

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
DECEMBER 6, 2004
(APPROVED DECEMBER 20, 2004)

The meeting was held at the hour of 6:00 p.m. at Public Works Auditorium, 399 Elmhurst Street, Hayward, California.

FIELD TRIP: 1:30 p.m.

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

MEMBERS EXCUSED: Commissioner Hancocks.

OTHERS PRESENT: Steve Buckley, Assistant Planning Director

FIELD TRIP: The meeting adjourned to the field and the following property was visited:

1. **ZONING UNIT, ZU-2199 and TENTATIVE TRACT MAP, TR-7584 – NEWPORT AVALON INVESTORS, LLC** – Petition to reclassify from a PD (Planned Development) District to another PD (Planned Development) District, to allow the subdivision of one site into 10 parcels, located at 255 Happy Valley road, south side, approximately 125 feet east of Pleasanton-Sunol Road, Pleasanton area of unincorporated Alameda County, bearing County Assessor’s designation: 0949-0010-001-07.
2. **NILES CANYON SCENIC CORRIDOR PROTECTION PLAN** - To consider the Protection Plan for the Niles Canyon Road and Paloma Way Scenic Corridor and recommend adoption of the Plan to the Alameda County Board of Supervisors. The Niles Canyon Road and Paloma Way section of State Route 84 is a 7.1-mile long, narrow, two-lane roadway extending from the intersection of State Route 238 (Mission Boulevard) east through a portion of the City of Fremont, the City of Union City and the unincorporated portion of Alameda County to Interstate 680.
3. **2193rd ZONING UNIT AND TENTATIVE TRACT MAP, TR-7530, ROBERTS/UTAL** –Petition to reclassify a site comprising approximately 8.25 acres from the R-1-SU-RV and R-1-B-E-SU-RV District to the PD (Planned Development) District, to allow subdivision of three parcels into 38 lots for development of single-family homes, located at 4524 Crow Canyon Place, approximately 500 feet south of Crow Canyon Road, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Numbers: 084C-1068-001, 084C-1068-007, and 084C-1068-008.
4. **TENTATIVE TRACT MAP, TR-8515, CAREY/AUF DER MAUER** –



Petition to subdivide one parcel into five condominiums, in a R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area) District, located at 425/427 East Lewelling Boulevard, south side, approximately 400 feet east of Meekland Avenue, Cherryland area of unincorporated Alameda County, designated Assessor's Parcel Number: 0413-0031-007-00.

- 5. **TENTATIVE TRACT MAP, TR-7580 – HEYER DEVELOPMENT, LLC** – Petition to subdivide one parcel into six lots, in an R-S-CSU-RV (Suburban Residence with Secondary Unit, Recreational Vehicle) District, located at 4261 Heyer Avenue, south side, corner of Beverly Place, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084C-0750-009-00.

- 6. **ZONING UNIT, ZU-2197 – LI** – Petition to reclassify from an R-S-D-20 (Suburban Residential, 2,000 square feet per Dwelling Unit) District, to a PD (Planned Development) District, to remove an existing dwelling and construct a four unit residential complex, located at 20553 Hathaway Avenue, southwest side, approximately 50 feet southeast of Florence Street, Hayward area of unincorporated Alameda County, bearing County Assessor's designation: 0429-0041-070-00 – **CONTINUED.**

- 7. **ALAMEDA COUNTY SHERIFF'S DEPARTMENT - CONSIDERATION OF DETERMINATION OF GENERAL PLAN CONFORMANCE FOR THE ALAMEDA COUNTY LAW ENFORCEMENT COMPLEX (LEC) AND ANIMAL SHELTER.** The project would include the demolition of older unused structures, grading and construction of approximately 202,000 square feet on four levels at the LEC and 12,000 to 15,000 square feet at the Animal Shelter, located at 2100 and 2700 Fairmont Drive, San Leandro area of unincorporated Alameda County, bearing Assessor's Parcel designations: 080A-0153-007-03 and 080A-0153-008-00.

Special Order of Business

Time: 3:30 p.m. or upon adjournment of Field Trip

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

Meeting of the Condominium Conversion Committee.

REGULAR MEETING: 6:00 p.m.



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

MEMBERS EXCUSED: Commissioner Kirby.

OTHERS PRESENT: Chris Bazar, Planning Director, Steven Buckley, Assistant Planning Director; Planners Ashe, Lisa, Sonia Urzua and Rodrigo Orduna; Eric Chambliss, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately twelve people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:20 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair apologized for the lateness adding that the Condominium Conversion Committee will have another meeting at a later date but before the end of the year. He also indicated a preference to conclude most of the pending items before the end of the year. And, Commissioner Kirby has requested to be excused for his absence.

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 1 and November 15, 2004.
2. **GENERAL PLAN CONFORMANCE REPORT - PROPOSED SALE OF ALAMEDA COUNTY SURPLUS REAL PROPERTY, 15800 VIA ALAMITOS:** Request by the Real Estate Division of the Alameda County Public Works Agency for a General Plan Conformance Report under Government Code Section 65402 for the disposal of a property of approximately 5,400 square feet located at 15800 Via Alamitos on the southeast corner of Via Alamitos and Grant Avenue, San Lorenzo area of unincorporated Alameda County, designated County Assessor's Parcel Number 412-0025-001-00.
3. **GENERAL PLAN CONFORMANCE REPORT - PROPOSED SALE OF ALAMEDA COUNTY SURPLUS REAL PROPERTY, ASSESSOR'S PARCEL NUMBER 416-0030-001-02:** Request by the Real Estate Division of the Alameda County Public Works Agency for a General Plan Conformance Report under Government Code Section 65402 for the disposal of a vacant property of approximately 1,077 square feet located on the southeast corner of Redwood Road and Lessley Avenue,



Castro Valley area of unincorporated Alameda County, designated County Assessor's Parcel Number 416-0030-001-02.

4. **LA VISTA QUARRY PERMIT EXTENSION PROJECT - SURFACE MINING PERMIT SMP-41, DUMBARTON QUARRY ASSOCIATES, INC.** - Petition to extend the period of operation at the La Vista Quarry by twenty (20) years beyond the termination date of the existing permit, to the year 2028, and modify the mining and reclamation plan to include further excavation below and into the base of the floor of the existing quarry site, including continued mining, production and sale of aggregate, recycling of construction materials, and production and sale of asphaltic concrete. The existing asphalt concrete plant would also be modernized and upgraded, and operations could be conducted up to 24 hours per day. The project site is located on the western slope of the hills east of the City of Hayward, approximately 700 feet east of the intersection of Mission Boulevard and Tennyson Road, in the unincorporated area of Alameda County. (Continued from October 4 and November 15, 2004; to be continued without discussion to December 20, 2004).

5. **RMC PACIFIC MATERIALS/GRANITE CONSTRUCTION COMPANY** – To consider the matter of the asphalt batch plant recently constructed and operated by Granite Construction Company, located on the site of (and operated as accessory to) the existing Eliot Quarry operated by RMC Pacific Materials (Permittee), regulated under Alameda County Quarry Permit Q-1 and Surface Mining Permit and Reclamation Plan SMP-23. This asphalt batch plant is located on the Q-1/SMP-23 site in the Livermore-Amador Valley in unincorporated Alameda County, approximately 0.6 mile south of Stanley Boulevard, approximately 500 feet southeast of Shadow Cliffs Regional Recreation Area, and 1,800 feet northeast of the existing northwest-southeast portion of Vineyard Avenue in the City of Pleasanton. (Continued from September 2 and October 18, 2004; to be continued without discussion to December 20, 2004).

6. **2196th ZONING UNIT – CIVIC PARTNERS** – Petition to reclassify from the C-1 and C-2 (Retail Commercial and General Commercial) Districts to a P-D (Planned Development) District, to allow reclassification of 30 parcels to implement the San Lorenzo Village Center Specific Plan, located at 15800 Hesperian Boulevard, east side corner of Nimitz Freeway, San Lorenzo area of unincorporated Alameda County, bearing County Assessor's designations: 412-039-001-03; 412-039-002-00; 412-039-003-00; 412-039-004-02; 412-042-112-00, -113-00; 412-031-092-00, -093-00; 412-034-002-05; 412-034-005-06; 412- 034-006-06; 412-034-006-07; 412-034-008-07; 412-034-008-09; 412-034-009-06; 412-034-009-08; 412-034-010-04; 412-034-009-06; 412-034-009-08; 412-034-

Mr. Bazar announced that County Counsel has expressed concerns regarding this matter. Mr. Chambliss explained that the County and Mission Valley Rock have been engaged in litigation defending the Surface Mining Permit SMP-32, issued in 1994. Litigation was brought under Measure D and although ruled in favor of County/Mission Valley Rock on November 19, 2004; the petitioners were entitled for a re-hearing, for which the time period has not expired. Any action could be used as an argument, which perhaps could be detriment to the County/Applicant. As such, he recommended a continuance. The Chair asked for a time frame for the re-hearing. Mr. Chambliss said that the appeal period for a re-hearing ends 30days from November 19 followed by the time required by the Courts. Mr. Bazar suggested the second meeting in January.

Ms. Asche presented the staff report. The Protection Plan was the second phase of the Scenic Corridor process. This item was presented at the Board of Supervisors Transportation & Planning Subcommittee. No comments have been received from the members regarding the Draft Plan to-date. On October 28, it was also distributed to residents within the corridor and presented at the Sunol Citizens Advisory Committee where some concerns were raised regarding the large trucks using the 2-lane roadway to bypass the I-680 weigh station. Staff has proposed to add a policy to research the possibilities of a restriction for certain trucks and will continue working with Highway Patrol and Caltrans on this issue. Policy 2A, Page 6, will be amended to include the words, "In order to balance public safety and protection of the scenic quality of the corridor." Parks, Recreation and Historical Commission unanimously voted in support of the completion of the process. On November 4, the Union City Planning Commission also voted in favor and recommended referral to the City Council for adoption of the Plan with the two additional policies, and further elected a member for the subcommittee for Policy 1A. The City Council approved the Plan on November 18th. The Plan also received favorable support on November 18 by Fremont Planning Commission and is on the City Council's agenda for December 14, 2004. Once a decision is made by this Commission, it will be placed on the Board of Supervisor's agenda. The plan has been tentatively scheduled to be heard by the Caltrans in January, 2005.

Commissioner Tam noted the extensive reference to the San Francisco PUC development of Habitat Conservation Plan and HCP. She asked if the County would be able to rely on the HCP for mitigation and species protection. Ms. Asche replied yes adding that although HCP was at a very preliminary stage of development with the contractor (Jones & Stokes), it will be used for habitat protection within the watershed area. Commissioner Tam asked whether the area for HCP includes the proposed relocation area of the Chevron's pipeline. Ms. Asche said she was not familiar with the boundaries of the HCP. Commissioner Imhof asked if the truck restriction was recommended by the State. Ms. Asche said the concern was raised by the residents and have asked if the Protection Plan could assist with the coordination of a restriction. Highway Patrol has responded that they do not have data available to support this concern. Mr. Bazar further added that the plan was to examine the concern, if there is one and if a feasible way to solve it; a research.

The Chair said he had some questions and urged others to submit concerns/questions to staff. A discussion followed on the options of appointing members to the subcommittee. Mr. Bazar said

staff would bring a procedural recommendation at the next meeting.

No public testimony was submitted. Commissioner Gault moved motion to continue the matter to January 18, 2005, and Commissioner Imhof seconded the motion. Motion carried 6/0. Commissioner Kirby was excused.

3. **STAFF REVIEW OF EXISTING PD (PLANNED DEVELOPMENT) DISTRICT PROCEDURES, WITH RECOMMENDATIONS FOR POSSIBLE MODIFICATIONS** – Review of County use of the PD (Planned Development) Zoning District, comparison with use of same by other representative jurisdictions and staff recommendations for possible modifications to the PD Zoning District based on research results.

Mr. Bazar noted that preliminary introduction had been presented to the Commission in May. Staff has completed a survey on a large number of jurisdictions and introduced staff planners Rodrigo Orduña and Sonia Urzua.

Ms. Urzua stated that about 90 jurisdictions in the Bay Area were surveyed for comparison and majority of them have a PD ordinance in their planning kit.

Mr. Orduña further presented the staff report. The survey indicates that Alameda County compared to other jurisdictions, was on the relaxed side of administering Planned Developments districts. The City of Santa Rosa and County of Napa have strict interpretations including specific findings requiring detailed development plans. The Cities of San Jose and Walnut Creek were on the ‘relaxed side.’ Attachment B, attached with the staff report, is a summary of the survey. Mr. Orduña further discussed the five options as outlined in the staff report. Commissioner Hancocks thought that the community’s primary concern was the lack of minimum parcel size, specifically for residential parcels. He felt that concerns of the local communities should be taken into consideration regardless of other jurisdictions’ usage. Mr. Bazar agreed adding that the concern was mostly for the West County. Commissioner Tam, in reference to the survey, asked which jurisdiction had similar population density. Mr. Orduña replied that of the counties that had zoning for planned developments, San Mateo County has the most similar densities and land use issues as Alameda County, and has planned unit developments, with no minimum lot sizes, determined through discretionary review process. The Chair noted that the Cities of Emeryville and Hayward’s preliminary planning process included similar regulations as Alameda County Public Works Grading requirements. Ms. Urzua explained that although other jurisdictions include the option in their books, it was not exercised. A discussion followed.

Commissioner Imhof requested to be excused from the hearing.

Public testimony was called for. Howard Beckman, San Lorenzo resident, said that although he recognizes some usefulness with a survey of other jurisdictions, it did not focus on the reasons for the concern. He has pressed this issue for over three years since it was a serious land use failure/abuse in the unincorporated area. He hoped that at the next meeting, the staff report will

reflect some of the ways the PD has been used. He quoted the helipad application as an abuse. He urged staff to look at the concept of the Planned Development and how it was not working as an advantage as all planning should stabilize the community. He disagreed that no findings are required and there was a distinction being made between findings and procedural requirement. He also disagreed with the usage of the words “regimented zoning” on Page 6 of the staff report.

Bob Baltzer, 944 El Caminito, Livermore, concurred with Mr. Beckman’s comments. His concern was also related to the helipad application. Rezoning an area to a PD defeats the purpose of zoning and does not serve the public benefit. He felt that the concept of the PD District needs to be ‘tightened’.

Kathy Ready, San Lorenzo resident, described a prior approved application on Lewelling Boulevard where no open space was provided. She further agreed with Mr. Baltzer that the concept of a PD District needs to be tightened and used conservatively. Residents of the unincorporated areas are left with the results of the misuse.

Charles Snipes, President of Fairview Community Club, felt that the use of PD’s has been a gross violation in his area, specifically the Five Canyon development, in reference to Fairview Specific Plan. He also felt that it needed to be tightened.

Public testimony was closed. In response to the public comments, Mr. Bazar pointed out that it was the direction of staff’s recommendation. Although not being the only resolution, but formal findings could be written to be in more detail. Staff had also looked at internal studies. Continued discussions by other bodies, CVMAC and BZA and Review Committee would also be scheduled. Commissioner Tam felt that the review/discussion by other bodies would be useful because of the difference between the East and West Counties. Commissioner Gault agreed adding that he had some concerns also which he would submit to staff. He suggested looking at prior approved PD applications to obtain an analysis. Commissioner Ysıt also agreed with Commissioner Tam and recommended that the matter be reviewed by the Agricultural Advisory Board. He would not support two policies. Commissioner Hancocks pointed out that it was clear from public comments that public welfare was not being served. The Chair felt that it was important to look at parcel size and not spot zoning, but be more creative. He requested a time frame for staff to return this item to the Planning Commission. Mr. Bazar said perhaps January or February. The Chair suggested that the matter would perhaps be handled similarly as the Condominium Conversion Guidelines which included review by a subcommittee of the Planning Commission, then by the full Planning Commission, followed by public reviews, ending with the proposal with community input brought again before the Planning Commission. The chair suggested that this process could begin at the second meeting in February.

Commissioner Gault made the motion to continue the matter to the second meeting in February. Commissioner Hancocks seconded the motion. Motion carried 6/0. Commissioner Imhof and Kirby were excused.

4. **D-157 – VARIANCE IMPLEMENTATION AND EXPIRATION -**
Planning Director-initiated request for Planning Commission

