

**MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION AND
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL JOINT MEETING
JULY 7, 2003
(APPROVED JULY 21, 2003)**

REGULAR MEETING: 6:00 p.m.

PLANNING COMMISSION MEMBERS PRESENT: Commissioners Ario Ysit, Chair; Mike Jacob, Vice Chair; Glenn Kirby; Audrey LePell; Lena Tam

MEMBERS EXCUSED: Commissioner Compton Gault

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL MEMBERS PRESENT: Councilmembers Andy Frank, Chair; Ken Carbone; Jeff Moore; Dean Nielsen; Carol Sugimura

MEMBERS EXCUSED: Councilmembers Ineda Adesanya; Roberta Rivet

OTHERS PRESENT: Bruce Jensen, Assistant Planning Director; Richard Winnie, County Counsel; Holly Janvier, Recording Secretary

There was one person in the audience.

CALL TO ORDER:

The Chair called the meeting to order at 6:02 p.m.

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Redwood Christian School v. County of Alameda, ALCO
Superior Court Case No. C01-4282SC

Chair Ysit announced that the Planning Commission and Castro Valley Municipal Advisory Council would adjourn to closed session.

ANNOUNCEMENTS BY THE CHAIR: The Planning Commission Chair announced that no action was taken at the closed session.



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 - June 16, 2003**
2. **2125TH ZONING UNIT - ANDERSON** - Petition to reclassify from a PD (Planned Development, ZU-1762) District **allowing single family residences** to the R-S-D-15 (Suburban Residence, 1,500 square feet M.B.S.A.) District in order to allow up to 50 apartment units, on one site containing approximately 2.04 acres, located on Miramonte Avenue, southeast corner, northeast of Saratoga Street, unincorporated San Leandro area of Alameda County, bearing County Assessor's designation: 80A-0199-001-05. (Continued without discussion to September 15, 2003.)
3. **2177TH ZONING UNIT – RAMIREZ** – Petition to reclassify from an R-1 (Single Family Residence) District to a PD (Planned Development) District to allow construction of an addition to a converted, detached garage as a second dwelling, on one site containing approximately 0.13 acres, located at 1178 Grove Way, north side approximately 50 feet southwest of Ocean View Drive, unincorporated Hayward area (Cherryland) of Alameda County, bearing County Assessor's designation: 0414-0081-067-00. (Continued without discussion to August 4, 2003.)
4. **2178TH ZONING UNIT – SIMONS** – Petition to reclassify from an R-1-L-B-E (Single Family Residence, 5 Acre m.b.s.a.) District to a PD (Planned Development) District, to allow a second dwelling, on one site containing approximately 2.69 acres, located at 664 Happy Valley Road, north side, approximately .42 miles west of Alisal Street, unincorporated Pleasanton area of Alameda County, bearing County Assessor's designation: 0949-0007-014-04. (Continued from June 16, 2003; to be continued to July 21, 2003.)

Commissioner Kirby made corrections to the minutes. Commissioner Jacob moved to approve the minutes as corrected, and the remainder of the Consent Calendar as recommended by staff. Commissioner Tam seconded the motion. The motion was carried 5/0, with Commissioner Gault excused.



REGULAR CALENDAR:

5. INFORMATIONAL REPORT BY RICHARD WINNIE, COUNTY COUNSEL ON PENDING LITIGATION AND NEW BILLS REGARDING SECOND UNITS. (No public testimony will be taken, and the Commission will take no action, except to accept the report,.)

Mr. Winnie gave an overview of the Shea Homes and Measure D litigation. Councilmember Andy Frank asked whether an area was still under Measure D, if the unincorporated area were annexed to a City. Mr. Winnie said that an annexed area would no longer be under Measure D.

Mr. Winnie gave an overview of the staffing of his office. He said there were three Attorneys under him, and each of them had a staff to assist them. Commissioner Ysitt asked to have information on any new laws or litigation that would effect the Commission when available.

Councilmember Carbone asked whether the members of the Council or Commission could assist Mr. Winnie in any way. Mr. Winnie said that might be a possibility at a later date.

Commissioner LePell asked about the new second unit legislation. Mr. Jensen said that Mr. Wallace of Planning, would be working on that. Mr. Winnie said that he didn't see problems with AB-1860; however, the pending legislation that was in committee was more stringent. Mr. Jensen explained that SU Districts would be able to be approved for second units over the counter, provided they met zoning regulations. He said that CSU Districts would be like SU Districts.

Councilmember Carbone asked whether the CSU could be removed, since they were so careful about where they could be allowed. Mr. Jensen said staff could identify areas where units shouldn't be. He said that after staff formulates the new guidelines, it would be brought to the Castro Valley Municipal Advisory Council, Planning Commission and Boards of Zoning Adjustment. He didn't feel there would be many new applications with the new, existing legislation. He said that staff would have drafted a letter to send to the legislators before the next bill comes to a vote.

Councilmember Neilsen said that under present law, the current guidelines would be helpful, and he asked to get the new proposed guidelines soon. He noted that they would like to give some input. Mr. Jensen said he would get the proposed standards to them, and get others opinions. Commissioner LePell said there was certain criteria for Agricultural Districts, and asked if AB-1860 would affect these areas. Mr. Jensen didn't feel it would have any effect. He said Agricultural Zoning falls under the Secondary Unit Policy, and those are a different set of rules.

Councilmember Carbone said Ms. Gardner had indicated that the County could go into the Measure D area for additional units, if they were short units in the Housing Element. Mr.

Winnie said he guessed that Ms. Gardner’s agency could activate mandates because affordable housing could go into measure D. He added that there were pressure valves that allow fulfillment of the Housing Element needs. Commissioner LePell asked about Jensen Road, with it’s traffic and second units. Councilmember Carbone said that Jensen Road had problems with units in front of main units. Commissioner Kirby said the building code would still apply to any units that may be built in the area.

STAFF COMMENTS & CORRESPONDENCE: There were none.

CHAIR’S REPORT:

The Chair announced that the Commission would be able to meet at the W. Winton Avenue Building until remodeling started.

The Chair announced that there would be a special meeting of the Commission on Tuesday, July 22, 2003, on the Housing Element and another special meeting with the San Lorenzo Village Homes Association on Monday, August 25, 2003, on the San Lorenzo Village Plan. The later meeting would be at the Homes Association Meeting Room in San Lorenzo.

The Chair announced that a new Planning Commissioner, Supervisor Haggerty and the Board had appointed Frank Joseph-Imhof. He would be at the next meeting.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:

Commissioner LePell thanked the Planning Department for the County Fair tickets. She also noted that she would be absent from the next meeting.

ADJOURNMENT:

There being no further business Commissioner Tam moved to adjourn the meeting at 7:25 p.m. Commissioner LePell seconded the motion. The motion was carried 5/0, with Commissioner Gault excused.