

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
AUGUST 16, 2004
(APPROVED SEPTEMBER 2, 2004)

The meeting was held at the hour of 1:30 p.m. at the Public Works Auditorium, 399 Elmhurst Street Hayward, California.

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Commissioners Mike Jacob, Chair; Frank Imhof, Vice Chair; Glenn Kirby; Lena Tam, Ario Ysit and Richard Hancocks.

MEMBERS EXCUSED: Commissioner Compton Gault.

OTHERS PRESENT: Steven Buckley, Assistant Planning Director; Karen Borrmann, Public Works Agency Liaison; Nilma Singh, Recording Secretary.

There were three people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 1:30 p.m.

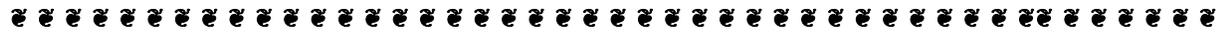
ANNOUNCEMENTS BY THE CHAIR: Commissioner Gault has asked to be excused.

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** - July 19 and August 2, 2004
2. **2190th ZONING UNIT - MOHLER** - Application to rezone the subject property to a PD (Planned Development with an Agriculture-Cultivated Agriculture base zone) Zoning District, so as to maintain all the development rights and restrictions in the A-CA district, except that operation of a heliport (personal helicopter landing and take-off from a helipad) only as described herein, is Permitted, on a 122 acre property within an "A-CA" (Agricultural, Cultivated Agriculture) District, located at 7490 Mines Road, east side, 2.2 miles south of Tesla Road, unincorporated south Livermore area of Alameda County, bearing Assessor's Parcel Number: 099A-2420-004-24. (Continued from June 6 and July 19, 2004; to be continued without discussion to October 18, 2004).

Commissioner Kirby motioned to approve the Consent Calendar as submitted. Chair Jacob indicated that he had corrections to the July 19th Minutes, which he would submit to the secretary. In reference to the Nielsen project discussed in those minutes, Mr. Buckley requested clarification on the final motion regarding the curb cuts. Commissioner Kirby stated that the consensus had been to agree with staff



recommendation to retain the two curb cuts, over the Traffic Engineer's recommendation to limit to one driveway and eliminate the tree.

Commissioner Kirby amended his motion to approve the Consent Calendar with corrections to July 19th Minutes. Commissioner Ysitt seconded. Motion carried 6/0. Commissioner Gault was excused.

REGULAR CALENDAR:

1. **ZONING UNIT, ZU-2194 – ERIKA IBSEN** – Application to reclassify from A-CA (Agricultural with Cultivated Agricultural Overlay) District to a PD (Planned Development) District, to allow construction of a single family residence with a secondary unit, on one site containing approximately 17.31 acres, located at 4180 Greenville Road, east side, corner southeast of Tesla Road, unincorporated Livermore area of Alameda County, bearing County Assessor's designation: 099A-1900-001-12.

Mr. Buckley presented the staff report. Commissioner Ysitt asked if comments have been received from South Livermore Valley Land Trust. Mr. Buckley explained that the Land Trust usually gets involved in bigger subdivision projects where there would be a land conservation contract, and this application is for development of a pre-existing lot.

Public testimony was called for. Mr. Ibsen said revised plans have been prepared according to the provisions and all requirements have been complied with. Domestic water has been acquired instead of drilling a well. Commissioner Kirby asked for the Health Department's response to domestic water since the original application included a well and a septic system. Mr. Buckley explained that it would be advantageous to have the municipal water for fire flow and Mr. Ibsen added that he was willing to install a holding tank per the Fire Department requirements, even with the municipal water. In response to Commissioner Ysitt regarding future road work in the area, Mr. Ibsen said he has seen preliminary drawings for a roundabout at the intersection where his property fronts on the corner and is aware that the intersection may be rebuilt in the future, and further described the existing layout of the building and the proposed secondary unit.

Public testimony was closed. Commissioner Kirby made the motion to approve the application per staff recommendation and Commissioner Tam seconded. Motion carried 6/0. Commissioner Gault was excused.

2. **VARIANCE, V-11853 and SITE DEVELOPMENT REVIEW, S-1918 – SCOTT ROBINSON** - Application to allow an average building height of 38 feet – three inches where 30 feet is the maximum allowed, in a R-1-L-B-E (Single Family Residential, Limited Agricultural Uses, 5 acre Minimum Building Site Area) District, located on Clover Road, west side, approximately 800 feet south of the intersection with East Avenue, unincorporated Fairview area of Alameda County, bearing County Assessor's designation: 425-0230-001.

Mr. Buckley presented the staff report and in response to Commissioner Hancock's, further described the topography of the surrounding properties which was varied but most sites have slopes. The subject site has a steep slope with tree cover, a drainage area, and not much buildable area. Commissioner Kirby agreed with the conclusion that the development area was limited by the topography, but there was no



information on the tower element elevation compared to elevation of street level. Mr. Buckley explained that the tower adds about four feet to the total height which could be lowered, if the tower was reduced, to 34 feet average height.

Public testimony was called for. Scott Robinson, Applicant, read his written testimony. The street elevation was 20 feet above the foundation. Only the rear of the house exceeds the height limit which does not block any views. With the limited flat buildable area, this was the best option. Street parking was not available. Per Fire Department's requirement, there would be a 17 foot driveway for fire vehicle access. He pointed out that several neighboring homes exceed the height limits. The plans have been made available to the one neighbor who had concerns and also to the home association who has no issues/concerns. Commissioner Hancock asked if he had considered the possibility of rotating the house 90 degrees thereby eliminating the need for a variance. Mr. Robinson replied that the house would then be pushed against the hillside where it would block the neighbor's views and eliminate the porches. Commissioner Hancock pointed out that variances cannot depend on design choices but special circumstances. He also noted receipt of two letters of opposition.

Public testimony was closed. Commissioner Kirby motioned to approve the application based not on the design but on the property configuration, and per staff recommendation. Commissioner Ysitt seconded the motion. Commissioner Kirby said he had concerns regarding the massive structural view from the west but it would be mitigated by the swale in the middle and that further down the slope was a rise in elevation. Building the house on the steeper portion would allow more open space, better turnaround and more parking. Commissioner Hancock disagreed adding that this was a design choice, all adjacent properties have similar topography and felt that lawfully the findings could not be made. Commissioner Tam concurred with the motion. She had visited the site and felt that special circumstances did exist. If the ordinance- required height was maintained, there would be extensive grading.

Motion carried 5/1/1. Commissioner Hancock voted no and Commissioner Gault was excused.

STAFF COMMENTS & CORRESPONDENCE: Mr. Buckley announced that the Chevron Pipeline application which was approved at the last hearing, has been appealed by the Foleys.

CHAIR'S REPORT: None.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Imhof suggested that in the future if there are two items or less on an agenda, then the meeting should be canceled. Commissioner Tam disagreed, as she felt that applications should not be continued at the Commission's convenience. [She then asked to be excused for the remainder of the hearing.] Commissioner Kirby agreed with Commissioner Tam adding that perhaps a meeting could be postponed with the Applicant's approval. Commissioner Ysitt and the Chair also agreed.

Commissioner Kirby requested an up-date on the two-month continuance recommendation for the Mohler project. Mr. Buckley replied that the environmental work has been primarily related to noise and currently staff was working on the combined impact of the flight path and noise. The technical report has been received and the CEQA document has to be circulated.

The Chair announced that he has requested the next Field Trip to include the fire site in the Hayward Hills. He also announced that he was no longer associated with the Port of Oakland, but would be working with BART.

