

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JANUARY 8, 2007
(APPROVED FEBRUARY 5, 2007)

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone, Vice-Chair; Richard Hancocks; Mike Jacob; Glenn Kirby, Chair; Alane Loisel and Kathie Ready.

MEMBERS EXCUSED: Commissioner Frank Imhof.

OTHERS PRESENT: Chris Bazar, Planning Director; Steven Buckley, Assistant Planning Director; Bruce Jensen, Senior Planner; Karen Borrmann, Public Works Agency Liaison; Brian Washington, County Counsel's Office; and Nilma Singh, Recording Secretary.

There were approximately thirteen people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:05 p.m.

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.

CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES** - December 4 and December 18, 2006.
2. **ZONING UNIT, ZU-2225 and TENTATIVE TRACT MAP, TR-7679 - OGBEIDE** ~ Petition to reclassify one parcel comprising 22,016 square feet from the R-S-D-35 (Suburban Residence, 3,500 square feet Minimum Building Site Area per Dwelling Unit) District, to a P-D (Planned Development) District, so as to allow demolition of two existing dwellings and construction of five townhomes, each on its own parcel, located at 574 and 578 Blossom Way, north side, approximately 250 feet west of Western Blvd, Cherryland area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 429-0019-045-00. (To be continued to February 5, 2007).
3. **ZONING UNIT, ZU-2230th and PARCEL MAP, PM-8910 - LAMB SURVEYING INC./CAMPBELL** ~ Petition to reclassify one parcel from R-1-L-B-E (Single Family Residence, Limited Agricultural Uses, 5 acre Minimum Building Site Area) District to a P-D (Planned Development, allowing one acre parcels) District, and to allow subdivision of one lot into four parcels, located at 1365 Hilliker Place, east side, corner south of Las Positas Road, Livermore area

of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-026-06. (Continued from January 23, February 21, April 3, 17, May 1, June 5, July 17, August 21, October 16 and December 4, 2006; to be continued to March 5, 2007).

4. **ZONING UNIT, ZU-2231 and PARCEL MAP, PM-8909 – LAMB SURVEYING, INC./WATERMAN** ~ Petition to reclassify one parcel from R-1-L-B-E (Single Family Residence, Limited Agricultural Uses, 5 acre Minimum Building Site Area) District to P-D (Planned Development) District, and to allow subdivision of one lot into four parcels, located at 1339 Hilliker Place, east side, approximately 320 feet south of Las Positas Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-025-04. (Continued from January 23, February 21, April 3 and 17, May 1, June 5, August 21, October 16 and December 4, 2006; to be continued to March 5, 2007).

5. **ZONING UNIT, ZU-2240 and SITE DEVELOPMENT REVIEW, S-2078 - CHRISTENSEN** ~ Petition to reclassify one 5.73 acre parcel from the R-1-L-B-E (Single Family Residence, Limited Agriculture, 5 acre Minimum Building Site Area, 300 feet Median Lot Width, 30 feet Front Yard) District to the P-D (Planned Development) District, to allow construction of a secondary unit, located at 753 Kilkare Road, east side, approximately one mile north of Foothill Road, unincorporated Sunol area of Alameda County, bearing Assessor's Parcel Number: 096-0210-002-04. (Continued from November 6 and 20, and December 18, 2006; to be continued to January 16, 2007).

Commissioner Jacob made a correction to the December 18th Minutes, Page 7, the final motion, which had carried 4/0. Commissioner Hancocks made the motion to approve the Consent Calendar per staff recommendations and with the above correction. Commissioner Ready seconded, which carried 5/0. Commissioner Loisel arrived a few minutes late and Commissioner Imhof was excused.

REGULAR CALENDAR:

1. **POTENTIAL AMENDMENT TO ZONING ORDINANCE REGARDING SLURRY POND OPERATIONS IN THE UNINCORPORATED ALAMEDA COUNTY** - Consideration of the appropriateness of, and the regulation of, activities involving the construction and operation of settling ponds for ground concrete slurry, derived from highway grinding activities performed by contractors under the authorization of Caltrans or other agency.

Mr. Jensen summarized the staff report with a powerpoint presentation outlining the possible options and general requirements. Commissioner Carbone thought that there should be other types of separation methods than the slurry ponds since freeway maintenance has been constantly occurring in the past and will continue in the future. The Chair asked if the County has a grinding facility or if they contract out. Ms. Borrmann explained that the County requires contractors to provide evidence that the material has been appropriately disposed or recycled

according to the Construction and Demolition Debris Ordinance. Commissioner Hancock said he would oppose this material being dried in ponds in the West County including the industrial area on Grant Avenue which would increase night traffic. Connecting to quarries for reuse, if possible, and perhaps even at the landfills, would be more acceptable. Commissioner Ready said her biggest concern is allowing this use in M-2 districts and agreed with Commissioner Hancock, and further suggested that the use may be more appropriate on State properties. Commissioner Carbone recommended a research on the silt separation process other than through slurry ponds. Commissioner Loisel stated that she did not support location of ponds on agricultural land. Commissioner Jacob said that he did not think a CUP should be required if it is an accessory use to a quarry or landfill, and that perhaps a Site Review by the Planning Director would be adequate at these sites; Option 5 needs more work and he felt that proposed process is adequate.

The Commission further discussed the interim process, location of the job sites, Best Management Practices, how the handling of the product should be based on the end location of the product, other jurisdiction processes, the necessity of some regulation; and the three general requirements. Mr. Bazar pointed out that abatement process has begun for one site and suggested that staff could obtain feedback from Caltrans. The Commission unanimously agreed with all the General Requirements as recommended by staff with the addition of some provision for bonding for road damage.

In reference to the Options, the Commission's consensus was not in favor of #1 and 2. Regarding Option #3, Commissioner Loisel said that she did not want the use in the Agricultural District and Commissioner Hancock said he did not want it in the Commercial District.

Staff pointed out the results from Washington State adding that although some tests were done at the subject site, the results were not available. Commissioner Carbone requested a copy of the result. In response to Commissioner Jacob, staff also confirmed that this issue is not covered in the Caltrans Master EIR. Tying it as an accessory use to a quarry/landfill permit would perhaps depend on the end use. Commissioner Jacob added that he would like the Surface Mining Ordinance be modified to more specifically reflect the ability to process slurry. He had no concerns with Option 6. The Commission agreed that Option 7 was the least acceptable option. The Chair reiterated the importance of the location of the end product.

Public testimony was called for. Ray Benetti, 5939 Collier Canyon Road, said he agreed with Option #3 but not in the Agricultural District. He felt that there is a need to deal with the other heavy materials off the grinding wheels and that this material should be taken to a quarry/surface mining facility or a concrete batch plant.

Public testimony was closed. The Chair announced the continuance of this matter. Mr. Bazar recommended February 5th as the next continuance date to allow time for additional research; invite representatives from Caltrans and RWQCB; and consider ways to look at similar properties, perhaps through grandfather clause. Commissioner Hancock said he would not support the grandfathering option.

The matter was continued to February 5th, 2007.

2. **ZONING UNIT, ZU-2226 and TENTATIVE TRACT MAP, TR-7703, HAMPTON ROAD DEVELOPMENT COMPANY / ANDRADE TRUST / SOARES TRUST** ~ Petition to reclassify five parcels from the R-S-SU (Suburban Residence, Secondary Unit) to a P-D (Planned Development) District, so as to subdivide the properties into seven single-family lots and develop detached single family dwelling on lots 1-5 and one single family dwelling with a secondary unit on lots 6 and 7, located at 876 through 924 Hampton Road, north side, approximately 300 feet west of Mission Blvd, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 414-0021-064-01, 414-0021-064-02, 414-0021-083-01, 414-0021-083-02 and 414-0021-084-00. (Continued from June 19, September 18, November 6 and November 20, and December 18, 2006).

Mr. Buckley presented the staff report.

Public testimony was called for. Mr. Embry, Project Developer, using a powerpoint presentation, described design changes in detail concerning the five major following concerns: guest parking – all parking will be provided on-site; preservation of existing trees – per a certified arborist, most were volunteer trees, all rear trees will be preserved and protected by fence, and front trees will be replaced with the consent of the owners; size and appearance of the front units – they have been reduced to the same size as the rear units with Mediterranean design consistent to the house on the left; all impacts on public services will be mitigated; and the existing house, a historical home built in 1938, will be remodeled to be consistent with its original design. In response to the Chair regarding future street widening, Mr. Embry said that even with the widening, a conforming house can be built. Commissioner Hancocks recommended shade trees in the front.

Robert Campisi said he has lived on this street for about forty years and was in support of this project. He also described his general traffic concerns in this area, and hoped that one way streets might be instituted in the future.

Howard Beckman said he was speaking for himself and on behalf of Friends of San Lorenzo Creek. There is no Cherry Creek and he requested that the County not use fictitious names. The creek system needs to be seen as an organic system to secure benefits to the public as well as take an efficient approach to flood control, and this project should enable all to view the San Lorenzo Creek as more than an engineering channel only. Another concern is geographic equity; Mr. Beckman wants creeks in urban areas to be more natural. He urged that to avoid a canyon-effect being created within the channel, that walls should not be installed between creek-side parcels and the creek and that cyclone fencing not be used to block off the creek as proposed. He felt that the Condition regarding the height of the retaining wall and the fence is questionable. His other concern is the use of the PD District; he feels that the 4th Finding, "provide a positive relationship to adjacent land uses" is too vague and allows PDs for any reason.

Public testimony was closed. The Chair said that he would like the Condition on the fencing modified so that the combined height of the fence be 6 feet above finished grade. In response to public benefit, that finding is only for projects proposing a higher density than that permitted

with the existing zoning; since this project meets the existing density, he has no problem with that finding. This is a better project than had initially been presented by the applicant, and he appreciated the up-grading of the existing home. Commissioner Jacob agreed that the street naming issue should be looked at. In reference to the traffic concerns raised, he asked for the possibility of a right-turn only into the second entrance. Mr. Buckley pointed out the existence of a flood control maintenance easement and, as such, suggested an exception to official vehicles.

In reference to Condition 19, the Chair requested that the combined wall and fence height be six feet from finished grade on the rear side of the properties. Mr. Buckley explained the calculation of retaining walls and a discussion followed. Mr. Embry added that at the request of Public Works, an engineering report from a licensed engineer was submitted to confirm structural integrity of the wall. He was willing to do all that was required. Ms. Borrman noted that the wall footing extends into the right-of-way some distance and, as such, should be removed and placed entirely on private property. The current analysis is incomplete. Another option would be to sell this portion of the property to the Applicant which would require approval from the Army Corps. Commissioner Loisel recommended adding the above as an option. It was also suggested that Condition #23 be modified to include # (g) Maintenance of the fence along the creek-right-of-way (through the CC&Rs). In reference to the street names, staff explained that the Office of Emergency Services is notified of the names to identify any likely conflicts, but that Cherry Creek could be excluded from consideration. The recommendation for shade trees will be included in the Landscape Plan.

The Chair made the motion for an approval as recommended by staff with the above changes and Commissioner Loisel seconded. Motion carried unanimously.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR'S REPORT: The Chair announced that the Abatement Hearing for the Collier Canyon site is scheduled for January 16th at 6:00 pm.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:

ADJOURNMENT: There being no further business, Commissioner Loisel moved to adjourn the meeting at 8:30 p.m. Commissioner Jacob seconded the motion. The motion was carried 6/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY