

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
DECEMBER 5, 2005
(APPROVED JANUARY 9, 2006)

FIELD TRIP:

MEMBERS PRESENT: Commissioners Frank Imhof, Chair; and Edith Looney.

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

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. **2224th ZONING UNIT and TENTATIVE PARCEL MAP, PM-8814 – SINGH** - Petition to reclassify from the R-2-B-E (Single Family Residence, 7,500 square foot Minimum Building Site Area) District to a P-D (Planned Development) District, one site containing approximately 0.17 acres, located at 1315 and 1345 Apple Avenue, south side, corner east of Locust Street, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 414-0086-046-00.

2. **2202nd ZONING UNIT and TENTATIVE PARCEL MAP, PM-8560 – HOPSON** - Petition to reclassify from the R-1 (Single Family Residence and R-1-B-E (Single Family Residence, one acre per 1976th Zoning Unit) Districts to the R-1-B-E (as specified), to divide one parcel containing approximately 0.50 acres into four parcels with the existing dwelling to remain, located at 22750 Valley View Drive, east side, approximately 850 feet north of Kelly Street, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 0417-0140-028-00 and 0417-0151-001-00.

3. **2204th ZONING UNIT and SITE DEVELOPMENT REVIEW, S-1978 – BRAUN/THOMPSON** – Petition to reclassify from the 'A' (Agricultural) District to a P-D (Planned Development) District with an Agriculture District base-zone, and allowing one secondary dwelling unit on one site measuring 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 Assessor's Parcel Number: 0096-0320-003-00.

4. **TENTATIVE TRACT MAP, TR-7549 – BRIGGS** - Petition to allow conversion of eight apartments units into condominiums, in a R-3 (Four Family Residence) District, located at 22242 North Sixth Street, east side, approximately 150 feet north of Knox Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Numbers: 0415-0100-126-01 and 415-0100-126-02.

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone; Richard Hancocks; Frank Imhof, Chair; Mike Jacob; and Edith Looney.

MEMBERS EXCUSED: Commissioners Glenn Kirby, Vice Chair; and Alane Loisel.

OTHERS PRESENT: Chris Bazar, Planning Director; Steven Buckley, Assistant Planning Director, Sandra Rivera, Assistant Planning Director; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately eighty-two people in the audience.

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

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. No one requested to be heard under open forum.

CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES** - November 21, 2005 – To be continued to December 19, 2005.
2. **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, October 17 and November 21, 2005; to be continued to December 19, 2005).

3. **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, bearing Assessor’s Parcel Number: 432-0020-015-02. (Continued from October 17 and November 7, 2005; to be continued to December 19, 2005).

Commissioner Carbone made the motion to approve the Consent Calendar as recommended by staff and Commissioner Looney seconded. Motion carried unanimously.

REGULAR CALENDAR:

1. **ZONING UNIT ZU-2209, TENTATIVE TRACT MAP TR-7623, AND GENERAL PLAN AMENDMENT GPA-135 – THE OLSON COMPANY - Public comment on the DEIR** – Petition to allow demolition of the existing commercial structures on approximately 6.4 acre site, and the construction of approximately 99 townhome units and 4,500 square feet of commercial space, located at 1210 to 1415 Bockman Road, San Lorenzo area of unincorporated Alameda County, bearing Assessor’s Parcel Numbers: 411-063-017-00, 411-069-001-01 and 411-069-001-02. (Continued from November 7, 2005).

Mr. Buckley presented the staff report.

Public testimony was called for. Phil Kerr, representing the Olson Company, described the project in depth and with a powerpoint presentation showed an aerial photograph of the area, status of the site currently, photographs of some completed projects, layout of the units; retail images and discussed open space, height, parking, traffic, schools, parks and retail opportunities. Commissioner Carbone noted that there were no recommended mitigation measures for traffic and over-crowding problems, and suggested perhaps a park and/or a day-care to offset. Mr. Kerr said he had met with the school district and the traffic engineer and the input was for a turning lane in front of the school which could be funded by the traffic fees. And he was working with the school district to ensure that the impact fees are utilized for the schools in the project area. 4,500 square feet of retail space is recommended based on the market studies. Although the \$700,000 park impact fees could be used at the existing Del Rey Park or the Little League field, he was also willing to discuss the option of a on-site park. The Chair said he was concerned with the parking area facing the rear neighbors and suggested relocating the area to

the front. Mr. Kerr said that the aim was to create as much distance between the units as possible.

Tom Cornwell representing The Concord Group, a real-estate consulting group, stated that they complete approximately 400 similar projects yearly and provided a summary of their analysis. A market study, a comprehensive analysis for supply and demand conditions for retail and residential, validate and recommend the proposed 99-home project and the 4,500 square foot of retail space. The two main points relating to the economic viability were that the retail market in this trade area is not doing well due to the significant change in this area. As such, neighborhood commercial is suffering. And this site is not suitable for retail but is only 3.0 on a scale of 1-5. Based on all figures of expenditure, income and household numbers, the project allows for 4,500 square feet supportable retail space. A comprehensive analysis of competitors was also completed for rent and price which resulted in an average market rent of \$1.35 per square foot. In response to Commissioner Jacob, he explained that this site could not sustain a chain type store but light retail uses.

Solomon Ets-Hokin, retail brokerage and real estate, discussed the retail viability including the competition and limitation of this site. This is not a very good retail location due to lack of sustainability and limited trade service area and, as such, agreed that 4,500 square feet of retail space would be sufficient.

Jim McMasters, Manager, Colliers International, said he has driven around the site, the neighborhood, looked at competition and reviewed reports/studies. The neighborhood is 30-40% rental with cars parked in front indicating commuters; narrow streets, limited jobs in immediate communities, no daytime traffic but mostly in the morning and evenings with approximately 3,000 cars traveling in front of the site. The retailers will decide whether this is a viable site. The trend has moved away from local downtown communities and this site is not viable for most retail. Mr. McMasters further listed likeable uses. Circulation is also important and since this area also lacks deep demographic density, it is not strong enough to be a destination-oriented location. In response to Commissioner Jacob regarding cost, Mr. McMasters explained that the existing site was in poor condition to be rebuilt and was seismically unsafe.

Howard Beckman pointed out that this hearing was to receive public comments on the DEIR and the rezoning should be the first issue. Another issue is the economic land use analysis. He has previously requested that such proceedings be put on hold until such time an analysis from a land use economist was available.

Patricia Hoke, 1831 Via Carreta, concurred with Mr. Beckman. All information needed was not available to make an informed decision especially affecting the quality of life. She did not have an issue with the Olson Company but felt that 4,500 square foot commercial space was not adequate.

Noreen Phillips, 948 Via Honda, submitted and discussed errors in the Draft EIR report related to traffic at Bohannon Middle School. All conclusions are inaccurate and for the safety of the children, traffic measurements need to be taken accurately. Ms. Phillips felt that this project

should not be approved until an accurate traffic count at the school is made and asked if the entire length of Bockman Road will be widened.

MaryAnn McMillan, 17273 Via Melina, pointed out that there were about 1,400 single family homes on just the south side of Bockman Road who could support a 10,000-12,000 square feet of commercial space. She suggested investigating similar small commercial neighboring centers, namely the Arroyo Shopping Center, Marina Fair, and Palm Tree Shopping Center. Mr. Harry McMillan concurred with Ms. Phillips' testimony adding that he had counted the number of cars in different surrounding areas. Providing some shopping opportunities would be appreciated. He opposed the proposed number of units, the affect to the adjacent existing houses and the 'army-like barrack' housing.

Kathie Ready read her letter of comment in reference to the DEIR. She disagreed with Page 8A that there could not be a significant impact to increased density and loss of available commercial space and further read page 32 from the General Plan. Height has not being addressed sufficiently and the density, intensity and height proposed are not compatible in character. Page 29, #2 is in conflict with the General Plan. There is no concentration of medium and high density, multi-unit residential units in this area. The surrounding area has no apartment buildings but is completely single family residential. Over-crowded schools do not benefit a community and this issue is not adequately addressed. The impact fee generated from the developer would not be sufficient. Measure E funds may not be used for expanding the school.

Marj Johnson, 17138 Via Margarita, spoke on behalf of her neighbors and business owners. An approval of this project will put these operators out of business; impact the quality of life and increase traffic. She noted the limited emergency access.

Kelly Pina, 1238 Via Dolorosa, said she was a member of BRAC, Bockman Road Action Committee. She submitted an additional 662 signatures in opposition. This commercial property has been serving the neighborhood for 50 years but she agreed that it has become a blight. The community likes small businesses and the existing businesses would like to remain at this location. A mixed use may be the answer. She was not sure how this project would serve the community.

Joan Flores said she has lived at 1222 Via Madera for fifteen years and agreed that the property was a blight. Her concerns included traffic and high density housing. The 2 ½ parking spaces for each unit would not be adequate. The project would add to the community but perhaps less units with more commercial space.

Donald Clowser, 1135 Via Vista, pointed out that the map was misleading as it reflects Bockman Road to be wide as Via Chiquita. Bockman Road is only 30 feet wide. His other concern was the impact on views. Ms. Shirley Clowser said they have been lived in San Lorenzo for 40 years and submitted copies of her letter to the Commission and Mr. Buckley. Statistics reflected in her letter were provided by the Director of Special Services at San Lorenzo Unified School District. Errors noted in the DEIR were noted on Page 143-J regarding school capacity; Page 145 Impacts and Mitigation Measures and Page 56 regarding drop-off and pick-up activities.

Carlene Tillson, 17216 Via Melina, said she has been a San Lorenzo resident for 40 years. Per the proposed plans, the garage will be below street level and, as such, she voiced flooding concerns. Her other concern was inadequate open space with too many units.

Christine Mitchell, in support, stated that it was discouraging to see sites sitting vacant and stagnant including the Bockman area which attracts homeless, drunks and crime. Areas continue to degrade and be a negative impact on the community. Although businesses were not willing to locate to this area, commercial activities would be convenient for the elderly.

Willmot Kaeck, 1867 Bandoni Avenue, pointed out that the existing tenants have not been able to obtain a lease and, as such, are on month-to-month lease, and Albertsons will be re-locating in the future. He suggested a bond measure by the community which would allow the community to operate this parcel as a commercial site. If this is not possible, he urged that the parcel be maintained as commercial.

Tom Silva, a San Lorenzo homeowner since 1977, requested leadership from the Commission. This parcel is a blight as it cannot support 6,600 square feet of commercial space and needs to be redeveloped.

Bethany Tacha, 1351 Via Madera, rear adjacent property owner, stated that the view from her house is of an old building with bars and broken windows. It is not a safe community and she preferred to have the area redeveloped than in its existing condition.

Public testimony was closed. In response to Commissioner Looney, Mr. Buckley explained that a medium density project indicated in the Draft Eden General Plan would include approximately 80 units. Commissioner Jacob requested an update from the Redevelopment Agency on the tax increment financing under current zoning and the proposal. Mr. Buckley announced that the deadline for comments on the DEIR is Friday, December 9, 2005.

2. **PLANNED DEVELOPMENT (PD) DISTRICTS** – Consideration of amendments to the Planned Development District ordinance section, including recommendations from the Ordinance Review Committee. (Continued from November 21, 2005).

Ms. Sandi Rivera provided an up-date on the Ordinance Review Committee and reviewed the findings. Mr. Buckley added that other issues, analysis process and design review, were pending discussion. Preliminary plan review is also part of the design review. Reclassification and subdivision is part of the process. One alternative would be to have a policy or an ordinance that requires tract maps not be acted on until rezoning is final or retain the current process of conditional approval.

Public testimony was called for. Howard Beckman stated that PDs have been ‘abused’ in the past, a tool to increase density and was the key in land use issues. He was not supportive of Findings in principal and further recommended a broader discussion of PDs in the community. Ingrid Moller, a member of Ordinance Review Committee, concurred with Mr. Beckman. She

felt that the Findings were too broad and could be interpreted differently, and noted the absence of minimum lot size and limited frontage. Perhaps they could be incorporated in the Findings. Ms. Moller also thought that additional discussions were needed.

Public testimony was closed. Ms. Rivera indicated that the Committee did discuss minimum lot size but not minimum frontage. The Committee did not want to preclude a better development from occurring because of minimum lot size. Commissioner Carbone did not agree and asked how it could be included and further requested clarification on Finding #7. A discussion followed regarding minimum lot size, preliminary plan review and Finding #7. Commissioner Jacob suggested modifying Condition #2 but not limiting to access and parking. He made the motion to move staff recommendation with the inclusion of the Ordinance Review Committee's Findings, with modifications to Finding #2 and #7 to reflect requirement for preliminary plan review on all PD applications under one acre. Commissioner Carbone seconded. Motion carried unanimously. Commissioner Jacob also requested appointment of a design guideline review subcommittee. Mr. Bazar indicated that this issue will also be reviewed by the Ordinance Review Committee.

The Chair announced a five-minute recess.

3. **MORATORIUM ON RESIDENTIAL DEVELOPMENT OF COMMERCIALY-ZONED PROPERTY** - Consideration of possible recommendation to the Board of Supervisors for a moratorium on development of commercial property as residential use. (Continued from November 21, 2005).

Mr. Bazar presented the staff report and introduced Eileen Dalton, Redevelopment Agency Manager, and Denise Conley, Conley Consulting Group. Commissioner Carbone said that mixed use was not the issue although allowing mixed uses in San Lorenzo is a concern. Commissioner Hancock suggested that mixed use be excluded from the moratorium. Commissioner Looney thought that a moratorium would not solve the problem of absentee landlords and/or the allowing of properties to become dilapidated. Commissioner Carbone further suggested representatives from the surrounding cities for their input.

Ms. Dalton stated that Conley Consulting Group has been hired to prepare an economic strategy plan, a 9-12 month process, to look at specific opportunities for retail development.

Ms. Conley outlined the process which will start with a committee and the first community meeting has been scheduled for January 20, 2006. Some of the steps/issues include economic context briefing paper related to regional economy; retail plus services including stakeholders interview, economic development tool kit; industrial opportunity briefing paper and focus group meetings. Commissioner Looney requested a map of the redevelopment areas. Commissioner Hancock asked if her work has necessitated any revisions to land use policies in the past. Ms. Conley replied that an economic strategy plan is not similar to a land use policy. She summarized the areas that will be looked at including potential developments, financial feasibilities, returns, support land cost, and fiscal benefits/analysis on catalyst projects.

Kathie Ready said she was undecided on the issue of a moratorium but did feel that certain properties in San Lorenzo including the Bockman Road project parcels and Ashland areas should be excluded.

Terry Makleron representing Serra Corporation said he opposed the moratorium but supported plans and studies.

Rob Glover, Home Builders Association, asked the following: why a moratorium was being proposed now; if staff has identified properties that would be eliminated under the Housing Element and if alternative sites have been identified; if surrounding jurisdictions have a moratorium noting that City of Pleasanton had voted against such a residential moratorium; and if the negative impacts on economic development have been considered. The Association is strongly concerned that this Commission would consider a moratorium especially at a time when there is a high demand for housing. Numerous affordable housing agencies, environmentalists and businesses are also concerned but have not been able to attend this meeting. He urged that the Commission do not move forward with the moratorium.

Tom Silva, 1374 Via San Juan, a low-income housing provider in the unincorporated area stated that a moratorium will halt the development process. He also urged a denial.

Darrell Bolognesi, Braddock & Logan, a developer and a former city planner, said he did not support the moratorium as it would not solve any issues.

Edith Soto, 956 Via Honda, submitted her written comments in support of a moratorium.

Maureen Phillips, in support, said studies were needed on specific adverse impacts on rezoning properties and mixed use needs to be defined. Rezoning from commercial to residential will eliminate job opportunities.

Randy Jones felt that a moratorium would stop growth and each project should be considered on its own merit.

Howard Beckman submitted written comments urging that the moratorium should apply to the entire Eden unincorporated area and not pre-selected streets or districts.

Public testimony was closed. Commissioner Looney made the motion that the Commission not proceed further on a moratorium. The Chair seconded. Commissioner Carbone stated that the main component was to obtain a mixed use definition and clarify what it takes to sustain a viable community. Commissioner Jacob agreed with the need for a mixed use discussion and to interface with Redevelopment. Motion carried 3/2 with Commissioners Carbone and Hancocks dissenting thereby failing for lack of a majority of the Commission. Commissioner Carbone made a substitute motion for a continuance which was not seconded. He re-stated his motion that the Commission not continue with the moratorium but continue the mixed-use discussion. Commissioner Jacob requested that economic development be included in the discussion.

Commissioner Looney seconded. Motion carried 4/1 with Commissioner Hancocks dissenting.

STAFF COMMENTS & CORRESPONDENCE: Mr. Bazar pointed out that the Commission's January hearing schedule includes two County holidays on the Commission's scheduled hearing days, January 2nd and 16th. The two alternatives were to have meetings on the subsequent Tuesdays (January 3rd and 17th) or have meetings on the second and fourth Mondays, January 9th and 23rd. Commissioner Carbone made the motion not to have the scheduled meetings on the subsequent Tuesdays but on the following Mondays, January 9th and 23rd. Commissioner Jacob seconded. Motion carried unanimously.

CHAIR'S REPORT: The Chair submitted copies of the Metropolitan Transportation Commission Fall report to the Commission.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: None

ADJOURNMENT: There being no further business, Commissioner Carbone moved to adjourn the meeting at 10:40 p.m. Commissioner Hancocks seconded the motion. The motion was carried 5/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY