on this site. That is all the applicant wants to do is build one house. Even if someone bought the other site, they still would maintain the easement to the street.

Dominic Cuevas said everything was approved. He didn't know the permit had expired. He said the Commission went to the wrong entrance to his site on their Field Trip, and the gates were confusing. The area they went to was the area where his horses grazed. Public testimony was closed.

Commissioner Kirby felt the fact that they were in two jurisdictions was the problem. He understood the annexation would not happen for several years. Commissioner Kirby moved for approval. Commissioner Gault seconded the motion. Commissioner Imhof said he needed to be able to see the property to make a decision. Commissioner Hancocks said the variance process was for when there is no other way to remedy the problem with the land. The remedy would be to combine the parcels. Commissioner Kirby felt the city would not annex one property so that wouldn't be a remedy. Commissioner Hancocks also stated that a variance was to be the last choice. Commissioner Tam said she remembered seeing the site. She supported the motion. She felt this was a special circumstance since the applicants could not control the jurisdictional division. Commissioner Imhof said he could not vote on this if he could not see what he was voting on. The motion was carried 4/1/1, with Commissioner Hancocks voting against the motion, and Commissioner Imhof abstaining.

**STAFF COMMENTS & CORRESPONDENCE:** There were none.

**CHAIR'S REPORT:** There was none.

**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:**

Commissioner Gault said he was happy for the try to have a sound system. (Note – One of the microphones for the new sound system was not working.)

**ADJOURNMENT:**

There being no further business Commissioner Imhof moved to adjourn the meeting at 8:35 p.m. Commissioner Tam seconded the motion. The motion was carried 6/0, with Commissioner Jacob excused.

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