

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
SEPTEMBER 6, 2005
(APPROVED OCTOBER 3, 2005)

FIELD TRIP:

MEMBERS PRESENT: Commissioners Ken Carbone and Glenn Kirby, Vice Chair.

MEMBERS EXCUSED: Commissioners Richard Hancocks; Frank Imhof, Chair; Mike Jacob; Alane Loisel and Edith Looney.

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:

1. **2208th ZONING UNIT and TENTATIVE TRACT MAP, TR-7600, LOPEZ** –Petition to classify from the P-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area/Dwelling Unit) District to a P-D (Planned Development) District, and subdivide one parcel, containing approximately 1.22 acres, into nine lots (4 lots developed with existing duplex and 5 lots developed with existing single family dwellings), located at 604-697 Jordan Way, northeast side, approximately 175 feet northwest of Grove Way, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 414-0071-073-00.
2. **2212TH ZONING UNIT, FRANCO** – Petition to allow a second unit not within the two-acre building envelope where otherwise required, on one site containing approximately 99.30 acres, located at 7820 Vallecitos Road, south side, approximately 100 feet south west of Little Valley Road, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0365-002-04.
3. **2213TH ZONING UNIT and TENTATIVE TRACT MAP, TR-7630, PLUTE/WILLER** – Petition to reclassify from the R-1 (Single Family Residence) to a P-D (Planned Development) District, to allow subdivision of the one parcel, containing approximately 0.55 acres, into six single family lots and retain one dwelling on each lot, located at 16765 to 16775 Ventry Way, west side, approximately 100 feet north of Bevilacqua Street, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080B-0319-012-04.
4. **2203rd ZONING UNIT, VALDES** – Petition to reclassify one parcel from R-S-SU (Suburban Residence, Secondary Unit) District to a P-D (Planned Development) District, to allow construction of a new duplex and retention of two existing dwellings, on one site containing approximately 0.37 acres, located at 374 Medford Avenue, north side,

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approximately 412 feet west of Western Boulevard, Hayward area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 413-0039-024-00.

- 5. **2216th ZONING UNIT and TENTATIVE PARCEL MAP, PM-8742, KUMAR** – Petition to reclassify from the PD-ZU-1487 (Planned Development, 1487th Zoning Unit, allowing on those properties fronting on “A” Street, C-N (Neighborhood Business) and C-O (Administrative Office) Districts, certain other uses and R-S-D-25 (Suburban Residence, 2,5000 square feet minimum building site area) District, to a PD-ZU-2216 (Planned Development) District, to allow three attached dwelling units and to subdivide the site containing approximately 0.27 acres into three parcels, located at 779 West A Street, north side, approximately 400 feet west of Royal Avenue, Hayward area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 432-0020-015-02.

- 6. **TENTATIVE TRACT MAP – TR-7624, 167TH AVENUE LP** – Petition to allow conversion of a seven-unit apartment complex into seven condominium units on one parcel containing approximately 0.45 acres, in a R-S-D-25 (Suburban Residence, 2,500 square foot Minimum Building Site Area/Dwelling Unit) District, located at 1430-44 – 167th Avenue, southeast side, approximately 300 feet northeast of East 14th Street, San Leandro area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 080A-0100-034-00.

- 7. **MODIFIED TRACT MAP, MTR-7118, COURTNEY** – Application to allow modification to TR-7118, to subdivide one site containing 4.60 acres into 19 parcels in a PD-ZU-1762 (Planned Development, 1762nd Zoning Unit) District, located on Page & Miramar, east side, corner south of Page Street, San Leandro area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 080A-0197-001-06.

REGULAR MEETING: 6:00 p.m.

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

OTHERS PRESENT: Steven Buckley, Assistant Planning Director and Nilma Singh, Recording Secretary.

There were approximately fourteen people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:00 p.m.

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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. Michael Villa-Lobos, 19200 Stevens Creek Blvd, Cupertino, said he was looking forward to discussions with the Commission on Measure D issues relating to highway commercial sites along I-580. He had submitted a package at the May 2nd meeting containing specific sites along Grant Line Road. To-date, there has been preliminary discussion with Sierra Club and Ohlone Audubon Society, and Larry Gosselin is now providing guidance on preservation of the agricultural land and wildlife (golden eagles). Some of the other issues were commuter parking and lack of emergency services in this area. He hoped that this matter would be placed on the Commission agenda in the near future.

CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES - August 15, 2005.**
2. **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. (Continued from June 20 and July 18, 2005; to be continued to September 19, 2005).
3. **Motion to Reconsider Action Taken at 7/18/05 - AMENDMENT TO CONDITIONAL USE PERMIT, C-4158, REPUBLIC SERVICES – VASCO ROAD LANDFILL** - Application to extend the term of the Conditional Use Permit for this facility (“Permit”) from 2008 to December 31, 2022; and to formalize permission to continue to conduct waste diversion and materials recycling operations that have been ongoing for a number of years on the site. The Vasco Road Landfill (VRL) (formerly Vasco Road Sanitary Landfill) is an existing permitted landfill in an A (Agriculture) District, located at 4001 North Vasco Road, east side, approximately 1 mile north of Dalton Road, Unincorporated Livermore area, designated as Assessor's Parcel Numbers 99B-4901-2-3; 99B-4926-1-1, 1-2, 2- 4, and 2-5; and 902-6-2-2. (Continued from August 1, 2005; to be continued to September 19, 2005).

Commissioner Kirby made the motion to approve the August 15th Minutes as submitted and Commissioner Jacob seconded. Commissioner Jacob made the motion to approve the remainder

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REGULAR CALENDAR:

1. **D-159 - CONSIDERATION OF DETERMINATION OF ALAMEDA COUNTY GENERAL ORDINANCE CODE FOR NONCONFORMING AUTO BODY AND REPAIR BUSINESS, SHANKLIN** – Appeal by Bernie D. Shanklin from the Planning Director’s Determination that an auto body and repair business is not a legal non-conforming use under the A-2 District, Article 20, Section 8-61.0; and is not of the same character as any permitted agricultural use listed in the A-2 District under section 17.54.060, located at 1824 Almond Avenue, Livermore area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 99-1150-18.

Commissioner Kirby made the motion to move staff recommendation for a continuance to September 19, 2005 and Commissioner Loisel seconded. Motion passed unanimously.

2. **2208th ZONING UNIT and TENTATIVE TRACT MAP, TR-7600, LOPEZ** –Petition to classify from the P-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area/Dwelling Unit) District to a P-D (Planned Development) District, and subdivide one parcel, containing approximately 1.22 acres, into nine lots (4 lots developed with existing duplex and 5 lots developed with existing single family dwellings), located at 604-697 Jordan Way, northeast side, approximately 175 feet northwest of Grove Way, Hayward area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 414-0071-073-00.

Mr. Buckley presented the staff report.

Public testimony was called for. Joe Cooper, Trustee, explained the reason for this reclassification request was financial. Once subdivided, the plan is to sell one house first. He introduced Doug Rogers, Greenwood & Moore, Inc, who was available to answer technical questions. Susan Lynch, Manager, indicated that the current tenants, many living here for ten years, were all in favor of the project, interested in purchasing the homes and were also available to speak in support.

Commissioner Jacob requested clarification on Note No. 2. Mr. Rogers explained the two options. Commissioner Kirby asked for the status of the two car garages for the duplex unit, 12 and 13, parking on Jordan Way and if consideration had been given to convert to condominiums as another alternative. Mr. Rogers indicated that several parcels will retain garages and some might be reconstructed to meet codes per Fire Department approval, there will be parking on one side and red curb on the other side of Jordan Way, and yes, consideration had been given to convert to condominiums. Both options had been studied and the preference was individual lots since condo projects create liability, air space and home association issues. Commissioner Kirby

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3. **2210th ZONING UNIT - GIL** – Petition to reclassify from the A-CA (Agricultural, Cultivated Agricultural Overlay) District to a PD (Planned Development) District, to allow construction of a 1,200 square foot secondary dwelling unit, on one site containing five acres, located at 9293 Tesla Road, south side, approximately 0.33 miles northwest of Reuss Road, Livermore area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 099A-2003-005-00. (Continued from July 18 and August 1, 2005).

Mr. Buckley presented the staff report adding that this project had been continued from August 1st when the Commission had raised location, size and access concerns. The Applicant has submitted a revised site plan showing the 1,200 square foot secondary unit at the top of the hill with a larger area at the lower level for future agricultural uses and the shared driveway with the main dwelling. Staff is recommending an approval subject to Exhibit B.

Public testimony was called for. Jeff Gill, Applicant, said he has now met all requirements and further explained the purpose of the gate, and the location of the septic system and drainage.

Public testimony was closed. Commissioner Kirby made the recommendation to move staff recommendation for an approval and Commissioner Loisel seconded. Motion carried unanimously.

4. **2212TH ZONING UNIT, FRANCO** – Petition to allow a second unit not within the two-acre building envelope where otherwise required, on one site containing approximately 99.30 acres, located at 7820 Vallecitos Road, south side, approximately 100 feet south west of Little Valley Road, Sunol area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 096-0365-002-04.

Mr. Buckley presented the staff report.

Public testimony was called for. Dean Franco, Applicant, explained that the second unit was for a caretaker, a permit has been obtained for the modular but he was awaiting loan approval. Commissioner Kirby said his concern was the size of the unit. Mr. Franco replied that per Planning staff, the unit had to be under 2,500 square feet with a larger well which he has installed noting that he has dedicated some property to Caltrans and the Chevron pipeline runs on the south side of his property, which has decreased the size of his property.

Public testimony was closed. Commissioner Looney made the motion to move staff recommendation and Commissioner Loisel seconded. Motion carried unanimously.

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5. **2213TH ZONING UNIT and TENTATIVE TRACT MAP, TR-7630, PLUTE/WILLER** – Petition to reclassify from the R-1 (Single Family Residence) to a P-D (Planned Development) District, to allow subdivision of the one parcel, containing approximately 0.55 acres, into six single family lots and retain one dwelling on each lot, located at 16765 to 16775 Ventry Way, west side, approximately 100 feet north of Bevilacqua Street, San Lorenzo area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 080B-0319-012-04.

Mr. Buckley presented the staff report. In response to Commissioner Looney who had access concerns, he further explained that the project backs into similar development that does not have a through street. Ventry Way is a private street that serves frontage on this property. A discussion followed. Mr. Buckley noted that staff recommends that perhaps a Condition of Approval require that, in the event there is a similar subdivision on the rear property, this property provides mutual access between Ventry Way and Kent. Commissioner Looney said that during a site visit, she had also noted the lack of landscaping.

Public testimony was called for. Al Plute, co-applicant, described his proposal. All houses conform to the neighborhood and the only deficiency is the lot size. Per Fire Department, the driveway width is sufficient, 25 feet between the houses and 35 feet front yards. He did not think that the other property may be able to accommodate a 20 feet thoroughfare. A thoroughfare will also destroy the intimacy of this community and all tenants agree with a private street instead, especially in reference to the safety of children. He agreed with the lack of landscaping but confirmed that landscaping will be installed with a sprinkler system and a patio for each dwelling. He noted that all improvements, with the exceptions of 1-5 on page 4 of the staff report, have been installed, and felt that a maintenance agreement would be sufficient for the driveway. Mr. Plute further described the completed improvements in detail, confirmed that none of the houses were occupied currently and all the houses have individual water and gas meters. This would provide affordable housing and bring revenue to the County.

Public testimony was closed. Commissioner Kirby said he was concerned with the passing of future legal implications to individual owners and the five feet between four interior units. With many sub-standard conditions, he would prefer a condo conversion proposal instead. Commissioner Hancocks felt that an approval would be codifying sub-standard conditions for the Ashland/Cherryland areas and institutionalizing existing problems. Commissioners Loisel and Looney said they did not have any concerns. Commissioner Carbone asked if the property on the north had similar lot sizes and individual homes. He concurred with Commissioner Kirby regarding liability concerns. Staff replied yes except the lots on Ventry Way. Commissioner Jacob pointed out that sub-standard lot size did not necessarily mean sub-standard housing but affordable housing. In respect to Commissioner Kirby’s liability concern, he noted that all would be jointly liable through CC&R or HOA. He would also support a condo conversion proposal. Commissioner Imhof asked for the price range. Mr. Plute replied that it would be in the \$400,000 range with individual ownership and only a shared driveway. As such and with CC&Rs, Commissioner Kirby felt that he could support this project.

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Mr. Buckley noted staff's recommendation for a continuance and summarized that the Commission would like to see a Joint Agreement, specifics on street design and a landscaping plan. Commissioner Carbone made the motion for a continuance to October 3 and Commissioner Kirby seconded. Motion carried unanimously.

5. **REVIEW OF EXISTING PD DISTRICT PROCEDURES AND RECOMMENDATIONS FOR POSSIBLE MODIFICATIONS**
(Continued from May 16, June 20 and July 18, 2005).

Commissioner Kirby made the motion to move staff recommendation for a continuance to September 19, 2005 and Commissioner Loisel seconded. Motion carried 7/0.

STAFF COMMENTS & CORRESPONDENCE: Mr. Buckley reported that staff was working on the Sunol General Plan in reference to the downtown issue and the matter could perhaps be ready to be placed on the agenda by next month.

CHAIR'S REPORT: The Chair announced that he with Commissioners Kirby and Jacob had attended the Public Officials dinner Friday night and he will be organizing the event next year.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Kirby announced that he will be unavailable for the September 19th meeting.

Commissioner Jacob stated that next CCPCA State Conference will be held in San Diego and will notify CCPCA on behalf of those Commissioners who have not received any information. He also requested a checklist from the Building and Fire Department, to be approved before the Commission considers any condo conversion proposals. Mr. Buckley said staff was giving out the list to the public at the zoning counter. Commissioner Kirby asked if the list will be included with the condo conversion applications on the Commission agenda or will it be an internal list. Commissioner Jacob said he would like to approve and use the list as a guideline.

Commissioner Hancocks noted that an update on the Eden Area Plan was initiated a few years ago and asked when this Commission would hear the matter. Staff replied that he would check and a response will be included in the next package.

The Chair requested that the Stanley Boulevard landscaping matter be moved forward.

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



CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY