

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JULY 21, 2003
(APPROVED SEPTEMBER 15, 2003)

The meeting was held at the hour of 1:30 p.m. at 224 W. Winton Avenue, Hayward, CA

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Commissioners Ario Ysit, Chair; Frank Imhof; Mike Jacob, Vice Chair; Glenn Kirby; Lena Tam

MEMBERS EXCUSED: Commissioners Compton Gault and Audrey LePell

OTHERS PRESENT: Bruce Jensen, Assistant Planning Director, Phil Sawrey-Kubicek, Senior Planner, Holly Janvier, Recording Secretary

There were approximately four people in the audience.

CALL TO ORDER:

The Chair called the meeting to order 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, but comments meant for open forum, which were given under Item 5, are included here.

Ronald Krillivitch said he had been at the Commission a few months ago to speak on the homeless. He said the homeless could use the Oakland Army Base. He asked why the gates were being closed. He asked what law was being used to keep them closed. He said the government had told him that people could get rowdy. He felt a security guard company could handle it. He asked what county or city ordinance was being used to keep the gates closed to the homeless. Commissioner Ysit suggested that Mr. Krillivitch call Supervisor Carson, in whose district the Oakland Army base was located. Commissioner Tam said Councilmember Nancy Nadel would be the person to contact. Commissioner Jacob said he should contact that Oakland Base use could help him better. Commissioner Ysit suggested calling Mayor Jerry Brown's office.



CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES - July 7, 2003**

There was a correction to the minutes made by Commissioner Kirby. Commissioner Kirby moved to approve the minutes as corrected. Commissioner Tam seconded the motion. The motion was carried 5/0, with Commissioners Gault and LePell 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 May 19, 2003; continued without discussion to August 18, 2003.)
3. **2176TH ZONING UNIT – NAVARRO** – Petition to reclassify from an R-1-SU (Single Family Residence, Secondary Unit Overlay) District, to a PD (Planned Development) District, allowing a second dwelling, on one site containing approximately 0.20 acres, located at 20381 Haviland Avenue, west side, approximately 205 feet north of Cherry Way, unincorporated Hayward area (Cherryland) of Alameda County, bearing County Assessor's designation: 0429-0014-021-00. (Continued from June 16, 2003; continued without discussion to August 4, 2003.)

Commissioner Kirby moved to approve the remainder of the consent calendar as recommended by staff. Commissioner Tam seconded the motion, which was carried 5/0, with Commissioners Gault and LePell excused.

REGULAR CALENDAR:

4. **REPORT ON AB-1160**

Mr. Jensen presented the staff report. He presented a draft letter to the Commission, which would be sent to the State from the Planning Department. He asked for comments from the Commission that would later be added to the letter. He said they were not in big hurry since the bill would not be coming back from committee for a vote for approximately two years.



Commissioner Tam asked if the CSAC had taken a position. Mr. Jensen said they were opposing the bill, but contractors were in favor of it. Commissioner Jacob said it would be prudent to wait till January. Mr. Jensen said he would be monitoring the bill, and would keep track of any new developments. Commissioner Jacob felt this should be discussed in a public forum. He wanted it to come back to the Commission when there was a better idea of the ambiguous areas

5. **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 July 7, 2003.)

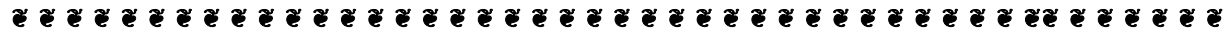
Mr. Sawrey-Kubicek presented the staff report. He said there were many areas where the secondary unit would not meet the requirements of the Rural Residential Secondary Unit Policy, but there were conditions to mitigate most of these areas.

Commissioner Tam asked how the Traffic Department's report could be taken. Mr. Sawrey-Kubicek said that it indicated a little used road. Mr. Jensen said that this would not generate much congestion. There would be about 200 cars at peak hours. Commissioner Tam asked about wells using the same aquifer, and about how many people used it. Commissioner Imhof said that everybody on the street used wells. It was noted that there would be more traffic when the golf course opened. Public testimony was called for.

David Simons, the applicant, said he was trying to build a home for his grandson. He said that engineers installed his septic system. He said he had very clean water, free of bacteria. He was willing to put the same type of system in both houses. He said he had spoken with people at the Health Department to inquire about septic systems. Zone 7 told him that if he put in two septic systems, they were okay with it. He said he would be willing to add vegetation for landscaping. He stated the homes on the other side of the street were on the City's system. He asked for approval. He said the golf course traffic was not supposed to use Happy Valley Road.

Kevin Close, a neighbor, stated his concern was violating the septic system moratorium. He said the moratorium was to clean up ground water contamination, and the Commission started letting more septic tanks in, there were other sites waiting to add more. He felt the City of Pleasanton had already breached the limit. This project would set a precedent for others to add secondary units. Commissioner Ysit asked how far away Mr. Close lived. Mr. Close said he lived ½ mile away.

A speaker with comments meant for open forum spoke at this time. His comments are above under open forum.



Vanessa Kawaihan said she was speaking for other homeowners. They support secondary units, but had concerns about new septic systems. She said there were 35 lots in the area, and some have two or three houses on them. That added up to about 70 families. They could see approval of a second septic system as not helping to get infrastructure to the area. She stated that without a bypass road or a gate, 65% of golf traffic would be on Happy Valley Road. She said there were 1,000 cars using the road now. Commissioner Tam asked about the number of residents, and whether there was a homeowners association. Ms. Kawaihan said she was a member of their association, but the association did not take a stand on this project. Commissioner Tam said the speaker indicated a possibility for annexation into the city. She asked if individuals could be annexed. She asked why, when the golf property was annexed, they weren't all annexed. Mr. Jensen said he didn't know, but generally if a property was adjacent to city property, they could be annexed. Public testimony was closed.

Commissioner Tam said the City said services were readily available with annexation. Commissioner Kirby agreed. It was not clear to him whether the whole area had to be annexed. Commissioner Imhof said there was no infrastructure further up the road. It would cost a lot of money to be annexed, somewhere in the neighborhood of \$75,000.

Commissioner Jacob asked about a subsequent approval by Zone 7. Mr. Sawrey-Kubicek said they would have to get a letter of approval from Zone 7. Before they get a building permit, they have to get zoning approval, which would involve pulling the project and checking the conditions of approval. Commissioner Jacob said he didn't want to put Mr. Simmons into a circle of getting approval before anything could be done. Commissioner Kirby said he had had these concerns before, a kind of chicken before the egg problem. He felt perhaps there had been new technology with septic recently that would allow them to go get past the moratorium.

Commissioner Tam asked if the second unit would be able to be placed subordinate and of fewer feet. Commissioner Kirby said size would have to be 1200 square feet, and then he would be willing to look at other ways to subordinate the project. Commissioner Tam agreed and moved for a continuance to August 18, 2003, to see if the applicant would work within the issues that the Secondary Unit Policy addresses. She also asked that they check into a Public Works Agency dedication of an easement and that other code requirements for the Fire Department and Zone 7 are met. Commissioner Jacob agreed, and seconded the motion. The motion was carried 5/0, with Commissioners Gault and LePell excused.

STAFF COMMENTS & CORRESPONDENCE:

CHAIR'S REPORT: The Chair announced that the Housing Element Workshop for the next evening would begin at 6:00 p.m.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: There were none.

