

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**MARCH 3, 2003**  
**(APPROVED APRIL 7, 2003)**

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

**FIELD TRIP: 1:30 p.m.**

**MEMBERS PRESENT:** Commissioners Lena Tam, Chair; Mike Jacob; Audrey LePell; Ario Ysit, Vice Chair

**MEMBERS EXCUSED:** Commissioners Matthew Edwards; Compton Gault; Glenn Kirby

**OTHERS PRESENT:** Ronald Gee, Senior Planner

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

1. **2162<sup>ND</sup> ZONING UNIT AND SITE DEVELOPMENT REVIEW, S-1809 - LEE** - Petition to reclass one site from the C-2 (General Commercial) District to a PD (Planned Development), for the purpose of constructing a two story, 3,195 square foot mixed use office and residence building on the site, which contains approximately 0.22 acres, located at 2974 Grove Way, northwest side, approximately 250 feet southwest of Center Street, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designations: 416-0070-056-00 & -057-00.

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

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

**OTHERS PRESENT:** James Sorensen, Planning Director, Ronald Gee, Senior Planner, Phil Sawrey-Kubicek, Senior Planner, Louis Andrade, Planner III; Holly Janvier, Recording Secretary; Maria Palmeri, Secretary II

There were approximately two people in the audience.

**CALL TO ORDER:**

The Chair called the meeting to order at 6:01 p.m.



**ANNOUNCEMENTS BY THE CHAIR:** Commissioner Tam introduced Mike Jacob, who had just been appointed to the Commission by Supervisor Carson. She noted that he brought a strong background in affordable housing.

**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:**

2. **APPROVAL OF PLANNING COMMISSION MINUTES** – February 18, 2003

Commissioner Gault moved to approve the minutes as submitted. Commissioner Kirby seconded the motion. The motion passed 5/0/1, with Commissioner Jacob abstaining and Commissioner Edwards not having yet arrived.

3. **2118<sup>TH</sup> ZONING UNIT - DEIGERT** - Petition to rezone from a PD (Planned Development, 1489<sup>th</sup> Zoning Unit permitting R-1-L-B-E) District to a PD (Planned Development, allowing all the uses of the 1489<sup>th</sup> Zoning Unit and a second unit) District, on one site containing approximately 1.22 acres, located at 5622 Jensen Road, northwest side, approximately 200 feet north of Cypress Ranch Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation:085A-0001-026-00. (Continued from January 23, 2003. To be continued, without discussion to March 17, 2003.)
4. **2162<sup>ND</sup> ZONING UNIT AND SITE DEVELOPMENT REVIEW, S-1809 - LEE** - Petition to reclass one site from the C-2 (General Commercial) District to a PD (Planned Development), for the purpose of constructing a two story, 3,195 square foot mixed use office and residence building on the site, which contains approximately 0.22 acres, located at 2974 Grove Way, northwest side, approximately 250 feet southwest of Center Street, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designations: 416-0070-056-00 & -057-00. (Continued from February 3, 2003; continued without discussion to March 17, 2003.)



4. **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 February 18, 2003; continued without discussion to March 17, 2003.)

Commissioner LePell asked if there would be a Field Trip to the site of Item #4. Mr. Gee said the applicants are expected to withdraw.

Commissioner Kirby moved to approve the remainder of the Consent Calendar per staff recommendation. Commissioner LePell seconded the motion. The motion was carried 6/0, with Commissioner Edwards not having yet arrived.

**REGULAR CALENDAR:**

5. **2166<sup>TH</sup> ZONING UNIT AND VESTING TENTATIVE MAP, TRACT 7426 – TOWN** – Petition to reclassify from the PD (Planned Development) District, (1408<sup>th</sup> 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. (Continued from February 18, 2003.)

Mr. Andrade presented the staff report. He distributed new maps and stated that the applicant had brought new maps in on Thursday, so were not available for the Commission mailing. Commissioner Kirby said he understood the footprint for the project had not changed, but things were moved around providing more space for the driveways. He asked if the homes would need variances. Mr. Andrade said that would be addressed in the conditions. He noted that the applicant had provided the onsite parking to address the MAC’s concerns.

Commissioner Gault asked about the decorative gate discussed at the last meeting. Mr. Andrade said that the applicant would eliminate the electric gate, and make the entrance a decorative one. Commissioner LePell said she wanted to be sure it was only a decorative entryway. Mr. Sawrey-Kubicek said that could be specified in the conditions. Commissioner LePell said she talked to Bob Hale from the Clean Water Department. He said that they had announced two years ago about the 100-foot setback near creeks and streams. It turned out only to apply to quarries and has not yet been changed to apply to residential areas as well. That would be looked at as a



change to the Ordinance in the near future, and may be brought to the Commission for comment. She wanted to clarify that she was in error at the last meeting when she believed that the 100-foot applied to residential. Commissioner Ysit said the conditions said there was an automatic gate. Commissioner Gault said the condition would be changed if the project were approved. Commissioner Edwards arrived. Public testimony was opened.

Howard Beckman of San Lorenzo felt it was urgent to adopt the policy for setbacks for creeks and streams, and what would be appropriate construction near them. Friends of San Leandro Creek would lobby for a policy. He urged the Commission to develop a policy of development along creeks and streams. Commissioner Tam asked about the information on creeks and streams in their packet. Mr. Sawrey-Kubicek said that information was the Ordinance Commissioner LePell talked about. This project was about 80-feet from the edge of the creek. Commissioner LePell said there could be further development along the creek. She felt it was important to start looking at the Ordinance now. Commissioner Gault said the Commission has taken a serious look in the past over riparian areas, watersheds and creeks, because they felt it was important. Public testimony was closed.

Commissioner Gault moved staff recommendation adding to Exhibit C, Item 13, that the gate at the entry area would be decorative and not operational. Commissioner Kirby seconded the motion. He said the applicant had stated that he slopped the area to help with runoff. He asked that Condition 3 add language to see that surface runoff and roof drainage run to the storm drain. Commissioner Gault amended his motion. The motion was carried 7/0.

THE PLANNING COMMISSION WILL CONSIDER THE FOLLOWING MINOR MODIFICATION, ACTING AS THE PLANNING COMMISSION, AND THE ACCOMPANYING CONDITIONAL USES WILL BE CONSIDERED BY THE PLANNING COMMISSION, ACTING AS A BOARD OF ZONING ADJUSTMENTS.

6. **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, 2130<sup>th</sup> 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. Gee presented the staff report. He pointed out the main changes that had occurred on the maps, which had been handed out earlier. He added that staff could now make the findings for approval. Commissioner LePell felt relocation of the trash enclosure and pool, as well as the



driveway enlargement were good changes.

Commissioner Kirby said the main change was the addition of the *porte-cochere*. Regarding the parking regulations, presumably larger airport shuttle vehicles would be accustomed to maneuvering these spaces. Mr. Gee said they would. Commissioner Kirby asked whether three handicapped spaces were enough. Mr. Gee said they were. Commissioner Jacob asked if the Traffic Department had checked on making the drive one-way traffic, and questioned if it was necessary to have two-way traffic. Mr. Gee said it could be confusing for one-way traffic with delivery trucks, even with the addition of signs. Commissioner Kirby noted the Commission had considered that before and found it could cause other problems, such as after checking in, a guest would have to return to the street and come back in to get to their room. Public testimony was opened.

Mr. Patel, the applicant, asked for approval of his project. Commissioner Edwards asked about the trash enclosure doors being opened. Mr. Patel said they would move the trash enclosure to the other side and keep the doors closed. Commissioner Edwards asked what protection there was to keep traffic moving and circulating. Commissioner Tam added that Commissioner Edwards was asking if other steps were being taken, like signs for instance. Commissioner Gault asked if there were a way to keep a delivery van from blocking the entry, would there be signs limiting parking time. Mr. Patel said he would post signs with parking limits and direction. Commissioner Kirby said it would be a good idea to have signs which say "for check in only" or a limited parking time. Commissioner Gault suggested having security monitor this. Commissioner Edwards agreed.

Commissioner LePell suggested for the first six months that the curbs be painted the correct color, and more than one member of staff monitor this. Someone from staff could check this after six months to see if it was working. Commissioner Tam asked about negotiations with Oro Loma Sanitary. Mr. Patel said there was an error in the design that held things up. He understood now there was another problem. He said they could hook up to the City if they had to. Commissioner Tam asked if that was a possibility. Mr. Gee said yes, if they annex. He said that now there were a few neighbors involved in obtaining a trunk line in the area. The consulting firm working for Oro Loma had made design errors and that was the problem. Commissioner Edwards asked if anything would be where the trash enclosure was originally planned. Mr. Gee said there would be landscaping and the utility box, but nothing with doors.

Howard Beckman said he had objected to not having a development plan for "A" Street. He asked about a possibility for annexation. Public testimony was closed.

Commissioner LePell asked if there was a letter from Oro Loma explaining the problem. Mr. Gee said for every development planned, Oro Loma requires a sewer plan. The problem on "A" Street was that there was a lot of run off, and that is why they were trying to develop a trunk line to bypass the small pipes.



Commissioner Gault moved staff recommendation with the recommendation by Bob Preston of Traffic, that there be no parking along the north side of the drive, and signs be posted regarding allowed parking, adding that parking be monitored by hotel staff. Commissioner Kirby seconded the motion. Mr. Gee asked that the trash enclosure move, and internal changes, be added to the motion, and asked for drawings to be submitted for approval by the Planning Director. Commissioner Gault amended his motion to reflect these additions. Commissioner Kirby amended his second. The motion was carried 7/0.

THE PLANNING COMMISSION ACTING AS THE PLANNING COMMISSION  
WILL HEAR THE REMAINDER OF THE CALENDAR.

**7. PRESENTATION BY JAMES SORENSEN, PLANNING  
DIRECTOR ON ALTERNATIVES FOR LAND USE  
GOVERNANCE**

Mr. Sorensen gave the background for the proposal. He said it was felt that there wasn't enough local control in the unincorporated area and that is why the Board of Zoning Adjustment (BZA) was created. He stated that he had received a couple of other ideas from the public, beside the two first submitted.

Mr. Sorensen said the first scenario was basically the same as the Commission was now, but with mostly unincorporated people on it. There had been some expression for some kind of representation from the cities. There would be Commission with nine to eleven members, and the BZA and Castro Valley Municipal Advisory Council (MAC) would remain.

The second scenario called for three Area Planning Commissions and a Countywide Commission. He discussed various ways of appointing the Commissioners. He heard concerns about dividing and conquering the community with scenario two, others felt Castro Valley would be the only area to benefit, and others would not. Staff-wise it would take the same number of planners, but there could be more clerical help needed. There would be a marginal increase in cost for Commissioners.

Mr. Sorensen said there would be other community meetings for comment from the public. He said he was looking for comments from the Commission that evening. Commissioner Tam asked about appointments by districts. She said District 4 has the greatest population. She asked if there had been dissatisfaction with the MAC. Mr. Sorensen said there is a view by some that the MAC is not listened to since they are not a decision making group. Commissioner Tam pointed out that the Commission is only advisory in most of the matters they hear. She asked to see the percentage of times the Commission didn't follow the MAC recommendation. She felt they did in 95% of the cases.

Commissioner Gault added that was true. He said the Commission even refused to hear items



that hadn't been to the MAC. He noted that he had served on the MAC before, and added that members on the MAC now have been members of the Chamber or have clients who are developers. He felt there was simply a lack of communication. He noted some of the people in Castro Valley felt there was a problem getting things through the Planning Department. The MAC looked at the process and changes were made to make the process smoother. He brought up the failed incorporation issue and the feeling of those supporting it, that they need local control. He has heard a lot of complaint that people in cities make decisions for unincorporated areas. Things like the utility tax influence everyone. He understood the frustrations, but felt there was still a lack of communication.

Commissioner Tam asked if there had been an evaluation of the BZA. Mr. Sorensen said their evaluation is coming up. There have been a fair number of appeals, but the Board of Supervisors realizes that these Boards will be a little stricter than they are. He added that it has been his experience that the Commission gives a lot of weight to what the MAC asked. Commissioner LePell could see the criticisms from the community. San Lorenzo would like to have their own Advisory Council. The community feels good about the BZA and the progress of the Zoning Enforcement area. She felt adding a member or two to the Planning Commission may be the way to go.

Commissioner Kirby said they pay attention to local groups. Castro Valley Municipal Advisory Council has been very valuable to the Commission. He had concerns about breaking up the Commission. It felt it would be a burden to the Board of Supervisors, because there would likely be more appeals. He felt more people from the unincorporated area should be included. The BZA's are possibly able to be more of a local board. He suggested the BZA's could have their roles expanded to look at some other things. There was an extra step in Castro Valley with the MAC and they listen to it. The BZA could look at controversial things for the Commission and advise the Planning Commission. He said he favored the County-Wide Commission.

Commissioner Jacob asked what all the complaining was about. The procedure of having an extra hoop is not a big deal. They need to listen to the public. Commissioner Tam was troubled about the proposal. Alameda County was not that big. She felt to want to increase bulcanization causes land use gridlock with lots of appeals. Deference to the unincorporated areas was given. There have never been problems with hearing the views of the public. She stated there could be reverberating impacts with three commissions.

Commissioner Ysit said he has always enjoyed hearing what the MAC, Sunol Advisory or the area Home Owner Associations had to say. He added no Commission would ever please everyone. He felt the BZA East from his area was working. He liked the Commission composition the way it was now.

Commissioner Edwards said scenario one was the way to go. A few years ago the Commission went to a conference, and a County with two Planning Commissions that would hardly speak to one another. He said that sometimes the Commission is legislative and sometimes judicial.





Mostly they are judicial, seeing if the project matches the rules. He felt if people were unhappy with the rules, they needed to see the Board of Supervisors, not blame the Commission or BZA. He said he had never seen where a person lives affect how they vote on a project. He liked the idea of giving the Supervisors more latitude in not saying the person they chose for the Commission has to be in their district. He said if people wanted their neighborhood represented, they should go to the Board of Supervisors and ask for more Commission members from their area. He felt seven was enough.

Commissioner Gault said that he liked to hear the opinions of the community. It was being done at the MAC level. Applicants that had to go there were sometimes surprised that they had to go to another Board or Commission later. The main thing was to insure the community voices were being heard. He noted the Commission didn't make the policy; they needed to make sure that the policy was followed. If people felt there was an exception to be made, they needed to express that to the Board. He felt increasing the Commission would cause more problems. In Scenario 2 he sees it as only backfiring to the Supervisors. One area may give approvals for one thing and another may not. Then there would be a question of "why do they get to do this and we don't." It could cause a lot of problems. He felt the commission could be expanded but should not have more than nine members. He agreed with Commissioner Edwards that they should be chosen for the person, not the area they live in. Some matters needed to be looked at County wide and regionally. He felt the Commission had done a good job of that. He added that they had to look at a way local people could make their concerns known to the Commission. He felt there needed to be a way to motivate people to speak and study issues.

Public testimony was called for. Howard Beckman said he came to hear what the Commission had to say. He said there would always be a desire to have a "my town first, my city first." He said it was not about Castro Valley. When Supervisor Miley proposed these ideas, everyone was surprised. Mr. Beckman felt there was a difference between planning and zoning adjustment. Zoning adjustment should be made at a local level, but policy shouldn't. There was something to be said for local policy making, but how local. Everyone he knows wanted solidarity of the unincorporated area, not sectioning. He felt there should be a Commission for East County and one for the West, because planning is very different in the two areas. Solidarity was important because unincorporated areas have a short life. They fear for and don't want to be absorbed by San Leandro and Hayward. Commissioner Tam asked if the West County BZA has lived up to his expectations. Mr. Beckman said he couldn't tell as yet. Commissioner LePell said she was a member of the League of Women Voters. A few years ago she was asked to set up a meeting about annexing Cherryland to Hayward, and Ashland to San Leandro, but couldn't get the cities to consider it. Public testimony was closed.

Mr. Sorensen said that they had heard about the two scenarios. East County could handle both the Commission and BZA work. He felt West County couldn't handle both the Commission and the BZA because of the amount of applications. He asked if there should still be a Castro Valley Municipal Advisory Council needed. He asked if the commission had any ideas on this. He added that he had never found the Commission to be insensitive to local issues. They do their





homework and have always been interested in everything, having considered everyone in the community.

**8. DISCUSSION ON PLANS FOR THE NEW MEETING ROOM FOR THE PLANNING COMMISSION AND OTHER BOARD APPOINTED BOARD AND COMMISSION MEETINGS**

Commissioner Ysitt said he was gathering a list of needs for the new meeting room. There was a discussion of these needs, such as a sound system, recording system, visual presentation equipment, to name a few. Commissioner Kirby suggested broadcasting the hearings, for local interest. Commissioner LePell asked to make the room more welcoming.

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

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

**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:**

Commissioner LePell announced a new, free bus service from A. C. Transit, between the Castro Valley and Hayward BART stations to Foster City, and back.

Commissioner LePell thanked Mr. Sawrey-Kubicek for the report on the sale of property near the Dublin/Pleasanton BART station for affordable housing, which she had asked for.

Commissioner LePell asked for a report on the new Juvenal Justice Facility plans at an upcoming meeting.

**ADJOURNMENT:**

There being no further business Commissioner LePell moved to adjourn the meeting at 8:20 p.m. Commissioner Kirby seconded the motion. The motion was carried 7/0.

**JAMES SORENSEN - PLANNING DIRECTOR  
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY**