

**MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
MAY 2, 2005
(APPROVED MAY 16, 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. **SURFACE MINING PERMIT, SMP-16, VULCAN MATERIALS COMPANY, AMENDMENT TO RECLAMATION PLAN** – This allow Vulcan, upon completion of mining, to reclaim the lands subject to mining as finished pits suitable for use by Alameda County Flood Control and Water Conservation District, Zone 7, as water storage and conveyance lakes as part of the “Chain of Lakes” concept approved under the Specific Plan for Livermore-Amador Valley Quarry Area Reclamation (LAVQAR). The area to be reclaimed would be approximately 360 acres total area. The site ranges from approximately 250 feet to one mile west of the City of Livermore, south of Stanley Boulevard.
2. **SMP-16 – VULCAN MATERIALS – LANDSCAPING PLAN REVIEW** – Review of site conditions and proposed landscaping plan for screening the aggregate processing equipment and stockpile area from view along Stanley Blvd., in satisfaction of Condition of Approval 26A of the Surface Mining Permit.
3. **TENTATIVE TRACT MAP, TR-7607 and SITE DEVELOPMENT REVIEW, S-1975, DWONCH** – Application to subdivide one parcel into five condominium units, in a R-S-D-20 (Suburban Residence, 2,000 square foot Minimum Building Site Area/Dwelling Unit) District, located at 1168 Elgin Street, north side, approximately 0.75 feet northwest of Los Reyes Avenue, San Lorenzo area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 080B-0300-021-00. **(Continued)**.
4. **TENTATIVE TRACT MAP, TR-7595, CHI DRAGON HOME BUILDERS, INC.,** - Application to subdivide one parcel into five single family lots, in a R-1-B-E (Single Family Residence, 6,000 square foot Minimum Building Site) District, located at 2110 East Avenue, north side, corner northeast of Edgebrook Drive, Fairview area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 426-0120-038-00. **(Continued)**.
5. **TENTATIVE TRACT MAP, TR-8361 and MODIFICATION TO SITE DEVELOPMENT REVIEW, MS-1831, CRAWFORD** - Application to allow construction and subdivision of eight condominium units with access over adjacent parcel and subdivision of adjacent lot with existing duplex and new parking lot, in a R-S-D-20 (Suburban Residence,

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- 2,000 square foot Minimum Building Site Area/Dwelling Unit) District, located at 207 Laurel Avenue, south side, approximately 520 feet west of Meekland Avenue, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 0431-0016-010-01 and 0431-0016-011-00. **(Continued)**.
6. **ZONING UNIT, ZU-2201, SCHAFFER** – Application to reclassify from PD (ZU-1489) to the P-D (Planned Development) District, to allow construction of a detached 1,200 square foot secondary dwelling unit (excluding attached three car garage), on one site containing 32,670 square feet (0.75 acres), located at 4971 Jensen Road, south side, approximately 167 feet northeast of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 0085-5475-005-02.
 7. **ZONING UNIT, ZU-2205, DONOVAN** – Application to reclassify from R-1-L-B-E (Single Family Residence, Limited Agricultural Uses) District, to a P-D (Planned Development) District, and allowing construction of a secondary unit one site approximately 2.42 acres, located at 2080 Buena Vista Avenue, east side, approximately 0.5 miles north of Tesla Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-1250-022-00.
 8. **ZONING UNIT, ZU-2197, LI** – Application to reclassify from a R-S-D-20 (Suburban Residence, 2,000 square feet/Dwelling Unit) District to a P-D (Planned Development) District, to retain an existing dwelling and construct a two unit residential complex on one containing approximately 0.24 acres, located at 20533 Hathaway Avenue, southwest side, approximately 50 feet southeast of Florence Street, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 0429-0041-070-00. **(Continued)**.
 9. **ZU-2202ND ZONING UNIT AND PARCEL MAP, PM-8560, HOPSON** – Petition to reclassify two parcels and amend the Fairview Area Specific Plan from R-1 (Single Family Residence) and R-1-B-E (Single Family Residence, 1 acre per 1976th Zoning Unit) Districts to the R-1-B-E (as specified), to allow subdivision of one site into four lots with the existing dwelling to remain, located at 22750 Valley View Drive, east side, approximately 850 feet north of Kelly Street, Hayward area of Alameda County, bearing County Assessor's Numbers: 0417-0140-028-00 and 0417-0151-001-00. **(Continued)**.
 10. **ZONING UNIT, ZU-2207 and TENTATIVE TRACT MAP, TR-7614, UTAL** – Petition to reclassify three parcels containing approximately 1.17 acres from the P-D (Planned Development, 1779th Zoning Unit) to a P-D (Planned Development) District, allowing subdivision into 10 parcels

intended for single-family dwellings, located at 18911 and 18919 Lake Chabot Road, approximately 234 feet northeast of Keith Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084B-0502-045, 084B-0502-055 and 084B-0502-046.

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

MEMBERS EXCUSED: Commissioners Richard Hancocks and Mike Jacob, Chair.

OTHERS PRESENT: Steve Buckley, Assistant Planning Director and Bruce Jensen, Senior Planner.

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, Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately nine people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:07 p.m.

ANNOUNCEMENTS BY THE CHAIR:

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. Michael Villalobos, 19200 Stevens Creek Blvd, Cupertino, said he has provided a package on his presentation on specific sites in Sunol. Since there has been concerns regarding some designations under Measure D, Mr. Bazar explained that staff is working with County Counsel, authors of Measure D and residents to ensure downtown Sunol is preserved and continues as a viable agricultural community. A written response will be available in the near future.

CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES** - March 21 and April 4, 2005.
2. **TENTATIVE TRACT MAP, TR-6864, ONE STOP DESIGN, INC.,** - Petition to divide one 1.87 acre parcel into five lots, in a R-1-B-E (Single Family Residence, 6,000 square feet Minimum Building Site Area) District, located between 25129 and 25165 Second Street, south side, approximately 903 feet west of Winfeldt Road, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel designation: 0425-0150-006-29. (Continued from January 18 and March 7, 2005; to be continued to June 20, 2005).

3. **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 and February 7, 2005; to be continued to August 1, 2005).
4. **LA VISTA QUARRY PERMIT EXTENSION PROJECT - SURFACE MINING PERMIT SMP-41, DUMBARTON QUARRY ASSOCIATES, INC.** - Petition to extend the period of operation at the La Vista Quarry by twenty (20) years beyond the termination date of the existing permit, to the year 2028, and modify the mining and reclamation plan to include further excavation below and into the base of the floor of the existing quarry site, including continued mining, production and sale of aggregate, recycling of construction materials, and production and sale of asphaltic concrete. The existing asphalt concrete plant would also be modernized and upgraded, and operations could be conducted up to 24 hours per day. The project site is located on the western slope of the hills east of the City of Hayward, approximately 700 feet east of the intersection of Mission Boulevard and Tennyson Road, in the unincorporated area of Alameda County. (Continued from October 4, December 6 and 20, 2004, March 7 and April 4, 2005; to be continued to May 16, 2005).
5. **ORDINANCE UPDATES** – Review of potential updates to the Zoning Ordinance regarding: 1) fence regulations; 2) inclusion of a definition of “Restaurant”; and 3) location of freestanding canopy structures within residential districts.

ORDINANCE UPDATE FOR REASONABLE ACCOMMODATION FOR DISABLED AND SENIOR PERSONS

– Consideration of a “Reasonable Accommodation” provision to the Zoning Ordinance to allow disabled and senior persons the use of residential structures to meet their individual needs (reasonable accommodation provisions for disabled persons are already required by the 2003 *Housing Element* as mandated by the State; reasonable accommodation for senior persons would be a County-initiated provision). (Continued from March 7 and April 4, 2005; to be continued to May 16, 2005).

Regarding the March 21st Minutes, Commissioner Kirby made a correction on Page 7 deleting the word ‘not’ from the last sentence in fourth paragraph and requested clarification on the

substitute motion. A discussion followed. The Commission agreed that no correction was needed other than Commissioner Badner had seconded the original motion. The Chair corrected the adjournment time to 12:40 a.m. Commissioner Looney made a correction on Page 4 of April 4th Minutes. Commissioner Gault made the motion to approve March 21st and April 4th Minutes as modified and the remainder of the Consent Calendar. Commissioner Looney seconded. Motion passed unanimously.

The Chair announced that the Housing Element item will be heard on May 16th.

REGULAR CALENDAR:

1. **ZONING UNIT, ZU-2201, SCHAFFER** – Application to reclassify from PD (ZU-1489) to the P-D (Planned Development) District, to allow construction of a detached 1,200 square foot secondary dwelling unit (excluding attached three car garage), on one site containing 32,670 square feet (0.75 acres), located at 4971 Jensen Road, south side, approximately 167 feet northeast of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 0085-5475-005-02.

Mr. Buckley presented the staff report. Public Works Agency is concerned with sight distance issues from the driveway and 10 feet dedication for future road widening. A discussion followed on the 1998 variance approved for a five foot high fence, removal of fence, possibility of a sidewalk or a widened shoulder and a related condition.

Public testimony was called for. Larry Schaffer, property owner, stated that he had not been aware of the Public Works' requirement and if he had, he would not have submitted this application. Financially, this requirement will also 'kill' the project. Since the adjoining neighbor on the left has built a front addition extending twelve feet from the property line, the 10 foot dedication made no sense as the adjoining house will 'stick out'. In response to Commissioner Kirby, he confirmed that he had been the owner of the property when the variance was approved. Commissioner Looney asked for his plans for the second driveway. Mr. Schaffer said that since it is not needed, he plans to abandon it and use only the main one.

Public testimony was closed. A further discussion followed on the Public Works' requirements. Commissioner Kirby said he supports the future road widening but thought that the dedication could wait until the actual widening of Jensen Road. Commissioner Badner felt that the request for dedication was not fair and a standard was set with the approval of the addition on the adjoining property. And, a result of the widening would set the adjoining dwelling two feet from the shoulder.

Public testimony was re-opened. Zenna Schaffer further described Jensen Road pointing out the concrete curve. The second driveway is gated and only used occasionally.

Public testimony was re-closed. Since no other property with a second unit has been required to offer dedication, Commissioner Gault said that he was not in support. Commissioner Hancocks

agreed adding that Public Works Agency needs to establish a time frame. Commissioner Kirby pointed out that this is a standard County method and, as such, he supports the dedication request. He would only support a recorded dedication due to the lack of a time frame. The Chair asked if a written request has been received from Public Works. Staff replied yes.

Commissioner Badner made a motion to move staff recommendation without the dedication and any fence alternation. Commissioner Imhof seconded the motion which passed unanimously.

2. **ZONING UNIT, ZU-2207 and TENTATIVE TRACT MAP, TR-7614, UTAL – Informational** - Petition to reclassify three parcels containing approximately 1.17 acres from the P-D (Planned Development, 1779th Zoning Unit) to a P-D (Planned Development) District, allowing subdivision into 10 parcels intended for single-family dwellings, located at 18911 and 18919 Lake Chabot Road, approximately 234 feet northeast of Keith Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084B-0502-045, 084B-0502-055 and 084B-0502-046.

Mr. Buckley presented the staff report and Mr. Bazar added that since there have been concerns regarding PD applications, staff was requesting comments from the Commission. Commissioner Kirby stated his support for the project and a minimum three feet setback for each unit. Commissioner Looney said she was concerned with the front location of the garages and asked if Fire Department had any concerns. Staff replied that formal written comments will be obtained later in the process. The Chair requested clarification on CEQA exemption adding that he did not support a Mitigated Negative Declaration (MND) for every infill project. Mr. Buckley explained that staff thought a MND would be appropriate given the possibility of traffic concerns. The Commission further discussed height limits, setbacks and CEQA exemptions.

Public testimony was called for. Ms. Utal stated that a formal request has been made for the project to be exempt. A package including an introduction, color photographs, site and floor plans, has been mailed to forty neighbors and she has received four responses to-date with only one inquiry regarding access. Access is being proposed through Huber Street instead of Lake Chabot Road because it will eliminate major grading, adjustments to traffic lights, sight-line traffic concerns and provide safer environment with a masonry retaining wall. In response to Commissioner Kirby, she confirmed that there would be some minor encroachments.

Public testimony was closed. Commissioner Bader felt that this is a good project which could be exempt from CEQA; Commissioner Hancocks agreed adding that CEQA work for infill projects could be considered an additional cost, especially for old abandoned commercial lots that have no other likely use; Commissioner Imhof recommended using steel for the retaining wall; Commissioner Kirby re-stated that this is a good use and noted his earlier comments; Commissioner Gault said he liked the proposal as this area has been a blight; Commissioner Looney agreed that environmental review work was not necessary, and the Chair stated that such an infill project should be exempt. He also noted that the project was at a very initial stage and if any environmental work is needed, it should not be more than a MND and requested clarification from County Counsel that a change from one PD District to another be considered a

reclassification. Mr. Bazar replied that staff will follow County Counsel's direction.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR'S REPORT: The Chair announced that the next meeting, May 16th will include a 6:00 pm hearing for two items. He also requested that Commission packets be mailed out earlier and a discussion followed regarding different options.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Gault raised concerns regarding the Oak Terrace project. Although he has emailed staff with his concerns and has submitted a written request to stop the project, no response has been received from staff after the initial email response. Mr. Bazar said he would check with Mr. Sawrey-Kubicek, project planner. Commissioner Gault pointed out that this is the third project that has not followed the conditions approved by this Commission.

He also announced that the Northern CCAP Conference was a success and perhaps could become an annual event in the future.

Commissioner Looney thanked staff for the March 21st Minutes.

ADJOURNMENT: There being no further business, Commissioner Kirby moved to adjourn the meeting at 7:40 p.m. Commissioner Badner seconded the motion. The motion was carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY