

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
OCTOBER 17, 2005
(APPROVED NOVEMBER 7, 2005)

REGULAR MEETING: 1:30 p.m.

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

MEMBERS EXCUSED: Commissioners Mike Jacob and Alane Loisel.

OTHERS PRESENT: Chris Bazar, Planning Director; Steven Buckley, Assistant Planning Director; Karen Borrmann, Public Works Agency Liaison; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately twenty-six people in the audience.

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

ANNOUNCEMENTS BY THE CHAIR: The Chair announced that he had attended the October 6th PRHC meeting.

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** - October 3, 2005. (To be continued to November 7, 2005).
2. **TENTATIVE TRACT MAP, TR-6864, ONE STOP DESIGN, INC.** – Petition to subdivide one parcel into five lots, located between 25129 and 25165 Second Street, south side, approximately 903 feet west of Winfeldt Road, Fairview area of unincorporated Alameda County, bearing County Assessor's designation: 0425-0150-006-00. (Continued from January 18, March 7, May 2, June 20, July 18, August 15 and September 19, 2005; to be continued to November 21, 2005).
3. **MODIFIED TRACT MAP, MTR-7118 – COURTNEY** – Petition 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. (Continued from September 19, 2005; to be continued to November 21, 2005).

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4. **ZONING UNIT, ZU-2204 and AGRICULTURAL SITE DEVELOPMENT REVIEW, S-1978 – BRAUN/THOMPSON** – Petition to reclassify from the ‘A’ (Agricultural) District to a P-D (Planned Development) District with an Agricultural District base-zone, and allowing one secondary dwelling unit, on one site approximately 3.21 acres, located at 8855 Pleasanton-Sunol Road, west side, approximately 1.8 miles north of the intersection with Highway 84, Sunol area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 0096-0320-003-00. (Continued from July 18, August 1 and September 19, 2005; to be continued to November 21, 2005).

5. **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, July 18, September 6 and 19, 2005; to be continued to November 21, 2005).

6. **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, September 6 and 19, 2005; to be continued to November 21, 2005).

7. **2216th ZONING UNIT AND TENTATIVE PARCEL MAP, PM-8742 – RAMESH and LALIT 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 District uses, certain other uses and R-S-D-25, suburban Residence, 2,500 square feet Minimum Building Site Area) District, located at 779 West A Street, north side, approximately 400 feet west of Royal Avenue, Hayward area of unincorporated Alameda County,

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Commissioner Kirby made the motion to approve the Consent Calendar per staff recommendations and Commissioner Carbone seconded. Motion passed unanimously.

REGULAR CALENDAR:

1. **TENTATIVE TRACT MAP, TR-7270 – PARAMOUNT HOMES/VAN EEGHAN – Public comment hearing on the DEIR -** Application to subdivide two parcels comprising approximately seven acres to develop 10 new single-family houses and retain one existing house on approximately three acres, and one common lot with conservation easements over undeveloped portions of the site, in a R-1-B-E (Single Family Residence, 6,000 square feet Minimum Building Site Area, 60 foot median lot width, 20 foot front yard and 7 foot side yard setbacks) District, located at 25329 and 25415 Second Street, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 425-0160-006 and 425-0160-007-00.

Mr. Buckley presented the staff report. Commissioner Kirby asked if there is a process to resolve the dispute before this Commission hears the application. Mr. Bazar explained that this matter was before the Board of Supervisors and as result of the litigation, the matter was now fully before this Commission. Commissioner Looney asked if there were other houses or development as close to the creek as lots 9 and 10. Mr. Buckley replied that there were several other properties on Second Street adding that staff could provide aerial photos at the next meeting.

Public testimony was called for. Peter Hellman, owner of Paramount Homes, introduced Don Van Eeghan, property owner; Brad Brownlow, land use specialist; Mike Turnoff, civil engineer; and Terry, environmental contamination expert. In support, Mr. Hellman stated the following: the project had been previously approved by the Planning Director and the Board of Supervisors; the project was consistent with the General Plan, Measure D, Fairview Area Specific Plan, Zoning Ordinance and was inside the urban growth boundary; no variance is being requested; the EIR concludes that the project will have no environmental impacts; over 60% of developable land is being offered to HARD as a conservation easement; the developer will extend the storm drain system to address existing neighborhood problem; traffic signs that are not required as conditions of approval will be installed; new and/or replacing fencing around the property will be constructed; and planting of 24 new native trees will occur. Commissioner Looney asked why the initial approval did not include Lot 10. Mr. Hellman thought that it was to accommodate the neighborhood. The new house would be located on the exact footprint of the existing house. In response to Commissioner Kirby, he further explained the conservation easement issue. He had sent written confirmation to HARD last year to accept maintenance and liability. The homeowners association will maintain compliance to the CC&Rs. Since HARD had agreed verbally, two other alternatives are available to ensure that the easement is preserved

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as open land.

Sally Philbin, property owner at 25270 Second Street and representing East Hills Rural Neighborhood Association, said their concerns were related with the review and its compliance to the stipulated settlement agreement. The Association's main concerns included the Focused EIR, invalid agency permits, important omissions in the reference section, community experts not contacted during preparation of DEIR, failure of DEIR to adequately address key areas of cumulative impacts, failure to consult with experts regarding storm water management alternatives, misinterpretation of the Fairview Area Specific Plan, traffic studies and speed humps unlikely to be approved by the County. Her concerns were that ten homes will be built on 3.5 acres instead of 10 acres as indicated by the Applicants and the removal of wildlife habitat.

Dennis Pappalardo, 25245 Second Street, submitted and discussed his written comments. He concurred with Ms. Philbin's concerns. Since he had attended all the hearing and legal proceedings, he was aware of the terms of the settlement and, as such, felt that not all terms have been met. He outlined the history of the environmental documents from the prior application process. Mr. Pappalardo questioned the adequacy and accuracy of the DEIR. His other concerns were that the three Initial Studies have failed to address the important environmental issues and the cost of these studies to County taxpayers.

Charles Snipes, President, Fairview Community Club, expressed thanks for a thorough DEIR report. The Fairview Specific Plan should be up-held for the entire project including lot 9. The Club does not support mitigations of 4-1 on page 4-18, buildings on the 30% slope areas, and had concerns of precedent setting and destroying the principal of the Specific Plan. He suggested that if Lot 9 could not be developed within the scope of the Plan, the project be developed without lot 9. The Club concurs with the retention of the existing house, development of the northern areas as buildable lots and preservation of the southern portion through a conservation easement; tree replacement plan as stated on pages 4-14 and 4-15 of DEIR; the recommendations of Hayward Fire Department; vegetation/biological resources, wildlife habitat and riparian area along Ward Creek as stated in Chapter 8; and mitigation measures on pages 9-1 and 9-7 for increased traffic impacts at intersections of D and Second St and Second and E Streets which were already above level C.

Jerry Feiger, 2738 Lancaster Road, stated that the proposed project needs to be looked at closely for compliance with the settlement agreement. In response to Commissioner Looney, he said there were no other properties which were as close to the creek as the subject property. He thought this project should be considered as an infill project with intrusions in the greenbelt area. His concern was the lack of attention to community experts; the result of high cost of maintenance, usually by HOA, which eventually results in the deterioration of the infrastructure; run-off issues, and precedent setting.

Lynn Condit, 25317 Second Street, immediate adjacent neighbor to the site for 30 years, also spoke against the project. This is one of last hillsides left in Fairview area for wildlife. There is an existing road along the fence on the eastside to the older house on lot 10. Although some material was dumped by the previous owner, most of it has been by the Applicant, especially on

Lot 10 and this has been a low priority for County abatement. In reference to Mr. Snipes' testimony, Fairview Community Club has not met for over 10 years. She requested clarification on the location of the sixteen street parking spaces and tree replacement planting since it is now open space. Her other concerns included lights, noise, grading, landslides and that the slope was not fit for this extent of housing.

Sheila Selover, property owner at 26946 Halifax Place and President of the Woodland Estates Community Association, said that her concern was landslides since 19 houses/lots have slipped into the canyon. She further described the landslide situation with another new development across the canyon. There is a need for a full EIR. The proposal is not consistent with the Fairview Specific Plan with respect to maintenance and repairing habitats.

Mathias VanThiel, 2519 Oakes Drive, said he walks the trails and discussed cumulative impacts. The creek has eroded as a result of past mistakes. He asked how a good EIR could be written without continuous study of the area. Development concerns included run-off and wildlife issues.

William Wong, 25373 Second Street, said he has lived in this area for 40 years and he will be impacted by the proposed road behind his property. His main concern was the water problem in this area as he has to use a pump to keep the area under his house dry. He has written letters of complaint to the County with no response. Mr. Snipes has not contacted any of the neighbors so he was not sure of the Club's support. A full EIR was needed to ensure the impacts on the area.

Public testimony was closed. Commissioner Kirby appreciated the comments on the scope of the EIR and explained that the Commission's role is limited to the application and not the legal issue. Comment period is open. In reference to Ms. Condit's testimony on the house on Lot 10, he said that perhaps it had been an accessory structure which over time had become a dwelling unit. He asked if it had been a legal building unit. Mr. Buckley said he would confirm. This is a complete EIR and the process includes preparation of an initial study and an EIR scoping session during the comment period. Commissioner Carbone concurred with Commissioner Kirby adding that he would not support a project on a 30% slope and with a private road, an under par project and a layout that impacts the neighborhood. Commissioner Looney also agreed with Commissioner Kirby and asked if the references cited in Ms. Philbin's letter should be referred to the environmentalist. Mr. Bazar explained that a response was required by law pointing out that the County hires impartial experts. The Chair questioned the 30% slope and suggested moving lots 1 and 8 closer to lot 11 to allow additional space for parking and lots 1-4 separated from 8-5 to allow a road in order to reduce traffic impacts.

Mr. Buckley re-stated that the comment period will close in a week and additional notice will be provided for future hearing date.

2. **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. (Continued from September 6 and October 3, 2005).

Mr. Buckley presented the staff report. Commissioner Hancocks requested clarification on guest parking. Staff explained that a single car garage and one apron parking space will be available for each unit with guest parking on Ventry Way for additional two vehicles. The driveway will be 18 feet from the garage door to the easement.

Public testimony was called for. Albert Plute, Applicant, said he was available for questions. In response to the Commission's comments at the last hearing, a landscaping, fencing and driveway plans were submitted. Mr. Plute further described the landscaping plan in detail and in response to Commissioner Kirby, agreed to a condition that garages be strictly maintained for parking.

Public testimony was closed. Commissioner Looney made the motion to approve the application including Commissioner Kirby's recommendation. The Chair seconded. Motion carried 4/1. Commissioner Hancocks voted no, adding that an approval would be institutionalizing the sub-standard standards of the Cherryland area.

- 3. **2222nd ZONING UNIT & PARCEL MAP, PM-8768– GERMAN AND CARLOS MONTES / MENA ARCHITECTS** – Petition to reclassify from a R-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area, Dwelling Unit) District to a P-D (Planned Development) District, to allow three dwelling units and the subdivision of one parcel containing 0.34 acres into three lots, located at 248 Willow Avenue, northwest side, approximately 100 feet northeast of Banyan Street, Hayward area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 429-0046-051-00.

Mr. Buckley presented the staff report. In response to Commissioner Hancocks, Mr. Buckley agreed that the proposal included nine units per acre compared to the 6.6 units allowed by the General Plan. Commissioner Hancocks added that since it was not consistent with the General Plan, he could not support the project.

Public testimony was called for. Erica Campisi, President of Cherryland Homeowners Association, stated that although not against affordable housing, such housing projects have had a toll on this community. They decrease property values, and increase density and traffic to the area. She urged a denial.

David Mena, project Architect, in support, said he has been working with staff for a long time and was advised to use the Planned Development process. Mr. Mena further submitted photographs in support and described the project including setbacks. Replacing the front building and maintaining the middle structure will improve the quality of the area and since it is

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important to maintain street frontage, the proposal includes rotating one side yard setback as the front yard. Commissioner Kirby said he had parking concerns for Lot 3. Mr. Mena explained that each unit would have a two gar garage with large parking apron in front.

Public testimony was closed. Commissioner Hancocks said his concern was the significant reductions of the requirements. He felt that either the site needs to be larger or the project developed with one less unit. Commissioner Carbone said his concerns included density, parking impacts and lack of open space. Commissioner Looney concurred. Commissioner Kirby also agreed adding that although he could approve three units, perhaps the size could be reduced. He made the motion to deny the project and Commissioner Carbone seconded. Motion passed unanimously.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR'S REPORT: The Chair reminded the Commission that the CCPCA Conference on October 27th.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

ADJOURNMENT: There being no further business, Commissioner Looney moved to adjourn the meeting at 3:10 p.m. Commissioner Kirby seconded the motion. The motion was carried 5/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY