

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**DECEMBER 19, 2005**  
(APPROVED JANUARY 9, 2006)

**REGULAR MEETING: 1:30 p.m.**

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

**MEMBERS EXCUSED:** Commissioner 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 1:35 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.

Howard Beckman distributed copies of his letter addressed to three members of the Board of Supervisors regarding the Boundary Creek application in which he states that the Commission at the last hearing was not provided with the correct information on the option of a continuance. He also announced that Friends of San Lorenzo Creek has created a public task force to review surface water runoff, flooding, development on banks and public access issues. These issues are further complicated by the fact that City of Hayward has jurisdiction over a portion of the creek but has no regulations/policies. He requested support from the Commission for the taskforce which will be followed by a written request.

Stephen Dearboon, 3254 Keith Avenue, expressed his concerns on the continuance of the application on Lake Chabot Road, ZU-2207. This hearing was noticed and posted but now has been continued again. He requested the reasons for the numerous continuances and an up-date on the project. Only four neighbors were in attendance today and his concern was that after several additional continuances, none of the neighbors will be able to attend. Mr. Buckley explained that staff is seeking expert analysis. Commissioner Carbone requested that the matter should be re-heard by CVMAC if there were project changes. Commissioner Hancocks made the motion to modify the continuance date to the first night meeting in February. Commissioner Loisel seconded. Motion carried unanimously for a continuance to February 6, 2006.

Dan Casas, Reynolds Casas & Riley, Los Altos, representing Aaron and Kirsty Horner, property owners at 11680 Tesla Road, submitted and discussed his letter concerning a boundary dispute. He requested that the Commission could perhaps either place this item on a future agenda or for staff to work with them to avoid a civil suit. Mr. Buckley explained that most deeds, surveying and title maps are not part of Planning Department files; and Parcel Maps are not under the Commission's jurisdiction. Commissioner Kirby thought that this could be considered a civil

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dispute and Commissioner Hancocks agreed adding that since the Board of Supervisors had passed the last resolution relating to one of the subject properties, it should be re-heard by the Board. Commissioners Loisel and Jacob also concurred. Mr. Buckley said he could meet with Mr. Casas at the conclusion of this hearing.

**CONSENT CALENDAR:**

1. **APPROVAL OF PLANNING COMMISSION MINUTES** - November 21 and December 5, 2005. Commissioner Loisel made the motion to approve November 21<sup>st</sup> Minutes as submitted and Commissioner Kirby seconded. Motion carried 6/0/1. Commissioner Looney was excused. December 5<sup>th</sup> Minutes were not available.
2. **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. (Continued from December 20, 2004, February 7, May 2, July 18 and October 3, 2005; to be continued to February 6, 2006).
3. **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, September 19, October 17, and November 21, 2005; to be continued to February 6, 2006).
4. **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, 1762<sup>nd</sup> 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, October 17 and November 21, 2005; to be continued to January 23, 2006).
5. **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, September 19, October 17 and November 21, 2005; to be continued to January 23, 2005).

6. **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, 1779<sup>th</sup> 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, October 17, and November 21, 2005; to be continued to January 23, 2006; was continued to February 6, 2006 by unanimous consent).

Commissioner Hancocks made the motion to approve the remainder of the Consent Calendar and Commissioner Loisel seconded. Motion carried 6/0/1 with Commissioner Looney excused.

**REGULAR CALENDAR:**

1. **ZONING UNIT, ZU-2214 – CAHILL – Preliminary Plan Review** – Petition to reclassify one parcel from the R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District to a P-D (Planned Development) District, allowing ten residential units (seven new and three existing), on a parcel containing approximately 0.63 acres, located at 3629 Lorena Avenue, south side, approximately 180 feet east of Santa Maria Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0075-004-00.

Mr. Buckley presented the staff report. The main issue is parking and density. Commissioner Hancocks noted that the staff report does not reflect General Plan conformance and the proposal is for high density. Commissioner Carbone said he would like to see the response of the CVMAC and the community.

Public testimony was called for. Greg Cahill, property owner and a resident at 3635 Lorena Avenue, disagreed that the surrounding area is predominately single family, 5,000 square foot lots as stated in the staff report. Only the north has single family homes and all other sides are mostly townhomes, condominiums and apartments. This project will provide pedestrian-friendly housing in close proximity to shopping and BART which was about four blocks (1/4 mile), maintain consistency with the neighborhood with single family home in the front and two houses in the rear and the adjacent rear apartment, provide open space and additional off-street parking. The existing house has been remodeled. Commissioners Jacob and Kirby both agreed with the

positive aspect of transit-oriented developments or safe-walkable communities. Commissioner Kirby added that perhaps the plot plan could reflect the location of BART. Mr. Cahill suggested speed bumps on Lorena Avenue adding that he has not had an opportunity to discuss his project with all the neighbors although one property owner has expressed support.

Mark Stoklosa, Project Architect, stated that he has discussed the project with the Fire Marshall and all units will be sprinkled. The existing duplex will be remodeled to be architecturally consistent with the new development. Commissioner Carbone thought that this looked like a good project with closed trash receptacles. Mr. Stoklosa said the paving will not be concrete or asphalt but turf stone with grass.

Mr. Buckley, on the General Plan conformance issue, stated that this was within a medium-high land use residential designation with 6.7 units per acre or more, consistent with the neighborhood and surrounding area, reviewed through site development and planned development processes. This project will be 15 units per acre. The Planned Development process is being used as the area is zoned R-1. Commissioner Kirby also expressed interest in the response of the CVMAC and the community. Commissioner Jacob requested drawings reflecting design features.

Arthur Johnson said he was the property owner across the street at 3630 Lorena Avenue. He asked if the Commissioners had visited the property. Although the property is well maintained, he was concerned with low-cost housing in the rear, the entrance and parking issues.

Mr. Cahill re-stated that he has not discussed the project with all the neighbors but intends to do so in the future. He further stressed that the project was not for low-cost housing but quality affordable housing and he was not an outside developer but the property owner living on site.

Public testimony was closed. Mr. Buckley announced that the matter will be on the agenda in the near future with further analysis following the CVMAC hearings.

- 2. **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. (Continued from August 15, 2005).

Mr. Buckley presented the staff report. Commissioner Loisel requested a copy of the City of Hayward's letter adding that she had concerns regarding the width of the driveway. Mr. Buckley replied that the City, in its letter of August 2004, had expressed concerns regarding useable open space and tandem parking. Commissioner Hancocks requested clarification on the revised parking plan noting that the Zoning ordinance does not have a provision for compact parking spaces. Although supportive for increasing individual ownership, Commissioner Kirby said he had concerns with this project. Commissioners Carbone and Jacob also concurred and Commissioner Jacob pointed out the existence of the Condominium Guidelines and the prior two

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Commissioners had serious concerns with Fire Department compliance.

Public testimony was called for. Mr. Dan Briggs, applicant, said he has tried to respond to each paragraph of the requirements and has paid the Fire Department fee for an inspection. Commissioner Loisel re-stated her concern regarding the width of the driveway. Mr. Briggs replied that the 20 feet requirement is for new projects and the Fire Department had not expressed any concerns initially. Commissioner Kirby said that he was concerned with inadequate separation between the individual units. He suggested that perhaps Mr. Briggs could continue as rentals or confer with a real estate agent regarding tenant ownership in another form, such as tenants in common. Commissioner Jacob said his concern was the lack of a Fire inspection report based on the Condo Guidelines, a survey of the rental properties in the neighborhood and an inspection report by a licensed engineer. Mr. Briggs pointed out Guideline #10b adding that he thought an engineer's report was required for the Final Map approval. Commissioner Jacob further explained the purpose of the Guidelines and felt that this was not a good project for a condo conversion.

Public testimony was closed. Commissioner Jacob suggested that only those projects where the applicants have gone through the entire process of submission be placed on the agenda and copies of all reports be included in the Commission package. Commissioner Kirby felt that since all reports have to be submitted initially, an early project assessment would be helpful to the applicant. Commissioner Hancock felt that not all older apartment buildings were suitable for conversions and this project was such with inadequate compact parking. He made the motion to deny the application and Commissioner Jacob seconded. Motioned carried 5/1/1 with Commissioner Carbone dissenting and Commissioner Looney excused.

3. **2216<sup>th</sup> ZONING UNIT and TENTATIVE PARCEL MAP, PM-8742 – RAMESH and LALIT KUMAR** – Petition to reclassify from the PD-ZU-1487 (Planned Development, 1487<sup>th</sup> 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, November 7 and December 5, 2005).

Mr. Buckley presented the staff report.

Public testimony was called for. Howard Beckman stated that this project does not conform to the Eden Area Plan contrary to page 11 of the staff report. The revised plan is clear that neighborhood serving and commercial uses needs to be protected and promoted. This is incompatible to the neighborhood. He disagreed with 'circular reasoning' for the rezoning. The City of Hayward's neighborhood plan for the other side of A Street also requires neighborhood serving businesses and has opposed the last two projects on A Street. He urged for a denial in favor of the existing policy and requested that the Commission join him to work with City of

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Hayward in developing a plan for A Street.

Randy Jones, representing the applicants, pointed out that although the existing zoning allows four units, the proposal was only for three units. He further noted the following: the 6:12 roof pitch, the front alignment, the optional gate, the paved first 20 feet, and additional landscape, the units are 1,600-1,850 square feet with paving in the rear, some reduced setbacks due to the 60 feet lot width, no front windows due to security/safety issues, and the project across the street is at a higher density. This project will have less impact on the street and neighborhood. The garages could be converted into carports if the Commission is concerned about parking accessibility.

Commissioner Kirby requested clarification on the existing zoning and the exemptions. He had concerns with applying portions of the existing PD to create a new PD. Mr. Jones pointed out that the existing use for this property has been residential before the zone change. The adjacent property has a plumbing business with an adjacent wall. The proposal is to paint the wall and plant Italian cypress with ivy to cover the wall.

Public testimony was closed. Commissioner Loisel asked if a residential use would be the best use considering the lack of street parking. Mr. Buckley replied that the small lots with narrow frontage were the main consideration and pointed out the last paragraph on the Zoning History on page 1 of the staff report. Commissioner Jacob requested clarification on the exemptions. While concurring with Mr. Beckman's comments, Commissioner Carbone added that the property is large enough to accommodate a commercial business noting the existence of the adjacent business. He was not in support of the proposal. Commissioner Kirby made the motion for a denial adding that he would support a mixed use project, either a C-N or C-O on the streetscape that would allow an exception for suburban residence. He did not support a zone change. Commissioner Hancocks seconded. Motion was tied 3/3 with Commissioners Loisel, Jacob and Imhof dissenting; Commissioner Looney was excused. As no action was taken by the Planning Commission, the project will be forwarded to the Board of Supervisors without a recommendation.

**STAFF COMMENTS & CORRESPONDENCE:** None.

**CHAIR'S REPORT:** The Chair congratulated Commissioner Jacob on his marriage.

**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:** Commissioner Jacob stated that he has been apprised of communication from community members and Board of Supervisors on the Commissioners' dress code and urged for a business appearance.

**ADJOURNMENT:** There being no further business, Commissioner Kirby moved to adjourn the meeting at 3:30 p.m. Commissioner Loisel seconded the motion. The motion was carried 6/0.

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**CHRIS BAZAR, SECRETARY**  
**COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY**