

**MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JULY 2, 2007
(Approved July 16, 2007)**

FIELD TRIP:

MEMBERS PRESENT: Commissioners Glen Kirby, Chair and Kathie Ready.

MEMBERS EXCUSED: Commissioners Ken Carbone, Vice Chair; Richard Hancocks; Frank Imhof; Mike Jacob and Alane Loisel.

OTHERS PRESENT: Elizabeth Greene, Planner.

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. **PLANNING COMMISSION DETERMINATION, D-162** ~ Planning Director-initiated Determination by the Planning Commission as to whether the demolition and reconstruction of a nonconforming restaurant drive-through is authorized under various provisions of the Zoning Ordinance, located at 1620 Strobridge Avenue (McDonald's), east side, approximately 200 feet south of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, Assessor's Parcel Numbers: 084A-0007-022-00, 084A-0007-023-02 and 084A-0007-023-03.

2. **TENTATIVE TRACT MAP, TR-7871 – WONG** ~ Petition to allow subdivision of two existing parcels approximately 1.89 acres into twelve single family lots, R-1 (Single Family Residence, Fairview Plan) District, located on the east side of Bayview Avenue, approximately 100 feet north of Jacobs Street, Fairview/Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 417-0050-076-00 and 417-0050-099-00.

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone, Vice-Chair; Richard Hancocks; Mike Jacob; Glenn Kirby, Chair; and Kathie Ready.

MEMBERS EXCUSED: Commissioners Frank Imhof and Alane Loisel.

OTHERS PRESENT: Chris Bazar, Planning Director; Elizabeth Greene, Planner; Karen Borrman, Public Works Agency Liaison; Brian Washington, County Counsel's Office; and Nilma Singh, Recording Secretary.

There were approximately twelve people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 1:35 p.m.

ELECTION OF OFFICERS FOR THE YEAR 2007-2008 –The Chair recommended that no changes be made after the conclusion of several important issues on the next few Commission agendas including both General Plans. The Commission agreed. Commissioner Ready made a motion that no changes be made, Commissioner Kirby to remain as Chair and Commissioner Carbone, Vice-Chair. Commissioner Jacob seconded. Motion carried 5/0.

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.

Mr. Beckman noted the existence of the fliers on the boundary issue and testimonies claiming unethical behavior and bias on the part of some of the Commissioners. He felt that the reason for this politically charged process is the failure of the Supervisors to exercise leadership and that the integrity of this Commission was at stake. His concern was the request of an investigation of the Commission and he further submitted a copy of Mark Lowry's testimony submitted at Castro Valley Municipal Advisory Council meeting on Monday, June 25th, for inclusion in the next Commission package.

CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES** -
Commissioner Ready made the motion to approve the June 4th Minutes as submitted and Commissioner Hancocks seconded. Motion carried unanimously.

REGULAR CALENDAR:

1. **PLANNING COMMISSION DETERMINATION, D-162** ~
Planning Director-initiated Determination by the Planning Commission as to whether the demolition and reconstruction of a nonconforming restaurant drive-through is authorized under various provisions of the Alameda County Zoning Ordinance, located at 1620 Strobridge Avenue (McDonald's), east side, approximately 200 feet south of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, Assessor's Parcel Numbers: 084A-0007-022-00, 084A-0007-023-02 and 084A-0007-023-03.

Ms. Greene presented the staff report. Commissioner Carbone asked if the dual driveway plan has been utilized previously and if any discussions regarding the island/roadway

configurations have occurred with Public Works so far. Mr. Bazar replied that the Traffic Department review is further in the process.

Public testimony was called for. Malcolm Carruthers, RHL Designs, distributed colored photographs of the updated McDonald and described the project in detail. The intention is to make this a gateway entry to Castro Valley. The double drive-through lane use is a well-established design with 20 other similar sites in the Bay Area. The plan is not for an expansion but an increase in efficiency and landscape with a reduction in the square footage and, eating and playing areas. Parking requirements will be met.

Public testimony was closed. Commissioner Hancocks said his concern was that a nonconforming use, once removed, cannot be replaced. Commissioner Jacob noted the related language contained in the Castro Valley Specific Plan and asked if the drive-through expansion complies with the policies and goals of the Plan. The Chair announced that the property was visited during the Field Trip. Commissioner Carbone said that he would like to see a road plan in relation to the traffic circulation at the intersection which, although has been problematic from the beginning. This Plan is in a review process and he thought it could have an effect on both the restaurant and the drive-thru. He hoped that McDonalds would be a part of the review process and felt that the matter should be reviewed by Castro Valley Municipal Council (CVMAC). Commissioner Hancocks noted that the residents of Castro Valley, in the past, have indicated their preference of not having any new drive-thru windows. Commissioner Jacob noted that there were two major issues, the structural alteration and the expansion.

Public testimony was re-opened. Commissioner Carbone said he was not in favor of the design and asked for an up-date on the façade improvement. Mr. Carruthers explained that this is a new contemporary design aimed to blend in the community, with an approximate completion period of four months. McDonald's is willing to make revisions, if recommended.

Public testimony was closed. Commissioner Jacob pointed out that the design will be determined by the SDR process and CVMAC and discussed the abandonment issue if the restaurant is closed for more than thirty days. Mr. Bazar explained that the Ordinance does provide flexibility that if an applicant is proactively working on the project, it is not considered an abandonment and County Counsel added that he will review the language.

Commissioner Hancocks made a motion that the findings could not be made in favor of the determination as this is a structural alternation and Commissioner Ready seconded. The Chair disagreed and County Counsel added that more information could be provided on the provisions of the Plan. Motion failed 3/2 with the Chair and Commissioner Carbone dissenting. Commissioner Jacob made a substitute motion for a continuance and Commissioner Ready seconded which carried unanimously.

2. **TENTATIVE TRACT MAP, TR-7871 – WONG - *Preliminary Plan Review*** ~ Petition to allow subdivision of two existing parcels approximately 1.89 acres into twelve single family lots, R-1 (Single Family Residence, Fairview Plan) District, located on the east side of Bayview Avenue, approximately 100 feet north of Jacobs Street, Fairview/Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 417-0050-076-00 and 417-0050-099-00.

Ms. Greene presented the staff report.

Public testimony was called for. Y.T. Wong, SMI Construction, Project Management Group of Bayview Height, stated that this is an infill project, a positive asset to the community and that the project engineer and architect were also available for questions. In response to Commissioner Jacob regarding the biological impacts, he explained that the bats have a nesting period and, as such, the mitigation process would include the presence of a professional during construction in this period.

Steve Yang, project architect, distributed color photographs and using the over-head, described the project in detail and discussed the two main issues, trees and parking. There are 34 trees in the front and although most will be removed, only two are considered significant and require replacement. The plan includes one tree for the backyard of each lot. Two on-site parking spaces will be provided for each unit and three guest parking spaces could be provided in the front or the driveway. In response to Commissioner Ready, Mr. Yang said he was willing to work further on saving the trees but pointed out that with the 36-inch diameter trees and providing 30 feet setback uses up considerable space. Although the tree report reflects a smaller diameter, the Chair noted that tree #22 is a significant heritage tree, and 13 and 5 are also significant enough with canopies, to require replacement. He recommended permeable surface for the front guest parking space.

Ninh Le, project engineer, discussed the following main concerns outlined in the staff report. 1) Fire turnaround and parking - The Fire Marshall has recommended a modification to the first turnaround. The realignment of the driveway towards the south could possibly eliminate one unit and will accommodate a wider turnaround for guest parking and emergency vehicles; 2) Drainage. 80% of side will drain to the south, onto the grassy area including a mechanical treatment for storm water runoff; 3) Fire hydrant – will be included as recommended by the Fire Department.

Fred Tomlinson, property owner at 2973 & 2979 Ralston Way, said his main concern is the loss of view. He was not sure if the project is compatible with the neighborhood and suggested perhaps scaling down the project. Bayview Avenue already has traffic problems.

Penny Barrett, 22533 Bayview Avenue, stated that her property is across the street. Bayview Avenue does not have any stop signs and, as such, cars speed down the hill and the additional cars will worsen the situation. It is a heavily-parked street with no sidewalks resulting in a hazardous situation for pedestrians, animals and children. If approved, she would like these issue resolved and on-site parking be provided.

Sarah Stevens, adjacent neighbor at 22514 Bayview Avenue, concurred with Ms. Barrett regarding the parking issues. Parking will eventually spill-over from Bayview Terrace onto Bayview Avenue, especially older cars. As such, she asked if there would be parking requirements for older cars. The property is currently a fire hazard with weeds and abandoned buildings and Ms. Stevens asked if the site could be maintained. She supported the conservation of large 100 year tree and requested identification of the tree adjacent to her property.

Public testimony was closed. Staff pointed out that the arborist's report has a recommendation to preserve #22 in its present condition. Commissioner Ready asked for the possibility of obtaining another arborist's opinion. A discussion followed regarding tree preservation, tree replacement policy and value especially on the north side including architectural softening, and creative lot layouts. Commissioner Carbone felt that this is a dense narrow project not meeting the parking requirements which will impact the neighborhood as Bayview Avenue will suffer. Thus, the project was not a benefit to the area. The project would be self-supporting with fewer units and redesigned with reduced heights to as to not impact the views, perhaps 8-9 units which would allow preservation of the heritage trees and three parking spaces for each unit. The Chair stated that he supported the driveway width, the third parking space with a permeable surface and 25 feet building height, He suggested that the applicant look at the height of houses of the back lot and also that the weeds be cut.

The matter was continued to a future date.

STAFF COMMENTS & CORRESPONDENCE: *None.*

CHAIRS REPORT: Since he had not attended all the community meetings regarding the El Portal Ridge boundary issue, the Chair requested a status report on the next Planning Commission meeting. Commissioner Hancocks said that both he and Commissioner Ready have received telephone threats, adding that the County has the obligation to provide adequate protection at the next meeting. He requested the presence of the Sheriff's Department. Mr. Bazar replied that there were deputies present at the last meeting and they will also be present at the next. The Chair agreed and suggested making an announcement at the beginning of the next meeting mandating that order be maintained. Commissioner Ready said she preferred this location (Commission hearing room in Hayward) and recommended uniformed deputies. She confirmed that she had received two telephone calls: one identified caller who wanted to explain his position and another anonymous call asking her not to attend the July 16th meeting. The Chair suggested that perhaps such calls should be placed on record and logged with the Sheriff's Department. Mr. Bazar indicated that he will work with the Chair on an adequate venue for the next meeting, and ensure that needed security is present.

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: Commissioner Jacob requested formation of a subcommittee to look into development of a green building ordinance. The Chair replied that he contacted Karen Smith, *Stopwaste* project manager. Mr. Bazar added that he and Mr. Sorensen have been in contact with Ms. Smith. Currently there is a County Green Building Ordinance for county projects and there is a strong ongoing interest for an expansion to private projects. Commissioner Jacob recommended that the Commissioners look into Legislation AB484 regarding the recycling of asphalt from Caltrans projects and also requested an up-date on the mini storage facility off of I-580. County Counsel explained that the project, denied by the West County Board of Zoning Adjustments and the Board of Supervisors, had been in litigation. The County lost and the project had consequently proceeded.

ADJOURNMENT: There being no further business, Commissioner Carbone moved to adjourn the meeting at 7:55 p.m. Commissioner Hancocks seconded the motion. The motion was carried 5/0

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY