

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**JUNE 20, 2005**  
**(APPROVED JULY 18, 2005)**

**FIELD TRIP: 10:00 A.M.**

**MEMBERS PRESENT:** Commissioners Compton Gault; Frank Imhof; Vice Chair; Mike Jacob, Chair; and Edith Looney.

**MEMBERS EXCUSED:** Richard Hancocks and Glenn Kirby

**OTHERS PRESENT:** Steve Buckley, Assistant Planning Director

The Commission convened at 224 W. Winton Avenue, Room 111, Hayward, California, at the hour of 10:00 a.m., and adjourned to the field to visit the following properties:

1. **TENTATIVE TRACT MAP, TR-8361 and MODIFICATION TO SITE DEVELOPMENT REVIEW, MS-1831, CRAWFORD** – Petition to allow construction and subdivision of eight condominium units with access over adjacent parcel and subdivision of adjacent lot developed with existing duplex and new parking lot, in a R-S-D-20 (Suburban Residence, 2,000 square feet 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.
2. **TENTATIVE TRACT MAP, TR-7607 and SITE DEVELOPMENT REVIEW, S-1975, DWONCH** – Petition 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 75 feet northwest of Los Reyes Avenue, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080B-0300-021-00.
3. **TENTATIVE TRACT MAP, TR-7595, CHI DRAGON HOME BUILDER, INC.**, - Petition 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 Area) 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.
4. **ZONING UNIT, ZU-2197, LI** – Petition to reclassify from an R-S-D-20 (Suburban Residential, 2,000 square feet per Dwelling Unit) District to a P-D (Planned Development) District, to retain an existing dwelling and

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construct a two unit residential complex, located at 20553 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.

5. **VESTING TENTATIVE MAP, TR-7305, ALCORN/DELCO** – Petition to allow subdivision of one parcel into seventeen parcels, located at 4653 Malabar Avenue, south side, approximately 250 feet west of Pepper Street, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0835-001-07.
6. **FESCO** – Site visit of emergency shelter and transitional housing facilities, located at 22671 Third Street and 21568 Banyon Street, Hayward, as informational background in considering Housing Element policies and zoning code amendments.

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

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

**MEMBERS EXCUSED:** None

**OTHERS PRESENT:** Brian Washington, County Counsel's Office; Maria Palmeri, Recording Secretary.

There were approximately 30 people in the audience.

**CALL TO ORDER:** The Chair called the meeting to order at 1:50 p.m.

**ANNOUNCEMENTS BY THE CHAIR:** The Chair announced that three items that this commission had heard have now gone to the Board of Supervisors and acted on. The Chevron Pipeline was approved, the Condo Conversion Guidelines was also approved and the Boundary Creek project the developer was instructed to re-circulate an executive summary in 45 days and submit a map that conforms to what this commission had suggested in terms of addressing biological diversity grading and construction. The Chair shared with the commissioners a letter written by him to the Park, Recreation, and Historical Commission addressing their concerns in regards to our process and their inclusion in that process.

**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** – Approval of the minutes for May 16, 2005 was moved to July 18, 2005..
2. **SURFACE MINING PERMITS AND RECLAMATION PLANS SMP-38, SMP-39 and SMP-40, RHODES & JAMIESON** – Petition to make three parcels in Eastern Alameda County available for sand and gravel extraction operations, two of the parcels, SMP-38 and SMP-39 located south of Livermore Airport, SMP-38 close to the Livermore Golf Course, and SMP-39 close to Jack London Boulevard, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 904-0001-007-26, 99B-3661-001-04 and 99-200-002-00. (Continued from January 3 and March 21, 2005; to be continued to August 15, 2005).
3. **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, March 7, and May 2, 2005; to be continued to July 18, 2005).
4. **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, 1779<sup>th</sup> 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. (To be continued to July 18, 2005).
5. **REVIEW OF EXISTING PD DISTRICT PROCEDURES AND RECOMMENDATIONS FOR POSSIBLE MODIFICATIONS**  
(Continued from May 16, 2005; to be continued to July 18, 2005).

Commissioner Gault moved to continue the approval of the minutes of May 16, 2005 to July 18, 2005 and the remainder of the Consent Calendar. Commissioner Kirby seconded. Motion carried 6/0.

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#### A. Regular Calendar

1. **TENTATIVE TRACT MAP, TR-8361 and MODIFICATION TO SITE DEVELOPMENT REVIEW, MS-1831, CRAWFORD** – Petition to allow construction and subdivision of eight condominium units with access over adjacent parcel and subdivision of adjacent lot developed with existing duplex and new parking lot, in a R-S-D-20 (Suburban Residence, 2,000 square feet 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.

Mr. Buckley presented the staff report.

Public testimony was called for. Mr. Nelson Ghanat, representing the applicant, stated that the project meets all zoning and planning requirements and said that he would be happy to answer any questions the commissioners might have.

Public testimony was closed. Commissioner Kirby questioned the applicant if future plans for the existing duplex are to include them in the condo conversion subdivision. The applicant said no. It will remain as a duplex. The applicant also mentioned that Ms. Crawford owns both lots and does not need an easement for the driveway.

Commissioner Gault made the motion to approve staff's recommendation. Commissioner Kirby seconded. Motion carried unanimously.

2. **TENTATIVE TRACT MAP, TR-7607 and SITE DEVELOPMENT REVIEW, S-1975, DWONCH** – Petition 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 75 feet northwest of Los Reyes Avenue, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080B-0300-021-00.

Mr. Buckley presented the staff report.

Commissioner Looney questioned about parking on the site. Is it in front of the building or on the street? Mr. Buckley answered that there are four parking spaces in the back and each unit has two car garage spaces. The Chair asked about the sprinkler conditions, it is normally a generic condition. Mr. Buckley said that it should be included in number 23. He asked the commission to make that part of the condition and reference the April 29, 2005 letter. Commissioner Kirby wanted to emphasize the condition #11D that garage spaces remain and not be changed to storage spaces.

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Public testimony was called for. Public testimony was closed.

Commissioner Gault made the motion to approve with changes in condition for fire sprinklers Commissioner Imhof seconded. Motion carried unanimously.

3. **TENTATIVE TRACT MAP, TR-7595, CHI DRAGON HOME BUILDER, INC.,** - Petition 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 Area) 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.

Mr. Buckley presented the staff report.

The Chair questioned the proposed provisions on the joint maintenance agreement. Mr. Buckley stated that number 13 refers to the joint maintenance agreement as approved by the Planning Director and said agreement shall include equal share in the maintenance and parking enforcement. The Chair stated that the final approval is up to the Planning Director, it is recorded with the title, there is no contractual obligation.

Public testimony was called for. Public testimony was closed.

Commissioner Gault made the motion to approve staff's recommendation. Commissioner Imhof seconded. Motion carried unanimously.

Ms. Looney asked why does staff favor on street parking instead of a wide driveway. Mr. Buckley said that it is because the driveway only extends less than 100 feet into the site and a driveway would have to be provided for each parcel. There is no room on the street without having to block someone's driveway entrance. The street will be 20 feet wide, rolled curb and gutter. The Traffic Engineer's opinion is that it is better to park on the street. Mr. Kirby stated that it looks different than the proposed swale. It is 34 feet cross section and each of the parcel frontage is only 35 feet. There is not opportunity for parking and if it is changed as Public Works suggestion it will not work. The applicant's proposal is reasonable. Mr. Buckley stated that they are not suggesting to have curb, sidewalk and gutter. The drafted #26 condition, states that a 20 feet paved width driveway with 3 foot wide gutter and rolled curb will be provided.

Discussion ensued amongst councilmembers on street width, parking, turnaround issues, curb, sidewalk and gutter.

Mr. Compton stated that he does not have a problem amending the motion to approve the project as submitted without the changes suggested by Public Works.

The Chair asked what happens to the offer of dedication on the conditions of approval. Mr. Buckley said it is a standing offer that the county typically rejected. The Chair said they are not proposing to change the private street width, 34 feet instead of 20 feet. Mr. Kirby said 28 feet

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width plus drainage, three feet curb, gutter on each side. Mr. Buckley stated that the engineer suggested the existing driveways on Edgebrook should be closed and simply this new street constructed. Fronting curb, gutter and sidewalk would need to be repaired, if necessary. Suggestion on vertical curb, gutter and sidewalk be provided on this private street, the intent is not to be provided because it gives the more flexibility for the individual driveways. The Chair asked if it will be provided on Edgebrook, extending around Edgebrook. Mr. Buckley said yes.

The Chair stated that there is a motion on the floor to recommend approval with staff's recommendation amended. Seconded by Commissioner Kirby. Motion carried unanimously.

4. **ZONING UNIT, ZU-2197, LI** – Petition to reclassify from an R-S-D-20 (Suburban Residential, 2,000 square feet per Dwelling Unit) District to a P-D (Planned Development) District, to retain an existing dwelling and construct a two unit residential complex, located at 20553 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.

Mr. Buckley presented the staff report.

The Chair asked if this is a different plan than the previous one. Mr. Buckley said yes, this is a reduced version of the old plan with two units in the back. Commissioner Looney stated that she does not like the chain link fence and fire access. Mr. Buckley stated that the Fire Department has recommended sprinklers. Commissioner Looney asked if they meet the driveway access requirements, 20 foot clearance. Mr. Buckley said no. It starts off at 20 feet but narrows down as it goes down the property. Commissioner Kirby said that unit two does not have any open space. Mr. Buckley said the guest parking would have to be eliminated to provide open space. Commissioner Hancocks asked if this proposed project conforms with the general plan. How many units would be allowed on this lot according to the general plan? Mr. Buckley said that the zoning ordinance sometimes conflicts with the general plan. This zoning has been in place since 1964 and the general plan was adopted in 1984. County Counsel Brian Washington stated that the general plan trumps the zoning ordinance. Commissioner Hancocks stated that it is also inconsistent with the general plan for the Eden Area.

Public testimony was called for. Ms. Li, the applicant shared with the commissioners various scenarios for the parking spaces and concerns the commissioners had in regards to turnaround and space for the residents to be able to back out of their parking space. She presented various scenarios and photos of the parking and clearance for maneuvering in the parking lot.

Ms. Looney questioned the lack of green space for unit 2. Ms. Li stated that all units will be sharing the open space located at the front unit. She stated that the lot is narrow and had to develop but all units will be sharing the common areas. The residents would be sharing the green space and common areas located at the front unit. Ms. Li said that they are at a disadvantage because the narrowness of the lot, it is only 48 feet wide and it was very challenging to come up with a final proposal but they have put a lot of thought in the proposed project.

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Commissioner Kirby stated that by looking at these proposed plans and it looks like the garage for the front unit will be removed and it is the current parking space and you are replacing it with an uncovered parking space. The applicant answered yes but they will have parking on the street. Commissioner Kirby stated that they should have at least six parking for the units, but it looks like you do not have the required number of parking spaces. The applicant stated that after talking to Mr. Gee they decided to provide five parking spaces inside and one on the street. Commissioner Kirby said that the guidelines call for two parking spaces for each unit and he also mentioned the lack of open space for unit two. The applicant stated that after talking to Mr. Gee he said they decided that because the unit is so small they were going to provide one parking space only. Commissioner Kirby stated that he has a lot of concerns in regards to the lack of parking, configuration of parking and also open space.

Mr. Kriewaldt, resident at 473 Banbury Street, stated that he brought a note from Mr. Garcia who lives on Rondale Court and his property backs into this proposed project. He was concerned with the two floor units and how it would block the light to his property. Mr. Kriewaldt stated that the residents that live there they have a front entrance and a rear entrance and it is a step down to the driveway and it might be a hazard to small children. Mr. Kriewaldt stated that he is building a shop in back of his property and he said the traffic would be horrible. He strongly recommends disapproval of this project.

Public testimony was closed.

Commissioner Hancocks motion to deny the project and rezoning because it is inconsistent with current and draft public review general plan as it is being submitted for public review now for the Eden Area. Clearly the project is overloaded for this site. Ms. Looney seconded the motion.

Commissioner Kirby said that he could support the motion but he would like to see this lot conform with the zoning and the general plan. Commissioner Imhof asked if it could be brought back with a new design. Commissioner Gault said that he sees a lot of problems with the lack of open space and parking. It needs to go back to the drawing board. Commissioner Kirby asked what are the implications of the denial motion and would they have to submit a new plan. Mr. Buckley stated that they had been working with the applicant for a while on various alternatives but the applicant have done their own research on the parking issue and county staff is not sure how far that discussion will go. Commissioner Looney asked about the size of the homes. Mr. Buckley stated that the duplex will be larger than the front house. Mr. Buckley stated that they could treat this as a preliminary application and continue it to another date. The Commissioner Hancocks stated that it still does not address the inconsistency with the general plan.

The Chair asked for a motion of denial. Motion carried 5/1 with the Chair dissenting.

**CHAIR'S REPORT:**

The Chair spoke on the Lake Chabot project and thanked County Counsel on the Lake Chabot project. On the matter of the PRHC and their comments on how we can include them in the process for the various applications, it would be productive to have a meeting with that committee. Discussion ensued amongst councilmembers on setting up a meeting with County

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staff , the Planning Commission and that committee to discuss any issues of concern they have in regards to the application process recommendation. The Chair recommended to staff to set up the meeting and to do the meeting on the Planning Commission's schedule.

The Chair also brought up the issue of officer election and that it should have been on this agenda. County Counsel Brian Washington stated that this item should be agendized for the first meeting in July.

The Chair recessed the meeting to 6:00 p.m.

**REGULAR MEETING: 6:00 p.m.**

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

**MEMBERS EXCUSED:** Richard Hancocks

**OTHERS PRESENT:** Brian Washington, County Counsel's Office; Maria Palmeri, Recording Secretary.

There were approximately 30 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 apologized for the confusion on the continued item for Utal which was on the consent calendar, this item will be heard at a July 18, 2005 at 1:30 p.m. Please consult with County staff if you have any questions.

**OPEN FORUM:** None

1. **VESTING TENTATIVE MAP, TR-7305, ALCORN/DELCO** – Petition to allow subdivision of one parcel into seventeen parcels, located at 4653 Malabar Avenue, south side, approximately 250 feet west of Pepper Street, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0835-001-07.

Mr. Buckley presented the staff report. The purpose of tonight's meeting is to gather comments from this commission and the public on whether the scope of the EIR is properly determined and if the alternatives provided in the report for mitigation is appropriate and whether they are necessary to address some of the impacts. The three issues being addressed are historical, biological and traffic related to this site. This scoping process was presented to CVMAC and we have received some comments. The document you have is called an Initial Study and it is available for a 30 day period review process. This document provides all the technical background for why certain issues are scoped out of the EIR, meaning if the issues are resolved sufficiently in this document in the technical appendices that we could adopt the findings for the impacts and mitigation measures, for everything in the document already except for the three

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issues we talked about.

Commissioner Looney asked if the PRHC will be providing input on this project. Steve said yes.

County Staff will be presenting this project at their meeting in early July. The comment period has been extended to July 7, 2005. Commissioner Kirby did not understand why certain portions of the original document were kept and why they are being carried through and given validity. He stated that because of the lawsuit he thought we are supposed to start with a clean slate. Mr. Buckley stated that this is a new document but includes technical appendices from the previous document which was adequately studied. Commissioner Kirby stated that then the re-scoping of the project allows the commission to review the information and re-evaluate it if necessary.

Public testimony was called for.

Ms. Susan Hirsch, resident at 18217 Judy Street, stated that she is a member of the Castro Valley Preservation Society. She presented photos of the site to the commission. The timeframe for this document was very tight, we have had only 7 days to review this large document. This is not sufficient time. The notices were not properly done, three notices were posted on Malabar, one Pepper and Malabar and one on Judy, none were posted on Seven Hills Road. This issue was brought up at the MAC but nothing was done about this, because of this a large number of the population did not know about this meeting. Furthermore the property where the Alcorn home sits was not included in this study and it should be because it is part of this property. This study refers to a page 60 in the report, which was missing from my report and also the Library's report. I have since asked for but have not yet received this page from the Planning Department. On page 28 of the Castro Valley Plan, dated April 4, 1985, the preservation of this property meets the Castro Valley plan because it meets preservation goals of the plan, which includes providing for community identity, providing open space, providing an attractive focal point, aesthetically pleasing environment, and protecting native creatures. This study also says that HARD is not interested in purchasing the property. In a recent phone conversation with the General Manager, Mr. Willard, and he stated that he is interested in the property and would be willing to purchase the land once funding is identified. There was also a letter sent to MAC and the Planning Department. He stated that this part of Castro Valley is underserved as far as parks are concerned. Ms. Hersch read a paragraph from the HARD letter. She entered a copy of the letter into the record. Mr. Hersch stated that she found it interesting that the same contractor that worked on the Initial study also worked on the EIR when ordinarily the County Planning Department should have their responsibility. This should have been an objective analysis. In the contractor's proposal for the bid however the contractor states that they have looked at the information provided to them by the developer and also the county. They also state that it is anticipated that the information provided significant evidence to conclude that the following items will be proven insignificant before the study is even finalized. They are anticipating results before the staff reviews the report. In terms of aesthetics, the photos are of very poor quality and the report contains inconsistencies on the description of the property. This property gives much needed open space for the surrounding neighbors. The evaluation under aesthetics totally misses the point, the property itself provides a focal point, and provides a sense of community. To destroy what little is left that represents beauty in the

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community. What mitigation factors can possibly minimize this loss? This project will impact the surrounding neighborhood who will have to share in the cost of Fire, Police protection and other services. This project will have a cumulative impact on the Castro Valley taxpayers. There is a fourth impact that should be included in the analysis, and it is Mandatory Findings of Significance which is part of the CEQA guidelines.

Linda Willis, resident at 18729 Brickell Way, stated that there was not enough time given to review the documents. The posting of the notices was not adequate, so that more members of the community can participate in the process. Ms. Willis stated that she disagrees with the analysis and analytical methods used in the report. In the court decision there was mention that this property should be considered for the county's historical listing. This project should be postponed to give the county enough time to evaluate the historical importance of the Alcorn's home. The property where this home is located should also be included in the proposed project. This parcel can eventually be subdivided and will add another two homes to this site. There are also traffic issues and hazards in this area. Ms. Willis notified the commission that the consultant used a teenager to count traffic at the intersection. She stated that she found that inappropriate and most likely not very accurate. The methods that the consultants used are somewhat biased and in terms of the intention of the lawsuit our group should be included which has not been the case.

Public testimony was closed.

The Chair asked county staff to explain on the public comments on the posting and the timing for the review of the study. He wanted to clarify that the 50 year old is just an initial point to consider a building to be historic, it does automatically deem it to be historic.

Mr. Buckley stated the initial study was circulated to agencies and the state clearing house on the first of June, but due to some printing delays the document was circulated to the remainder of the list on June 6, 2005. The comment period has been extended, so everyone will have thirty days to review the documents as provided by state law. The postcards were mailed to a very extensive area surrounding the property well beyond the legal requirement and anyone interested in the initial study can contact the Planning Department for additional copies of the initial study. Posting is not actually required, it is one of the mechanisms that notices can be given. In terms of the technical studies, we can provide additional studies. The Castro Valley Plan page 60 is actually a map. County staff is in possession from the HARD letter, which states that they do not have the funds to purchase the property. This has been an ongoing issue, substantial time was given to the community to research funding possibilities but it has not materialized. The contractor that we hired is working for the County. The Initial study and EIR proposal make assumptions based on their initial review of previous administrative record. The mitigated negative declaration was prepared by county staff. This consultant will provide an objective review on our behalf and county staff will review before it is published.

Mr. Bazar stated that the 50 year timeframe for the historical study, we will make sure that the consultant will be provided the historical study of the preliminary record we have. Within the next year we will have a preservation ordinance and a study of sites countywide.

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Commissioner. Imhof asked how many houses are available in the surrounding area. Mr. Buckley stated that the lot pattern is actually roughly 7000 square foot lots, 5 or 6 units to the acre. Commissioner Imhof stated that based on the surrounding areas you could actually build 24 homes. The developer wants to build 16 homes. Mr. Buckley stated that it is consistent with the majority surrounding area. The MAC continues to debate this issue. Commissioner Kirby stated that it sounded like the total project area included the Alcorn's property with the home in the calculation and has concerns with what is going to happen to lot A in the future and also the environmental study. Commissioner Compton was concerned with the traffic study and the use of a teenager for the study. Mr. Buckley stated that MAC requested a second study. He also said that he does not know who was used to do the count but intersection studies are difficult and needs to be done by sometimes four people.

The Chair stated that this is not a draft EIR, this is a scope for an initial study which will be used for the EIR and county staff will incorporate these comments into the draft EIR. The Chair wanted to focus on the cultural resources issues, and if there is any structure on the property that has not been addressed by the EIR. Mr. Buckley said no. Commissioner Kirby questioned on the historical significance of the property itself, he mentioned the Strobridge house and how it was moved to save the structure, which could give more latitude on the property. Mr. Buckley stated that on page 57 it addresses the overall context of the property, all aspects of the historical significance will be considered. Commissioner Kirby would like to have more information on that issue. Commissioner Looney questioned the mandatory findings of significance that one of the speakers mentioned. Mr. Buckley stated that the final section of an initial study which is page 112, it takes the cumulative impacts of the project on the surrounding area. The speaker was talking about the summary box on page 12 which is not checked as an item, but all the preceding items are crossed reference.

The Chair stated that the scope of work is consistent with what the court ruling required and happy we are keeping the PRHC involved in the process. What is the timeline for the EIR? Mr. Buckley said late summer, early fall. The Chair stated that this might be a good first project to work with the PRHC.

2. **ORDINANCE UPDATE FOR REASONABLE ACCOMMODATION FOR DISABLED PERSONS** – Consideration of a “Reasonable Accommodation” provision to the Zoning Ordinance to allow disabled persons the use of residential structures to meet their individual needs. (Continued from March 7, April 4 and May 16, 2005).

Mr. Orduna presented the staff report.

The Chair stated that county staff did a great job in addressing the community issues on this subject. Commissioner Kirby agreed with the Chair and said that it is important to make sure that this is not age related and it does not run with the land. Referencing San Jose guidelines it looks like we are in the right direction. Mr. Orduna stated that staff is ready to go to the Board of Supervisors on this issue. Commissioner Looney asked where in the draft does it say that the permit goes with the person. Mr. Orduna said that this could be applied to the procedure. Commissioner Looney said how about a disabled placard. Mr. Orduna stated that it may be

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easier to do it on a finite term, and less incumbent on the county to try to keep it enforced. City of San Jose has the permit run it with the person. Commissioner Kirby stated that if it is intended to run with a deed restriction might be a simple way to do that, straightforward as long as the person needs the accommodation and limits the property from being sold with the accommodation. Mr. Rodrigo stated that he will have to do some more research with the City of San Jose on that issue. Commissioner Compton asked where is it defined in this document somewhere before it goes to the Board of Supervisors. The Chair asked if the applicable deed restriction that would not allow someone to convey title and it is transferred into a living trust how would that work? County Counsel Brian Washington stated that he would have to research. Commissioner Looney stated that it sounds like it would go with the property and not the person. Mr. Rodrigo said that it has happened where some jurisdictions will allow the i.e. handicap ramp is allowed on the property as long as the person continues to live on the property but at the time of the sale the condition shall be null and void.

Commissioner Compton said that it sounds like the commission is still concerned with the language. Mr. Bazar said that these are minor issues that could be worked with County Counsel.

Commissioner Compton made the motion that before going to the Board of Supervisors the revisions be finalized. Commissioner Kirby seconded. Motion carried unanimously.

3. **HOUSING ELEMENT IMPLEMENTATION ACTIONS** – Informational update (*not for final action*) regarding implementation amendments to the County General Plan and modifications to the Zoning Ordinance and Specific Plans necessary to comply with provisions of the Alameda County Housing Element, adopted by the County Board of Supervisors in October of 2003 and conditionally certified by the State Department of Housing and Community Development in January of 2004. Said modifications are as follows:

- A. Amend portions of the General Plan, and reclassify sites in the *Ashland-Cherryland Business District Specific Plan* and the *Castro Valley Central Business District Specific Plan*, and in areas currently designated for urban infill development in the Ashland, Cherryland, Hayward Acres, San Lorenzo, Fairmont, and Castro Valley communities to provide opportunity sites for higher density development.
- B. Add a definition to the Zoning Ordinance for the term “emergency homeless shelter”.

Ms. Sandi Rivera presented the staff report.

The Chair asked why such concern to having the homeless shelters close to schools. Ms. Rivera stated that it was because of the possibility of nuisance incidences from the homeless population.

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Commissioner Kirby appreciates the two definitions for the homeless shelter as being defined for families and the general homeless shelters. He stated that the general homeless shelters is most likely not appropriate for families with minor children. It is an important distinction which allows homeless shelters for families with children to be located close to various services in the community.

Commissioner Kirby thought that it was a creative solution to keep commercial and to accommodate residential as a conditional use permit. It does raise the question with the connectivity between the commercial and residential. He has seen some places where the business might be on the bottom floor and a second unit above, kind of like a loft concept, as long as the density allows enough units. Ms. Rivera said that as the proposed ordinance currently reads it would preclude having residential units to be built with commercial uses. Commissioner Kirby said that calculating the potential of number of units per acre it should be generous to allow maximum number of units but modest in size. Commissioner Looney and Kirby both mentioned that it sounds like we are going back to some old downtown living quarters above some buildings. The Chair stated that we are complimenting what is already there with some non-traditional ideas.

Commissioner Kirby asked if an applicant proposed to combine two adjacent parcels they could process the application without any zone changes. Ms. Rivera answered yes.

Commissioner Looney asked what is the difference between the Eden area total and what is the joint focus groups. Ms. Rivera said that refers to the two focus group meetings the county had with the communities to discuss alternative sites. It was a combination of community meetings. Commissioner Looney asked what is the total of parcels? Ms. Rivera said that the number does not reflect the opportunity sites that are available.

Mr. Buckley presented the environmental review process.

Commissioner Kirky if we are not going to have a 50 year threshold have you worked out conditions on how they can be added to the inventory. The Chair stated that he does not have a problem of adding to the original assessment to trigger it by being 50 years old, the planning department shall require an historical assessment. Commissioner Kirby once the inventory is created it should be a simple process. Mr. Bazar said that the department has budget for a formal assessment and the department realizes that they will need to address how to access these properties. It is a trigger and a flag for us to look at this more carefully and have a formal inventory in place and a process. The Chair stated that he has a lot of concerns in regards to the process and who is advisory to this commission. There is a need to define what the role of the PRHC will play into defining historical significance of properties in the county.

Public testimony was closed.

The Chair praised the staff for a job well done and just the fact that there is not one here to speak on the subject is proof that staff did a great job. Commissioner Looney stated that county staff did an incredible job and hopes that someone will take advantage to open a homeless shelter for the homeless in San Lorenzo. Commissioner Gault said that all involved learned a lot from this

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process. It was done right, getting the public involved, allowed communities to speak. County staff heard the comments and acted on them. Some things started one way in the beginning but were addressed later in the process. The final document turned out to be great.

Commissioner Kirby moved to approve. Commissioner Compton seconded. Motion carried unanimously.

**E. STAFF COMMENTS & CORRESPONDENCE:** Mr. Bazar wanted to inform the commission that some residents present for the Utal item asked that the meeting take place at a night meeting, the next meeting will be in August. Commissioner Kirby moved to have the Utal item heard in the first meeting in August. Mr. Compton seconded. The Chair stated that the motion is to amend our adoption of the consent calendar substitute motion to adoption of consent calendar to item 4 to be amended to the first meeting in August without the adoption of item one. Motion carried unanimously. Consent calendar adoption is substituted.

**F. CHAIR'S REPORT:** The Chair read the resolution to Commissioner Gault thanking him for his years of service with the Planning Commission. Commissioner Gault stated that it has been a privilege and honor working with such distinguished colleagues and county staff. This is a very important commission if not the most important appointed by the state. All involved to the best to serve the county. County staff has done a great job. The decisions this commission makes have historic meaning for the whole county and making changes that will last a long time. Not all decisions are popular nor were they meant to be, as long as the commissioners are fair in making prudent decisions based upon the data and testimony in front of this board. He also thanked staff for all the work and research they do for the community, one example is the Housing Element. He thanked Chris Bazar and James Sorenson for allowing me to be on the commission and bringing the Planning Commissioners Conference to this County, without your support and the members of this commissioners it would not have happened. It made a name for the County in this State and outside of this State. He has to leave the commission for personal reasons but will always cherish the time he has spent with the commissioners. He complemented the Chair for an excellent job and for being a good leader.

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

**I. ADJOURNMENT:** There being no further business Commissioner Gault moved to adjourn the meeting at 9:00 p.m. Commissioner Kirby seconded the motion. The motion was carried 5/0.

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CHRIS BAZAR, SECRETARY  
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY