

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**MARCH 20, 2006**  
(APPROVED APRIL 17, 2006)

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

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

**MEMBERS EXCUSED:** Commissioners Ken Carbone and Alane Loisel.

**OTHERS PRESENT:** Steven Buckley, Assistant Planning Director; Brian Washington, County Counsel's Office; Karen Borrmann, Public Works Agency; Nilma Singh, Recording Secretary.

There were approximately 7 people in the audience.

**CALL TO ORDER:** The Vice-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** - February 21 and March 6, 2006.
2. **Motion to Reconsider Action Taken at 7/18/05 - AMENDMENT TO CONDITIONAL USE PERMIT, C-4158, REPUBLIC SERVICES – VASCO ROAD LANDFILL** ~ Application to extend the term of the Conditional Use Permit for this facility ("Permit") from 2008 to December 31, 2022; and to formalize permission to continue to conduct waste diversion and materials recycling operations that have been ongoing for a number of years on the site. The Vasco Road Landfill (VRL) (formerly Vasco Road Sanitary Landfill) is an existing permitted landfill in an A (Agriculture) District, located at 4001 North Vasco Road, east side, approximately 1 mile north of Dalton Road, Unincorporated Livermore area, designated as Assessor's Parcel Numbers 99B-4901-2-3; 99B-4926-1-1, 1-2, 2- 4, and 2-5; and 902-6-2-2. (Continued from August 1, September 6 and 19, October 17, November 21, December 5, 2005, February 6 and 21, and March 6, 2006; to be continued to April 3, 2006).

Commissioner Jacob made the motion to approve the February 21<sup>st</sup> Minutes with a correction on Page 9, third paragraph, last sentence and Commissioner Looney seconded. Motion carried 4/0/3. Commissioners Imhof, Loisel and Carbone were excused.

Commissioner Jacob made the motion to approve the March 6<sup>th</sup> Minutes as submitted and the remainder of the Consent Calendar. Commissioner Looney seconded. Motion carried 3/1/3. Commissioner Hancocks abstained and Commissioners Imhof, Loisel and Carbone were excused.

**REGULAR CALENDAR:**

1. **TENTATIVE TRACT MAP, TR-7685 – PACIFIC ALLIANCE INVESTMENT/HIFAI** ~ Petition to convert a 27-unit apartment into 27 condominium units, in a R-S-D-15 (Suburban Residence, Minimum Building Site Area, 1,500 square feet per dwelling unit) District, one site containing approximately 1.01 acres, located at 1570 – 165<sup>th</sup> Avenue, San Leandro area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 080-0076-016-01.

Mr. Buckley presented the staff report. Commissioner Looney requested clarification on Guidelines 10.B, 16.C and 13. Mr. Buckley noted the applicant’s Statement of Intent. Commissioner Jacob felt that #16 could be expressed differently. In reference to 18 and 19, he asked why the inspection reports were being requested with the final map. An affirmative response is needed for each question of the guideline containing the word ‘shall’. Informed decisions cannot be made without the necessary documents and further noted the lack of copies of the proposed HOA budget. Although copies were not included in the package, Mr. Buckley pointed out that under 10.B. a completed engineer’s report had been submitted. Commissioner Kirby concurred with Commissioner Jacob. Since these units will have separate owners who, over the years, would want copies of documentation. His concern was the retention of the supporting documents over a long period of time and suggested perhaps a related condition. Mr. Buckley explained that complete files are stored and microfiched.

The Chair arrived.

Public testimony was called for. Jeff Moore, Project engineer, Greenwood & Moore, Inc., provided the following details: regarding open space - the smallest area of open space on the lower floor is between 115 – 390 square feet; 587 square feet average open space including the swimming pool area; parking space – 52 on-site parking spaces (reduced from 54) to provide additional open space and because 9 of the 27 units are small, 546-636 square foot, one-bedroom units; and there will be no restrictions on selling to families with children. Redevelopment Agency supports this project. The applicant concurs with all the conditions except the interior sidewalk requirement (#9 and 11). Alternative paths will be available. Mr. Moore also explained the structural observation report and the proposed structural repair. In response to Commissioner Looney, he confirmed that only eight units were occupied. All units will have private laundry and all up-grades brought to code. There will be an emergency vehicle access and pedestrian access allowing visitor parking off 166<sup>th</sup> Avenue. Responding to Commissioner Jacob, Mr. Moore confirmed that all documentation, as required by the Guidelines, have been submitted.

Commissioner Kirby asked if the project complies with all the required setbacks. Mr. Buckley replied yes, it is conforming in height and setbacks.

John Guterrez, applicant's counsel, said that it is illegal to discriminate against families with children but the size of the units is also a determining factor. In response to visitor parking concerns and as the property fronts two streets, about 8-10 parking spaces are available together on both streets.

Public testimony was closed. Commissioner Jacob pointed out that the requirement of the final map is not included in the resolution approving the Tentative Map and suggested including language to reflect Planning Director determination that the guidelines have been met per Planning Commission's action. Mr. Buckley stated that perhaps reference to the structural observation report recommendations could be included in Condition 1, 2 and 11.

Commissioner Jacob made the motion for an approval with an amendment to Condition #11 and an expectation to staff that all documentation be provided to the Commission and to reserve his rights in the future not to vote on projects that do not include documentations per the Guidelines. Commissioner Looney asked if the owner will be forced to install the improvements if the project is denied and the Chair asked if the Guidelines could be used as a checklist. Staff replied that only if property became a blight and/or a complaint is received and the Guidelines could be used as a checklist. The Chair seconded the motion. Motion carried 4/1/2 with Commissioner Looney dissenting and Commissioners Carbone and Loisel excused.

2. **TENTATIVE TRACT MAP, TR-7734 – SUNRISE CONDOMINIUM LP/BENETTI** ~ Petition to convert 46 existing apartment units into 46 condominiums (44 residential and two commercial), in an ACBD Specific Plan – TA (Ashland/Cherryland Business District Specific Plan – Transit Access) District, on one parcel containing approximately 1.06 acres, located at 16006 E. 14<sup>th</sup> Street, northeast side, approximately 519 feet northwest of 162<sup>nd</sup> Avenue, Ashland area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 080-0057-033-00.

Mr. Buckley presented the staff report. Noting the history of the property, Commissioner Looney asked if the existing apartments have been built under condominium requirements. Commissioner Kirby noted that since the Guidelines are based on residential condominium conversion, there are no specific references or conditions related to the two commercial units and asked the following: if the zone change to the TA District had been the result of the adoption of the Specific Plan; if the two commercial units already exist or will be created; the size of these two units; allowable uses within the TA District; parking and other requirements for the commercial component; and if the CC&R will apply to these two units and if the owners/tenants will be part of the HOA board. Commissioner Hancocks said his concern was the possibility that this condominium building would eventually become a non-conforming use with the adoption of the new General Plan followed by rezoning. In such case, he preferred single ownership. Parking requirements for both uses could not be satisfied with on-street parking. Commissioner Jacob said that he had similar comments as to the previous application noting Condition #16.

Public testimony was called for. Steve Benetti, applicant, explained his proposal in detail. He thought that the proposal for commercial units would be in compliance to the Guidelines and was encouraged by the Specific Plan to include some commercial uses but it would be more beneficial to retain the majority of the residential units. He was also working with the Redevelopment Agency on façade improvements. Due to the lack of parking in the front, the proposal includes relocating the gate to provide space for customers of the commercial use. Commissioner Kirby stated that although the staff report lacks detailed information on the commercial component, he liked the mixed use proposal. Mr. Benetti added that the commercial owners would be part of the homeowner's association as the project would provide ownership opportunities instead of leasing and provide entry-level for first time and low-income buyers. The existing building was built, though not entirely, based on the condominium guidelines. Currently, there are ten vacancies, all existing tenants have been notified and rents have been reduced to maintain the vacancy.

Commissioner Jacob thanked him for his participation on the revision of the Conversion Guidelines and asked if the inspection reports were in compliance to the guidelines. Mr. Benetti replied yes although perhaps not all details were reflected in the staff report. Commissioner Kirby requested clarification on parking. Mr. Benetti pointed out that since the project is within the TA District, parking requirements are reduced and restated that relocating the gate will provide three customer parking spaces and two separate parking spaces behind the fence for the owners of the commercial units. Tandem parking spaces are also available.

Public testimony was closed. Commissioners Kirby and Looney both liked the inclusion of the commercial units. Commissioner Hancock made the motion to continue the matter to allow time for staff to prepare a response regarding the nonconformity issue. Commissioner Jacob agreed adding that a continuance will also allow time to meet the tentative map requirements and work on the detailed information on the commercial uses and parking including guest parking, and the related conditions. Commissioner Kirby seconded. Commissioner Jacob requested information from County Counsel on the State law on whether the commercial owners could be part of the home association. Motion for a continuance passed unanimously.

**STAFF COMMENTS & CORRESPONDENCE:** None.

**CHAIR'S REPORT:** The Chair reminded the Commission of the April 6<sup>th</sup> PRHC workshop.

**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:** Commissioner Kirby stated that he had read the newspaper article on providing additional shade at the fairgrounds.

**ADJOURNMENT:** There being no further business, Commissioner Kirby moved to adjourn the meeting at 3:10 p.m. Commissioner Looney seconded the motion. The motion was carried 5/0.

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