

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**MARCH 19, 2007**  
(APPROVED APRIL 2, 2007)

**REGULAR MEETING: 1:30 p.m.**

**MEMBERS PRESENT:** Commissioners Richard Hancocks; Frank Imhof; Mike Jacob; Glenn Kirby, Chair; Alane Loisel and Kathie Ready.

**MEMBERS EXCUSED:** Commissioner Ken Carbone, Vice-Chair

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

There were approximately twenty people in the audience.

**CALL TO ORDER:** The Chair called the meeting to order at 1:35 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** - March 5, 2007. Commissioner Ready pointed out that two sites were visited during the Field Trip, including ZU-2235. *Commissioner Hancocks made the motion to approve the March 5<sup>th</sup> Minutes with the above correction and Commissioner Loisel seconded. Motion carried 5/0 (Commissioner Imhof had not yet arrived).*
2. **ZONING UNIT, ZU-2241 and TENTATIVE TRACT MAP, TR-7834- PAK** ~ Petition to reclassify from the R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling Unit) District, to a PD (Planned Development) District, so as to allow fifteen townhouse units with attached garages on a site of 44, 568 square feet (1.02 acres) and site-specific development standards, located at 1630 – 159<sup>th</sup> Avenue, northwest side, approximately 400 feet northeast of E. 14<sup>th</sup> Street, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0040-071-00. (Continued from November 20 and December 18, 2006, and February 20; to be continued to June 4, 2007).

3. **TENTATIVE PARCEL MAP, PM-9408 – PALOMARES CATTLE COMPANY** ~ Application to subdivide one parcel containing approximately 666 acres into six lots, in an ‘A’ (Agricultural) District, located at 31253 Palomares Road, east side, approximately 3.7 miles south of Palo Verde Road, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 085A-3701-008-00. (Continued from March 5; to be continued to April 2, 2007).
  
4. **ZONING UNIT, ZU-2246 – MOLINARO – *Comments on Initial Study*** ~ Petition to amend the General Ordinance of the County of Alameda, California, by reclassifying from the PD (Planned Development) District to a PD (Planned Development) District to allow expansion of the allowed building envelope, the property generally described as: One site containing approximately 20.79 acres, located at 7986 Tesla Road, north side, corner northeast of Greenville Road, Livermore area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 099A-1602-013-02. (Continued from February 20; to be continued to April 16, 2007).

*Commissioner Jacob made the motion to approve the remainder of the Consent Calendar and Commissioner Loisel seconded. Motion carried 5/0.*

Commissioner Imhof arrived.

**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. (Continued from January 8 and March 5, 2007).

Mr. Jensen presented the staff report. Commissioner Jacob questioned the limitations of the use of “...Portland cement...” and requested that broader and more inclusive language be used. He suggested using language similar to “and other similar cement-based concrete”.

Public testimony was called for. Bob Blach, 5000 Collier Canyon Road, said he thought such activities would not be allowed in “A” Districts and he further requested clarification on Option #5.

Allison Batteate, 5600 Collier Canyon Road, asked if the property owner of the slurry pond had a landfill permit and if the property was under the Williamson Act. Staff replied that the property was under the Williamson Act contract but the owner did not have a landfill permit. It was further explained that this hearing is to consider potential amendment to the Ordinance generally regarding slurry ponds in the County and is not related to a specific property.

Mark Bradford, property owner at 6199 Collier Canyon Road, submitted written material on Chromium 6 and Material Safety Data Sheet for Portland Cement.

Public testimony was closed. Commissioner Jacob made the motion to move staff's recommendation with the above modification regarding language for reference to cement-based materials. Commissioner Imhof seconded and the motion carried 6/0.

2. **ZONING UNIT, ZU-2238 – CLEMENTS - Preliminary Plan Review ~**  
Petition to rezone sites from a PD (Planned Development) District and an R-1 (Single-Family Residential) District to a PD (Planned Development) District to allow the construction of 12 apartment units and retention of an existing office structure (the Heide House), located at 1048 and 1054 Grant Avenue, south side 200 feet west of Via Alamos, unincorporated San Lorenzo area of Alameda County, bearing County Assessor's Parcel Numbers: 411-0030-004-04 and 411-0030-003-02.

Mr. Buckley presented the staff report. Commissioner Ready made a correction that the subject site is across from Arroyo High School and requested clarification on the proposed height of the buildings, as well as the existing height of the buildings on the property. The Chair asked about the density calculations for the property, and requested that density be based on the land area dedicated to each use, i.e. a commercial area and a residential area. He also noted that the residential and commercial parking areas are divided by proposed property lines and that shared parking may not be feasible for these uses. Staff explained that there is a pending Boundary Adjustment application.

Public testimony was called for. Nancy VanHuffel, Administrator, San Lorenzo Village Homes Association, stated that the Association is very opposed to the density change and would like to retain the current low density of a R-1 Zoning District and the density of the Eden Plan. Other concerns included traffic, building height and parking. Currently, Washington Avenue is a 'D' level of service in the morning and 'E' level in the afternoon. If approved, this project will add to the existing traffic problems. She requested clarification on guest parking noting that the peak for some offices such as real estate is in the evening, so the parking could not be shared with the residential users. She added that the 27-foot building height proposal is negotiable but that the area is generally limited to 25 feet.

Jose Diaz said he has been the owner of the business located in the Heide House (Village Realtors) for the last eighteen months and opposed the project as the apartments will 'take away' from the House as a landmark. His concerns included traffic congestion at the intersection, parking, disruption during the construction process, and the removal of a 100-year walnut tree. Mr. Diaz urged the preservation of a landmark.

Maryann McMillan, 17273 Via Melina, spoke in objection to the project, and pointed out that very little open space is left in San Lorenzo and she did not support any additional buildings on this property. The other buildings on the site of the Heide House are also approaching the 50

year threshold to be eligible as candidates for the State Register and should be evaluated. She complemented the applicant on the up-keep of the property, and asked for additional information on the area to be dedicated to the historic property, noting that the front yard has already been reduced by public street widening. Morning traffic is the worst on Grant Avenue and reiterated that additional houses are not needed in this area.

Betty Moose, representing the San Lorenzo Heritage Society, stated the following in opposition: the community opposes any construction on this site as it is in close proximity to existing schools and another apartment complex; other financial avenues are available to maintain the Heide House; this is the worst traffic intersection and the current traffic pattern will not accommodate additional housing. She did not support the project as proposed and stated that a petition in opposition, currently in circulation, will be submitted sometimes in the future.

Tom Clements, applicant, in rebuttal, explained that all his plans include the 100-year old tree which was removed without his consent; as such, he is in litigation with the company responsible for the removal. The project includes 36 parking spaces, 30 for the 12 proposed residential units and 6 for the commercial property. He intends to continue to provide public access to the Heide House, which has been extensively renovated. He noted that, although the historical structures have been retained, the renovation project has to be economically viable and so he needs the new development to finance the project.

Commissioner Ready said she was concerned with the density of the proposed development and felt that a traffic study is necessary. In response to Commissioner Hancock's regarding the possibility of a low-medium density project, Mr. Clements explained that the long term goal is to build apartments to nestle Heide Home and maintain Heide House as a community use. Commissioner Kirby requested clarification on the boundary adjustment, the calculation of density, and the parking, setbacks, and access that would result. He was concerned that the commercial and residential uses were not going to be able to function separately, and so the property lines may be problematic. Commissioner Imhof asked that updated renderings be provided, and that stated that the design needs to continue with the same general architectural treatment as the existing house, and gave an example of a similar project in Fremont.

Public testimony was closed. Commissioner Hancock's felt that 12 units were too many and instead suggested 8-9 units based on the General Plan and the net land area available for the residential use. The Chair said his concerns were the rolling gate, reduction of the footprint, and the water tank. He felt that the project should enhance and benefit the historical aspect of Heide House and if a separate parcel is created for Heide House with reserved parking, the project should be evaluated as such. Commissioner Ready reiterated her concern about the density and noted that the site is adjacent to R-1 zoning and that privacy would be a concern for the neighbors; she also noted landscaping, graffiti and open space as other concerns and noted the existing problematic apartment complex in the area. Commissioner Jacob said he did not have any density concerns but agreed with the need to include similar architectural style and the Chair's concern regarding parcel separation. He wanted to see the HOA formed to carry responsibility for the entire property. Commissioner Loisel also expressed density and traffic concerns and a desire for architectural compatibility.

The matter was continued pending additional information from the applicant.

3. **ZONING UNIT, ZU-2235 and TENTATIVE TRACT MAP, TR-7756 - LANGON** ~ Petition to reclassify from the R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling Unit) District to a P-D (Planned Development) District one parcel containing approximately 15,120 square feet, so as to allow demolition of one existing dwelling and construction of six town-homes, each on its own parcel, located at 20026 San Miguel Avenue, east side, approximately 680 feet north of Jeanine Way, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0109-009-02.

Mr. Buckley presented the staff report. Mr. Langon explained the revised project which now includes two parking spaces for each unit, the inclusion of window design treatment, increased landscaping, and therefore its overall compatibility with the neighborhood.

The Chair expressed concerns with future root impacts on the curb/sidewalks from the existing tree that is proposed to be saved.

Public testimony was called for. Gary Teague, property owner at 20015 Leroy Drive, expressed his concerns regarding parking, privacy and peace/quietness. Most garages are used for storage and not for parking, and this project will add to the traffic/parking congestion. He requested clarification on the fencing requirement, and the trees.

Steve Brostrom, 20050 San Miguel, said that he had similar parking concerns in addition to garbage truck accessibility.

Robert Curto, 3444 Samson Way, said his concerns were also parking and traffic and concurred with Mr. Teague on the garage usage and Mr. Brostrom on garbage truck accessibility. Six units were too many.

Leo Lombardo, 19878 San Miguel Avenue, requested clarification on the project.

Public testimony was closed. Mr. Buckley noted a correction to Condition #12 for the Vesting Tentative Tract Map. The Commission discussed the garbage truck accessibility issue, tree replacement plan, curb type and the retention of one of the large trees on the south west front corner. The Chair recommended that the CC&Rs be written to include provisions that the garages are to be used only for parking of vehicles. Commissioner Jacob recommended removal of both existing trees due to liability/hazard concerns in reference to the overhead power lines. Commissioner Imhof recommended replacement of the existing trees and changes to the landscape plan to show four 36-inch box evergreen pear trees or similar, located to avoid conflict with the power lines and sidewalk. Commissioner Hancock made the motion to approve the application per staff recommendations with the above amendments. Commissioner Imhof seconded and the motion passed 6/0.

**STAFF COMMENTS & CORRESPONDENCE:** Mr. Bazar announced the up-coming meeting with the Department of Conservation regarding Williamson Act.

**CHAIR'S REPORT:** *None.*

**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:** *None.*

**ADJOURNMENT:** There being no further business, Commissioner Loisel moved to adjourn the meeting at 3:30 p.m. Commissioner Imhof seconded the motion. The motion passed 6/0.

---

**CHRIS BAZAR, SECRETARY**  
**COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY**