

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
AUGUST 7, 2006
(APPROVED SEPTEMBER 18, 2006)

FIELD TRIP:

MEMBERS PRESENT: Commissioners Glenn Kirby, Chair; Alane Loisel and Kathie Ready.

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

OTHERS PRESENT: Steve Buckley, Assistant Planning Director.

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:

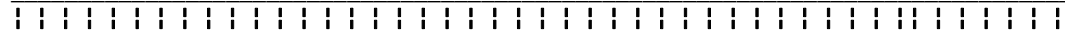
Set Matters

Time: 2:00 p.m. (Members of the public may join Commissioners at the site)

1. **CONDITIONAL USE PERMIT, C-8465, SMITH / VINEYARD MEMORIAL CEMETERY** ~ Application to allow a cemetery and related uses and structures to be developed on a portion of a 110-acre site, in an A (Agricultural) District, located on North Livermore Avenue, west side, approximately ½ mile north of U.S. Highway 50, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 903-0008-004-01.

Time: 3:00 p.m. (Members of the public may join Commissioners at the site)

2. **CONDITIONAL USE PERMIT, C-8205, CEDAR GROVE COMMUNITY CHURCH** ~ Petition to construct a new church campus totaling approximately 82,000 square feet of floor area with 508 parking spaces, on a 14-acre site, in the A-CA (Agricultural-Combining) District, located at 2060 South Livermore Avenue, northeast side, approximately 0.25 miles southeast of Tesla Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0900-004-04.
3. **ZONING UNIT, ZU-2237 and TENTATIVE PARCEL MAP, PM-9182 – BHUKHAN** ~ Petition to reclassify one parcel approximately 0.50 acres from the R-1 (Single Family Residence) District to a P-D (Planned Development) District, to allow four single family dwellings on parcels with a minimum net parcel size of 3,775 square feet, located at 910 Delano Street, south side, approximately 800 feet west of Kent Avenue, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080C-0484-029-00.



Closed Session

Time: 5:30 p.m.

Place: 224 W. Winton Avenue, Room 111
Hayward, California

• CONFERENCE WITH LEGAL COUNSEL – POSSIBLE LITIGATION

Code Significant exposure to litigation pursuant to Subdivision (b) of Government
§ 54956.9: One Case

REGULAR MEETING: 6:00 p.m.

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

OTHERS PRESENT: Steven Buckley, Assistant Planning Director; Arthur Valderrama and John Bates, Public Works Agency Liaison; Brian Washington, County Counsel’s Office; Nilma Singh, Recording Secretary.

There were approximately sixteen people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:05 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair welcomed Commissioner Ready and announced that the Commission had held a Closed Session with County Counsel and there was nothing to report.

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** ~ June 5 and July 17, 2006.
2. **ZONING UNIT, ZU-2237 and TENTATIVE PARCEL MAP, PM-9182 – BHUKHAN** ~ Petition to reclassify one parcel approximately 0.50 acres from the R-1 (Single Family Residence) District to a P-D (Planned Development) District, to allow four single family dwellings on parcels with a minimum net parcel size of 3,775 square feet, located at 910 Delano Street, south side, approximately 800 feet west of Kent Avenue,



Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080C-0484-029-00. (Continued from July 17, 2006; to be continued to August 21, 2006).

3. **ZONING UNIT, ZU-2236 and SITE DEVELOPMENT REVIEW, S-2064 – SUGANAGUNTA/NALLURI** ~ Petition to reclassify one parcel containing approximately 5.67 acres from the “A” (Agricultural) District to the P-D (Planned Development) District, so as to construct one main dwelling and one secondary dwelling, , located at 9895 Foothill Road, west side, approximately 2.1 miles south of Castlewood Drive, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0290-001-06. (Continued from July 17, 2006). **Withdrawn.**

4. **CONDITIONAL USE PERMIT, C-8465, SMITH / VINEYARD MEMORIAL CEMETERY** ~ Application to allow a cemetery and related uses and structures to be developed on a portion of a 110-acre site, in an A (Agricultural) District, located on North Livermore Avenue, west side, approximately ½ mile north of U.S. Highway 50, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 903-0008-004-01. (Continued from July 17, 2006; to be continued to September 18, 2006).

5. **CONDITIONAL USE PERMIT, C-8205, CEDAR GROVE COMMUNITY CHURCH** ~ Petition to construct a new church campus totaling approximately 82,000 square feet of floor area with 508 parking spaces, on a 14-acre site, in the A-CA (Agricultural-Combining) District, located at 2060 South Livermore Avenue, northeast side, approximately 0.25 miles southeast of Tesla Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0900-004-04. (Continued from July 17, 2006; to be continued to August 21, 2006).

6. **ZONING UNIT, ZU-2234 and TENTATIVE PARCEL MAP, PM-8853 - NAZARETH** ~ Petition to reclassify from the R-S-D-35 (Suburban Residence, 3,500 square feet building site area per dwelling unit) District to a P-D (Planned Development) District, to allow subdivision of one site containing approximately 0.96 acres into three parcels, respectively containing two existing detached single family residences and one existing nine-unit apartment building, and allowing site-specific development standards, on one site containing approximately 0.96 acres, located at 22565, 22567 and 22569 Center Street, west side, approximately 400 feet north of B Street/Kelly Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 416-0110-005-03. (Continued from June 5, 2006; to be continued to August 21, 2006).

Commissioner Hancocks made the motion to approve the Consent Calendar per staff recommendations and Commissioner Loisel, abstaining from the July 17th Minutes, seconded the motion. Motion carried unanimously.

REGULAR CALENDAR:

1. **VESTING TENTATIVE TRACT MAP, TR-7305 - ALCORN/DELCO** ~ Application to allow subdivision of one parcel into seventeen parcels on a site containing approximately 3.99 acres in an R-1-CSU-RV (Single-Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4653 Malabar Avenue, south side, approximately 250 feet west of Pepper Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 084C-0835-001-07. (Continued from June 19 and July 17, 2006).

Mr. Buckley presented the staff report and noted Cindy Barclay's letter regarding lot size consistency and further discussed the Lot Size Policy adopted by the Castro Valley Municipal Advisory Council (CVMAC) and the minimum zoning requirements. The Conditions of Approval have been modified to reflect the word 'shall'. Staff has also received a letter from HARD stating their interest in the property as a park site, a copy of which was included in the Commission packet. A HARD representative is available for questions/clarifications. Commissioner Carbone requested an explanation on how lot size consistency was determined. Mr. Buckley explained.

Public testimony was called for. Larry Lepore, HARD Superintendent, confirmed that the letter from the General Manager, publicly states that they are interested in obtaining properties whenever possible as Castro Valley is underserved with parks. HARD is under contract to purchase the EBMUD property and the Bond Measure for November ballot is before their Board on Tuesday, August 8th. Mr. Lepore further described the boundaries for the 'zone' in which properties owners will be taxed if the Measure is approved. In addition, there are two other state bond measures in the amount of \$400 million each, offered through grant, on the November ballot. In response to Commissioner Loisel, he explained that the EBMUD property is not specifically listed on the Bond Measure but will be on the voter's guide.

David Sadoff representing Parks, Recreation & Historical Commission (PRHC), read his written testimony. Castro Valley was second in chick production in the entire world and today there are only two remaining ranches, the subject property and one on Proctor Road. With an approval, a piece of Castro Valley history will disappear. PRHC has written in support on three occasions determining that this property is historic and worthy of preservation. He urged a denial of the project. Commissioner Loisel asked if he was aware that the citizens of Castro Valley had prepared and submitted a historic evaluation report and nomination of the Alcorn ranch, and the Office of Historic Preservation's preliminary rejection of this nomination. Mr. Sadoff replied yes.

Lawrence Hutchings, 18729 Brickell Way, was not available but had submitted his written comments.



Susan Hersch, representing Castro Valley Preservation Alliance, introduced a photograph of the site and read and submitted her written testimony on the following issues: lack of proper notification for this hearing as notices were sent out only to those who had requested; insufficient time to review the data as she received her package two days prior to this hearing; density/lot size consistency which is in contrast to the surrounding neighborhood and the sizes of other private properties in the immediate neighborhood were disregarded; footprints of the proposed homes are also inconsistent with the surrounding neighborhood; whether or not the Commission had received copies of letters submitted at the July 17th hearing and, if not, additional time should be allowed for review prior to any decision; accompanying attachments to staff reports should also be provided to the public for review; and consideration be given to the community to vote on the park bond measure on November 7th. Based on these, Ms. Hersch requested a continuance for three months.

The Chair requested clarification from staff on the notification process and public review of staff report attachments. Mr. Buckley explained the procedures.

James Milward, 18177 Judy Street, in opposition, stated that this was a very controversial item and the site plan does not reflect all the information. His concerns included: lack of sidewalk on the Malabar Avenue side contrary to Condition #16; the requirement of the Final Map at a later date would allow the developer to make modifications; a Grading Plan is needed reflecting the vertical and horizontal contours, and utilities; flooding occurs and plans, though indicating swales, do not reflect how additional 25% water run-off issues will be resolved; and although the proposal states 17 homes, the map reflects only 16. He disagreed that the Planning Director instead of this Commission through a public hearing, has the discretion to change the access through Malabar Avenue or any other modifications, as stated in Conditions #9 and 64.

Trish Ferrari read Cindy Barclay's letter on her behalf. Ms. Barclay's main concern was the lot size consistency. The letter also discussed the Lot Size Policy which does not reference 'lot size average' and non-compliance to both the CV Plan or the Lot Size Policy.

Linda Willis, Castro Valley resident and member of CV Preservation Alliance, pointed out the Commission and Planning Department's mission. She urged the Commission to listen to the voice of the residents that this project is counter to their quality of life with concerns regarding traffic, visual impact, lot size, historical/cultural resources and open space. Since the residents feel that all the issues have not been satisfactorily resolved, she urged that the final decision be delayed until such time when all the information is available, such as County Historic Assessment Inventory, bond measure and the result of CV General Plan (cumulative impact).

Ethel Morgan, 18788 Brickell Way, asked why a major artery from this development will be located at a blind spot with a knoll.

Herman Welm representing Delco Builders, noted the following: this project has been in progress since 2001; project is within the General Plan, CV Specific Plan and the Zoning

Ordinance; is consistent with the surrounding area; this property is not on the HARD Master Plan as a site to be acquired; and any opposition is contrary to infill policy.

Judy Davidoff, Steefel, Levitt & Weiss, pointed out that the historical insignificance has been confirmed by three independent consultants; the bond measure and availability of funds are speculative and the matter will not be concluded in three months; all issues have been evaluated; it is consistent with the surrounding area; and there is no basis for delays.

David Alcorn said he cared for his father's memory contradictory to public testimony submitted at the last hearing. His father had sold land previously without any opposition, donated land to extend Seven Hills Road and paid for improvements on Malabar Avenue. While this project has been in process, he has received warnings from the CV Fire Department to raze the buildings; the fence around the property has been broken down; and the boarded house is broken into with illegal activities. He asked what a park will bring to this area. Mr. Alcorn pointed out that the CV Preservation Alliance was formed by residents of Judy Street development after submission of this application to stop this development; the Alliance has not protested any other developments in the area; and the Alcorns had not protested the Judy Street development. The Alcorn family is not interested in selling this property to HARD.

James Alcorn stated that by 1950 almost all of the chicken ranch buildings were removed. These lots are larger than the surrounding density and confirmed that neither the Alcorn family is interested in selling the property to HARD nor has any intention to subdivide the existing home in the future. Although he is an architect, he is not involved with the project design. This project has been approved previously and meets the infill policy requirements. Mr. Alcorn noted that if the property had been sold as one parcel, this process would not have been required, but the family desires to retain one lot for the existing residence of their mother.

Public testimony was closed. Commissioner Loisel asked if CVMAC had approved the lot sizes. Mr. Buckley replied yes and Commissioner Carbone added that he had not voted in support. Commissioner Jacob asked if the Public Review Draft of HARD Recreation & Parks Master Plan dated March 2006 has been adopted and requested further clarification on the funding policy. Mr. Lepore replied yes, the Plan has been approved. Commissioner Jacob noted that the table on page 105 indicates that the downtown area and areas west of Lake Chabot are currently underserved areas and the subject property is on the east; pages 83-84 do not specifically relate to this parcel either; and the section on Hillside areas on page 65 indicates that they pose additional problems to the District, adding that the EBMUD property is on the west. Mr. Lepore explained that Policy CV-4, in general, allows the District to look at parcels for future parks and further noted CV-7. There are many parcels not specified in this document but should not be ruled out as possibilities. This is a privately owned property and, as such, cannot be specifically listed.

Commissioner Hancocks felt that this Commission needed to focus on the application of a tentative map and not the possibility of a park/open space area or whether there is historical significance. Commissioner Loisel made the motion to certify the EIR. Commissioner Hancocks seconded. The Chair stated that he had not been previously supportive of the EIR and the staff

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report, though detailed, did not offer any new information. Commissioner Carbone agreed adding that the project was not consistent with the neighborhood. Commissioner Jacob asked if all standards of the Superior Court will be met with the certification of the EIR. County Counsel replied yes. Motion carried 5/2 with Commissioners Kirby and Carbone dissenting.

Commissioner Loisel made the motion to approve the Tentative Map and Commissioner Hancocks seconded. Commissioner Jacob requested that a prohibition be included on further subdivision of Parcel A. Commissioner Loisel amended her motion to include such a limitation, which carried 5/2 with Commissioners Kirby and Carbone dissenting.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR'S REPORT: The Chair requested that a meeting be scheduled with other jurisdictions who were interested in Niles Canyon. Commissioner Imhof expressed his concern regarding the removal of additional trees.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

ADJOURNMENT: There being no further business Commissioner Jacob moved to adjourn the meeting at 7:35 p.m. Commissioner Loisel seconded the motion. The motion was carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY