

**MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
MARCH 7, 2016
APPROVED March 21, 2016**

FIELD TRIP

Time: 2:00 p.m.
Place: 224 West Winton Avenue, Room 111, Hayward

REGULAR MEETING

CALL TO ORDER: *The Chair called the meeting to order at 6:00 p.m.*

MEMBERS PRESENT: Commissioners Dimitris Kastriotis; Jim Goff; Hal Gin; Jeff Moore; Richard Rhodes, Vice-Chair; and Larry Ratto, Chair.

OTHERS PRESENT: Rodrigo Orduña, Acting Deputy Director; Andy Young, Planner III; Linda Gardner, Housing Community Development Director; Brian Washington, County Counsel's Office; Maria Palmeri, Recording Secretary.

MEMBERS EXCUSED: Alane Loisel

There were 43 people in the audience.

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS BY THE CHAIR: *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.*

COMMITTEE REPORT: *None*

FIELD TRIP REPORT: Commissioner Gin provided a report.

MEMBERS PRESENT: Commissioners Ratto, Gin, and Goff

MEMBERS EXCUSED: Commissioners Moore, Rhodes, Kastriotis and Loisel.

1. **ROESLER, CONDITIONAL USE PERMIT, PLN2015-00020** ~ Petition to allow for an event center, an alcohol outlet and a restaurant, in the 'SD' (Sunol Downtown) District, located at 19984 Main Street, south side, immediately south of the southern terminus of Kilkare Road, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0140-002-01. **Staff Planner: Damien Curry**
2. **D STREET INVESTMENTS LLC, TRACT MAPS 8296 AND 8297, PLN2015-00180** – Preliminary and Environmental Scope Review Only ~ Petition to subdivide seven parcels into thirty-one (31) single family residential lots by two separate Vesting Tentative Tract Maps (8296 and 8297), each with its own separate public street and

easements for utility and access requirements, located at 3231, 3247, 3289 and 3291 D Street, south side, approximately 560 feet east of Fairview Avenue, unincorporated area of Fairview, bearing Assessor's Parcel Numbers: 417-0240-001-00; 417-0240-006-00; 417-0250-021-00; 417-0240-004-00; 417-0240-012-04; 417-0240-005-00 and 417-0250-001-00. **Staff Planner: Andrew Young**

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

3. **APPROVAL OF COMMISSION MINUTES** ~ November 2, 2015 and February 1, 2016 – Member Moore moved to approve the minutes of November 2, 2015 as submitted. Member Gin seconded. Motion carried 4/2. Members Kastriotis and Goff abstained. Member Loisel was absent.

Member Moore moved to approve the minutes of February 1, 2016 as submitted. Member Gin Seconded. Motion carried 4/2. Members Kastriotis and Goff abstained. Member Loisel was absent.

CONSENT CALENDAR: *There were no items*

REGULAR CALENDAR:

4. D STREET INVESTMENTS LLC, TRACT MAPS 8296 AND 8297, PLN2015-00180 – Preliminary and Environmental Scope Review Only ~ Petition to subdivide seven parcels into thirty-one (31) single family residential lots by two separate Vesting Tentative Tract Maps (8296 and 8297), each with its own separate public street and easements for utility and access requirements, located at 3231, 3247, 3289 and 3291 D Street, south side, approximately 560 feet east of Fairview Avenue, unincorporated area of Fairview, bearing Assessor's Parcel Numbers: 417-0240-001-00; 417-0240-006-00; 417-0250-021-00; 417-0240-004-00; 417-0240-012-04; 417-0240-005-00 and 417-0250-001-00. **Staff Planner: Andrew Young, No Action Required**

Andy Young presented the staff report. Jim Coniglio, consultant with Lamphier-Gregory, provided a Power Point presentation on the project. He described the project and the various studies done on the project. The technical studies will be analyzed and they will be included in the Initial Study. He explained the sequence of events prior to finalizing the Environmental Impact Report (EIR). March 28th is the deadline for comments on the EIR. Marc Crawford spoke on the project. He said he is striving to do a project that complies with the Fairview plan and is sensitive to the community.

Public testimony was called for. A total of 12 residents from the neighborhood expressed concern with the following issues:

- Disruption to neighborhood
- Busy intersections that should be included in traffic analysis
- D Street too narrow to accommodate more cars and traffic from this project
- Public Works needs to address traffic related issues that are currently present at this location and how this project will impact local traffic
- Concern with safety of walking pedestrians and students
- 31 lots is too many, less density would be desirable

- Drainage issues in the area already; this project will increase those issues
- Project will have an impact on local wildlife, loss of open space
- Project does not conform with the Fairview Specific Plan
- Cookie cutter development
- No sidewalks

After public testimony was closed, the applicant Marc Crawford, addressed some of the issues made during public comment. He said a lot of the comments expressed here tonight he heard at the last community meeting. He said the setbacks in the staff report are wrong. He said they are putting sidewalks in front of the project, 300 to 400 linear feet. He said he will speak with Public Works on addressing traffic issues in the vicinity of the project. Drainage issues are being addressed. He said the major issue is traffic and the traffic engineers will be addressing all these issues.

Commissioner Rhodes expressed his frustration at Public Works and the delayed response to some of these issues. The Chair said Public Works needs to address upper D Street traffic issues. He said he will do his best to contact his supervisor and lobby to have him push to address the traffic issues in Fairview. Commissioner Goff commended everyone for coming out and addressing the issues related with this project. The Chair commended Mark Crawford for his efforts and that the road issues should be addressed by Public Works.

5. ROESLER, CONDITIONAL USE PERMIT, PLN2015-00020 ~ Petition to allow for an event center, an alcohol outlet and a restaurant, in the 'SD' (Sunol Downtown) District, located at 19984 Main Street, south side, immediately south of the southern terminus of Kilkare Road, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0140-002-01. **Staff Planner: Damien Curry, Action Item**

Rodrigo Orduña presented the staff report. Commissioner Kastriotis asked the applicant if the height of the ceiling is being raised, and about the noise from music during the events. Veena Roesler, the applicant, said the ceiling height is being increased. She explained that the glass sliding doors will be open during the events only until 10:00 p.m. complying with the noise ordinance. The doors will be closed after 10:00 p.m.

Public testimony was called for. Robert Foster said he is in support of the project but felt that he needed to bring up some of his concerns related to noise, traffic and parking issues. The applicant said that working with the Pacific Locomotive Association (PLA) on the parking issues was the best option. Unfortunately, the proposed parking lot rental fee they offered was six times as high as the school lot and also had a condition that there would be no events if PLA had an event. However, PLA is still the best option. The Chair asked about the number of people that the building can accommodate. She said according to the Fire Department's calculations, 300 people. Public testimony was closed.

Commissioner Kastriotis expressed his support for the project and said that the issue is with PLA and their requests. He stated that if there is cooperation there is room for everyone to operate. Commissioner Gin expressed his concern for safety and access to the parking lot due west of the location. Discussion ensued amongst commissioners on the parking issues. They expressed concern related to number of parking spaces, location of parking areas, safety to patrons

frequenting this business and the lack of a parking plan for the project. The applicant explained that she did have a parking plan but it was not included in the report. Commissioner Goff expressed his support for the project and the proposed parking as submitted.

Commissioner Moore moved to continue the project to the next meeting, March 21st, in order to have the applicant submit a better parking plan. Commissioner Kastriotis asked about having valet parking. The Chair asked that the item be number one on the agenda. Commissioner Moore asked that stop signs should be clearly shown on the exhibits, drop-off and pick-up areas, attendants' station and information on the shuttle, number of seats, number of parking spaces, and handicapped parking. Commissioner Gin seconded. Motion carried 5/1. Commissioner Goff opposed.

6. UNINCORPORATED COUNTY MOBILE HOME PARK RENT STABILIZATION ORDINANCE. Presented by Linda Gardner and Jennifer Pearce, Housing Community Development, *Action Item*

Jennifer Pearce provided a Power Point presentation.

Public testimony was called for. Residents expressed their concern with the options of allowing rent increases of up to 5% and also the vacancy de-control which could make the sale of their homes much harder since rents then will be at the market rate. Owners of the mobile home parks expressed their concern with the proposed regulations as they are already heavily regulated by the state. They said comparing the small local mobile home parks and statistics with large mobile home parks in Fremont and other cities does not make sense. The new regulations will place undue burden on the owners of these parks and make it impossible to operate and keep up with upgrades. Public testimony was closed.

Discussion ensued on various options regarding regulations and how park owners can get compensated for upgrades done at their park. Some commissioners expressed their concern with placing too many restrictions on park owners not being able to maintain and keep parks open. Consensus was that the first option, 4% rent increase and de-control is the best option.

Public testimony was called for. The following were issues expressed by the park owners:

- Mobile Home Parks are already heavily regulated by the State. Local regulation not needed.
- Renters' eviction regulated by the State. Eviction has to be specific to regulations.
- Not fair to ask park owners to subsidize rents
- Park owners can try to enforce rules, but if tenant is not able to due to financial reasons, park owners try to work with them. It is a tremendous challenge.
- Costly park upgrades, very restrictive rules make upgrades cost prohibitive
- Full vacancy de control allows park owners to keep up with upgrades
- Too many regulations will put park owners out of business and force them to sell property to developers and get rid of much needed affordable housing

Commissioner Moore moved to approve the 4% increase, full vacancy de control and administrative fee as proposed. Member Rhodes seconded the motion. The Chair said he would

not be in favor of the administrative fee. Discussion ensued on administrative fee. Linda Gardner said she does not have a fee level or percentage, if the commission agrees with the fee it simply allows the County to charge a fee. Marc Crawford approached the microphone and spoke on the CVMAC's decision to vote on the administrative fee having to go thru a public process because no one knows what the fee will be. He said these are small mobile home parks, money is not enough to keep up with upgrades. Banks look at the upward curve of rental income, under vacancy control, the park owners are stuck and have no money to pay for infrastructure. Linda Gardner said the administrative fee will depend on how much work staff will spend to review, collect data, etc. She explained that the Board of Supervisors want the ability to charge an administrative fee, they might not have to charge a fee but want the option to be available. Commissioner Rhodes questioned the size of the fee. Linda Gardner said it will depend on the cost to administer the ordinance and how the Board of Supervisors wants to recoup the cost. Right now she said they do not know what it will be. Commissioner Rhodes expressed his concern on the size of the fee and cost to residents and owners. The Chair reiterated his concern with the county being able to charge a fee. He asked how long will the ordinance be in place before it is reviewed. Linda Gardner answered three years, but this commission can recommend a shorter period of time. Commissioner Goff said one year is not enough time that it needs to be a longer cycle and three years is a good number. The Chair took a vote on the motion on the floor. Motion carried 6/0. Commissioner Loisel excused.

STAFF COMMENTS & CORRESPONDENCE: *None*

CHAIRS REPORT: *None*

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: Commissioner Rhodes informed the chair that he would be away for the months of June and July as he will be out of the country. Member Kastriotis informed the chair that he will be out of the country from the middle of July to September. The Chair asked that the commissioners inform staff by sending an e-mail with the detail of time off.

ADJOURNMENT: *There being no further business, Commissioner Moore moved to adjourn the meeting at 10:03 p.m. Commissioner Goff seconded the motion. The motion was carried 6/0. Member Loisel absent.*

ALBERT LOPEZ, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY