

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
FEBRUARY 7, 2005
(APPROVED FEBRUARY 22, 2005)

FIELD TRIP:

The Commission convened at 224 W. Winton Avenue, Room 111, Hayward, California, at the hour of 1:30 p.m., and adjourned to the field to visit the following properties:

1. **2193rd ZONING UNIT AND TENTATIVE TRACT MAP, TR-7530, ROBERTS/UTAL** –Petition to reclassify a site comprising approximately 8.25 acres from the R-1-SU-RV and R-1-B-E-SU-RV District to the PD (Planned Development) District, to allow subdivision of three parcels into 38 lots for development of single-family homes, located at 4524 Crow Canyon Place, approximately 500 feet south of Crow Canyon Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084C-1068-001, 084C-1068-007, and 084C-1068-008.
2. **PARCEL MAP, PM-8381 – LAMB SURVEYING, INC.,** - Application to subdivide one parcel into two lots in an "A" (Agricultural) District, located at 10366 South Flynn Road, north side, approximately 0.51 miles northeast of Patterson Pass Road, Livermore area of unincorporated Alameda County, bearing County Assessor's designation: 099A-1760-001-00.
3. **PARCEL MAP, PM-7214 – HAYWARD EAST AVENUE, LLC** – Application to allow a Conditional Use Permit, C-8361, to implement modification of a PD (Planned Development, 2108th Zoning Unit) District and modification of a Tentative Tract Map (TR-7187) for 12 lots, in a PD-ZU-2108 (Planned Development, 2108th Zoning Unit) District, located at 1672-1696 East Avenue, north side, approximately 0.272 miles east of 'E' Street, Hayward area of unincorporated Alameda County, bearing County Assessor's designation, 0426-0100-015-00.

MEMBERS PRESENT: Commissioners Michael Badner; Compton Gault; Frank Imhof, Vice Chair; Mike Jacob, Chair; Glenn Kirby and Edith Looney.

MEMBERS EXCUSED: Commissioner Richard Hancocks.

OTHERS PRESENT: Steve Buckley, Assistant Planning Director.

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Commissioners Michael Badner; Compton Gault; Richard Hancocks; Frank Imhof, Vice Chair; Mike Jacob, Chair; Glenn Kirby and Edith Looney.

OTHERS PRESENT: Chris Bazar, Planning Director, Steven Buckley, Assistant Planning Director; Sandra Rivera, Assistant Planning Director; Louis Andrade, Planner; Eric Chambliss, County Counsel's Office; Nilma Singh, Recording Secretary.

There were four people in the audience.

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

ANNOUNCEMENTS BY THE CHAIR: The Chair announced that next meeting is Tuesday, February 22, at 1:30 p.m. Upon adjournment of the hearing, the Commission will meet, as a Committee, to discuss the Condominium Conversion and Planned Development Guidelines. He also welcomed Commissioner Badner, appointed by Supervisor Haggerty.

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.

Mr. Beckman raised concerns regarding the Boundary Creek project being heard at an afternoon meeting. The Chair clarified that this item will be heard as a Set Matter at 6:00 p.m.

CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES** - December 20, 2004; January 3 and 18, 2005.
2. **ZONING UNIT, ZU-2199 and TENTATIVE TRACT MAP, TR-7584 – NEWPORT AVALON INVESTORS, LLC** – Petition to reclassify from a PD (Planned Development) District to another PD (Planned Development) District, to allow the subdivision of one site into 10 parcels, located at 255 Happy Valley road, south side, approximately 125 feet east of Pleasanton-Sunol Road, Pleasanton area of unincorporated Alameda County, bearing County Assessor's designation: 0949-0010-001-07. (Continued from December 20, 2004; to be continued without discussion to May 2, 2005).
3. **ALAMEDA COUNTY SHERIFF'S DEPARTMENT - CONSIDERATION OF DETERMINATION OF GENERAL PLAN CONFORMANCE FOR THE ALAMEDA COUNTY LAW ENFORCEMENT COMPLEX (LEC) AND ANIMAL SHELTER.** The project would include the demolition of older unused structures, grading and construction of approximately 202,000 square feet on four levels at the LEC and 12,000 to 15,000 square feet at the Animal Shelter, located at 2100 and 2700 Fairmont Drive, San Leandro area of unincorporated Alameda County, bearing Assessor's Parcel designations: 080A-0153-007-03 and 080A-0153-008-00. (Continued from December 20, 2004; to be continued without discussion to February 22, 2005).

4. **2193rd ZONING UNIT AND TENTATIVE TRACT MAP, TR-7530, ROBERTS/UTAL** –Petition to reclassify a site comprising approximately 8.25 acres from the R-1-SU-RV and R-1-B-E-SU-RV District to the PD (Planned Development) District, to allow subdivision of three parcels into 38 lots for development of single-family homes, located at 4524 Crow Canyon Place, approximately 500 feet south of Crow Canyon Road, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Numbers: 084C-1068-001, 084C-1068-007, and 084C-1068-008. (Continued from September 7, October 18, November 1 and 15, and December 20, 2004; to be continued without discussion to February 22, 2005).

The Chair announced that approval of Minutes to be continued to next hearing, February 22, 2005. Commissioner Gault made the motion to approve the Consent Calendar per staff recommendations and the above recommendation. Commissioner Looney seconded the motion, which carried 7/0.

REGULAR CALENDAR:

1. **HOUSING ELEMENT IMPLEMENTATION PROGRAM** – proposed modifications to Zoning Ordinance necessary to comply with provisions of the Alameda County Housing Element, adopted October 2, 2003. Said modifications are as follows:
 - a. Modify provisions of the R-S (Residential Suburban), R-3 (Four Family Dwelling) and R-4 (Multiple Residence) zoning districts to generally require new developments to provide a minimum of 80% of the maximum number of dwelling units currently allowed in those districts;
 - b. Add a definition to the Zoning Ordinance for the term “emergency homeless shelter.”
 - c. Modify provisions of the R-3 and R-4 zoning districts to allow emergency homeless shelter, as defined, as a permitted use in these districts.
 - d. Modify provisions to the ACBD and CVCBD specific plans so that the allowed building heights of properties formerly designated as C-1 (Retail Business) and C-2 (General Commercial) zoning districts are not subject to reduction by site development review.

Ms. Rivera outlined the timelines for both items. The first item was reclassification of identified parcels and the second phase includes density and height limitations which requires an environmental review process. No public testimony was submitted. The Commission voted unanimously for a continuance for the first item.

Ms. Rivera continued with the second item, further summarizing the staff report. Commissioner Hancocks asked that if it would be possible to attain the required density, especially part of E.

14th Street, by setting a maximum height limit of 40 feet. He felt that the language was specific to the Specific Plan and asked if this would prohibit more than four stories. He felt that exceeding the minimum would be counter-productive. Mr. Bazar further explained that 40 feet was chosen as a reasonable compromise. He further discussed the relation to the Housing Element. Mr. Andrade added that the 40 feet only applied to those streets in the ACBD areas in Castro Valley and not the residential zones. A lengthy discussion followed regarding the minimum number of stories, minimum and maximum height limits and density concerns.

Commissioner Looney felt that this was a negative proposal and requested further clarification on the number of dwelling units. Ms. Rivera explained that Site Development Review (SDR) will restrict the height limit and the maximum would be determined by the zoning district. Commissioner Kirby felt that it would be difficult to build four stories with a maximum height of 40 feet which could also restrict opportunities. In reference to the minimum 80% density in residential districts, he asked how PD applications would be considered. A discussion followed regarding PD Districts, use of a variance and its findings, Site Development Reviews, possible number of stories and density. Commissioner Kirby said he preferred Site Development Reviews. Commissioner Badner said he also had similar concerns.

The Chair requested clarification on the last sentence on Page 5 under 5a Additional Land Use Policies and C-4. Mr. Buckley explained that under SDRs, the maximum height is 45 feet and the Housing Element allows 40 feet to encourage higher density. An approval today would allow a 40 foot minimum and Mr. Bazar added that #4 was for Castro Valley area only. In response to Commissioner Hancocks, a discussion followed regarding the language for Land Use Regulations, 3.2.1.1 on Page 7.

Public testimony was called for. Kathie Ready, President of San Lorenzo Home Association, pointed out that the maximum height allow in San Lorenzo is 50 feet. Her concern was the lack of examples to provide better understanding. She also asked for the allowed density in a R-1 district and if each 'R' district was different and felt that a 40-45 foot all along any corridor would be overwhelming. She also requested clarification on the last paragraph (1.0 Site Design, 1.1.1.7 Height) on Page 7. Mr. Andrade pointed out that this was already reflected in the ACBD Plan.

Howard Beckman, San Lorenzo resident, concurred with Ms. Ready. He requested clarification on the following: last sentence on Page 3 and Page 5, first paragraph under Building Height Limitations and asked why the CVCBD Specific Plan was being amended (Page 5) since it is going through an amendment period with the public. He has always been highly critical of Site Development Reviews as he felt that it gives the Planning Director 'unbridled authority' with no public input.

Public testimony was closed. Staff attempted to address some of the concerns and/or questions raised during the public hearing portion. Mr. Bazar added that all major policies in the Castro Valley area are being visited and further explained the tie with State funding for the Housing Element. In response to the Chair's request for clarification on the design issues, Mr. Buckley re-stated that the Planning Director can reduce the height through SDRs and further listed the

required setbacks. Further discussions followed regarding the Findings of the Variance, SDRs, consistency with the Housing Element, funding for affordable housing and transportation, certification of the Housing Element and possible language modifications. Commissioner Hancock thought that perhaps a 45 foot height restriction could be applied to the residential component and asked if this would be inconsistent with the Housing Element. His concern was housing. Ms. Rivera pointed out that the 45 foot restriction applies to all buildings but indicated that the language would be modified to address housing.

Commissioner Kirby agreed with Commissioner Hancock's concerns. He felt that since this action is to implement the Housing Element, more focus should be on residential housing and its affect while looking at all three uses: mixed, all commercial and residential uses and perhaps where a variance is not required. He was not opposed to having a height limitation but did not want it to be overly restrictive. The Chair pointed out the parking requirements in relation to the building height. He agreed adding that other site details, size, façade, would be considered. Commissioner Hancock stated that he was concerned with the use of the word 'maximum'.

Mr. Bazar pointed out that staff felt that these were minor modifications. But, based on the Commissioner's concerns regarding the height restrictions, perhaps the Specific Plan does need some revision. In response to Commissioner Looney, he re-outlined the timeline. Commissioner Kirby suggested that the Commission re-hear this matter after additional public comments to provide knowledge and understanding. Commissioner Hancock concurred with this suggestion adding that it would provide additional time for staff. The Chair recommended a continuance to February 22nd, to be acted on together with the Negative Declaration. Or the matter could be continued to March 7th which would allow comments and issues presented at the Unincorporated Services and Transportation Meetings, to be included in the staff report. Mr. Bazar pointed out that if continued to February 22nd, a verbal presentation could be presented at the above meetings. A discussion followed.

Commissioner Kirby made the motion for a continuance to February 22, 2005 and Commissioner Gault seconded. Motion passed unanimously.

STAFF COMMENTS & CORRESPONDENCE: Mr. Bazar announced that a formal ribbon cutting ceremony for the new public hearing room will be held on Friday, February 18, 2005.

CHAIR'S REPORT: None.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

ADJOURNMENT: There being no further business, Commissioner Gault moved to adjourn the meeting at 7:15 p.m. Commissioner Kirby seconded the motion. The motion was carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY