

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
OCTOBER 3, 2005
(APPROVED NOVEMBER 7, 2005)

FIELD TRIP:

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

MEMBERS EXCUSED: Commissioners Ken Carbone; Richard Hancocks; Mike Jacob; Glenn Kirby, Vice Chair; 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. **VARIANCE, V-11917 – JEFF and JULIE DeLIMA** – Petition to approve building site status on a parcel without approved frontage in order to construct: 1) a single family dwelling 28 feet-six inches in height where 27 feet is the maximum allowed and a 10 foot side yard where 20 feet is required; and 2) a detached two-story secondary dwelling unit 20 feet in height where one story and 15 feet are the maximums allowed, in a R-1-B-40-CSU-RV (Single Family Residence, 40,000 square foot Minimum Building Site Area, Secondary Unit, Recreational Vehicle) District, located at 17760 Madison Avenue, east side, approximately 1,200 feet north of Seaview Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0910-005-07.
2. **TENTATIVE TRACT MAP, TR-7683 – SHAIQ** – Petition to subdivide one parcel containing approximately 0.76 acres into five lots, in R-1 (Single Family Residence) District, located at 2939 Kelly Street, south side, approximately 15 feet east of Prime Avenue, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 417-0210-004-00.
3. **TENTATIVE TRACT MAP, TR-7669 – MAYAR** – Petition to subdivide two parcels containing approximately 1.27 acres into six single family lots and three common area lots, in an R-1-B-E (Single Family Residence, Fairview Plan) District, located at 23358 and 23386 Maud Avenue, east side, approximately 30 feet north of Romagnolo Way, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 417-0210-069-01 and 417-0210-092-00.
4. **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.

- 5. **TENTATIVE TRACT MAP, TR-7684 – COOK/HIFAI** – - Petition to allow a condominium conversion of two existing apartment buildings located in the CVCBD-SUB5 (Castro Valley Central Business District Specific Plan, Sub Area 5) District, located at 20421-99 Anita Avenue, west side, approximately 350 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 080A-0131-007-02 and 080A-0131-008-00.

- 6. **VESTING TENTATIVE TRACT MAP, TR-7270, Paramount Homes / Van Eeghan** – Application to subdivide two parcels comprising approximately 7 acres to develop 10 new single-family houses and retain one existing house on approximately 3 acres, and one common lot with conservation easements over undeveloped portions of the site, in an 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, in Hayward, California; Assessor's Parcel Numbers: 425-0160-006, 425-0160-007.

REGULAR MEETING: 6:00 p.m.

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

MEMBERS EXCUSED: Commissioner Alane Loisel.

OTHERS PRESENT: Chris Bazar, Planning Director; Steven Buckley, Assistant Planning Director; Darryl Gray, Assistant Planning Director; Jana Beatty; Senior Planner; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately forty-seven people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:10 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 - September 6 and 19, 2005.**

In reference to September 6th Minutes, Commissioner Jacob corrected the last sentence on Page 8, under Commission Comments, to read: "...he would like to approve and use the list as a guideline." and the word 'CCPC' be replaced by CCPCA in both, September 6 and 19th Minutes. Commissioner Kirby made the motion to approve the Minutes with the above changes and Commissioner Looney seconded. Motion passed unanimously.

Commissioner Jacob made the motion to approve September 19th Minutes with the correction to 'CCPCA' and Commissioner Carbone seconded. Motion carried 6/1/1 with Commissioner Kirby abstaining and Commissioner Loisel excused.

- 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 and July 18, 2005; to be continued to December 5, 2005).
- 3. **ZONING UNIT, ZU-2202 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, 1 acre per 1976th Zoning Unit) to the R-1-B-E (as specified) to divide the site into four lots 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. (Continued from July 18 and August 1, 2005; to be continued to November 7, 2005).
- 4. **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, 2005; to be continued to October 17, 2005).

Commissioner Jacob made the motion to approve the remainder of the Consent Calendar per staff recommendation and Commissioner Kirby seconded. Motion carried unanimously.

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. (Continued from September 6 and 19, 2005).

Mr. Gray presented the staff report. Commissioner Looney asked that if the business has existed for over 30 years, why was it being abated now and how many neighbors had complained. Mr. Gray explained that it takes one complaint to initiate the process and this began as a complaint, and the applicant has now, for the first time, raised the issue of a nonconforming use.

Public testimony was called for. Peter McDonald, attorney for the applicant/owner, stated that this is a home occupancy level of business, 10-20 hours a week, with a business permit and clearance from Environment Health. All neighbors support the business except for the immediate adjacent neighbor who, after purchasing her property in January 2004, filed a complaint. Mr. McDonald distributed a document to the Commissioners, a five-year abatement plan that would provide for no further expansion and an annual net profit of not exceeding \$50,000. Commissioner Looney pointed out that a staff visit in 2004 showed there were over 40 cars with different owners on site.

Bernie Shanklin, Applicant, explained that the cars, belonging to an antique car dealer, had been stored on his property for \$200 a month but have now been removed. There are many different other types of businesses along Almond Avenue and there is nothing to indicate that a body shop business is not allowed. There has been no impact on the neighbors and out of the 100 neighbors, only the immediate neighbor is in opposition. He also requested additional time to phase out his business.

Keith Zachow, unofficially speaking on behalf of all residents on Country Lane, said that the abatement was unfair since the business has no negative effects, neither noise nor additional traffic impact on their neighborhood. He confirmed that Mr. Shanklin did have many cars on his property at one time which have now been removed and the residents of Country Lane were comfortable with a lengthy abatement.

Public testimony was closed. Commissioner Hancocks made the motion to sustain staff

|||||
recommendation to find the use non-conforming and not legally established. Commissioner Kirby, who stated that he sympathized with the Applicant, seconded the motion. Commissioner Carbone pointed out that farms do maintain their equipment and he felt that a five-year abatement period would be a reasonable time frame without creating hardship for the applicant. In response, Mr. Gray said that the abatement hearing will be before the Board of Supervisors. Commissioner Kirby suggested that perhaps the motion could be amended to include that the BOS be encouraged to approve a lengthier abatement period and Commissioner Hancocks re-stated his motion to include the above. Motion passed unanimously.

2. **ZONING UNIT, ZU-2193, AND TENTATIVE TRACT MAP, TR-7530 – BOUNDARY CREEK LLC** – Public comment hearing for a Recirculated Draft Environmental Impact Report, per the California Environmental Quality Act, for a petition to reclassify a site comprising approximately 8.25 acres from the R-1-SU-RV and R-1-B-E-SU-RV Districts to the PD (Planned Development) District and Tract Map to allow subdivision of three parcels into 28 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.

Mr. Bazar stated that pursuant to a Board of Supervisors Minute Order, the revised DEIR has been recirculated and in accordance with the State requirement, this hearing is to receive public comments during the 45-day comment period, which ends October 14th. All comments submitted at this hearing and in writing before the end of the 45-day period will be responded to in the Final EIR. No action will be taken today. Scott Gregory, EIR Consultant, provided a brief up-date on the revised DEIR/project.

Public testimony was called for. Howard Beckman, representing Friends for San Lorenzo Creek, asked for assurance that there will be no new documents presented at the certification of the EIR since much of the controversy with the original EIR was that a new document, with new ideas and information, was presented at every meeting, which the community felt was offensive. He stated that he will submit written comments before the end of the comment period. Mr. Beckman said he had been unaware that the FEIR will be certified by the Board of Supervisors and he was not sure who had made this decision. Mr. Bazar confirmed that there will be no other document besides the Final EIR, adding that, as indicated at the last hearing, the certification would be under Board of Supervisor’s jurisdiction.

Public testimony was called for. Janice Delfino, 18673 Reamer Road, pointed out that per DEIR, there would be 28 houses cramped on four acres without a community park or common area. She requested clarification on emergency vehicle access to the south and east sides of the project and asked why a replacement plan was needed if the trees were to be removed. Information was still either missing or misleading on the maps.

Cheryl Miraglia said that she had been unaware that the DEIR had been re-circulated and the

|||||
matter would be heard before this Commission until Thursday and thought it would be illogical not to bring the certification of the FEIR before this Commission and as the BOS had recommended.

Frank Delfino said his concerns included the omission of the comments from the April 2005 letter from the Regional Water Quality Control Board (RWQCB), credibility of the author of the DEIR in reference to information contained in the DEIR, geotech fabric on solid pipes and the location of the basin. He felt that the entire project is confusing.

Public testimony was closed. Mr. Bazar confirmed that there has been on-going communications between staff and RWQCB as directed by the BOS. Commissioner Looney agreed with Ms. Delfino that 28 houses would be too many. With only 14 houses, the need for a bridge would be eliminated. Commissioner Hancock opined that this is a different tract map and PD with different configuration of the houses. Commissioner Carbone asked if this procedure of not certifying the DEIR by this Commission was a standard practice. Mr. Bazar said that the revised project was a smaller one reflecting this Commission's action. Commissioner Kirby said that it is a fundamentally different and superior project than what was approved by this Commission. Most of his concerns/issues have been resolved, although the Fire Department has not stated with any specificity what their requirements would be for the conservation area to maintain defensible space and that there may be impacts from these requirements. He also stated that the project should include elimination of all retaining walls especially along the creek side and particularly Lot 3. In reference to the impact on Crow Canyon Road, Commissioner Carbone felt that a standard County maintained road for this number of homes would be more adequate than a private road. It is an extremely over-built project. Commissioner Jacob said he was proud of the Commission's prior action as it considered all of the public comments and issues, and he agreed with Commissioner Kirby that this was not the same project that the Commission had approved. He recommended the inclusion of the native tree replacement program in future resolutions and/or EIRs and also the inclusion of recommendation/opinions from other bodies. Mr. Bazar restated that all comments and responses will be included in the Final EIR.

The Chair announced a recess.

3. **VARIANCE, V-11917 – JEFF and JULIE DeLIMA – Referral from the West County Board of Zoning Adjustments** - Petition to approve building site status on a parcel without approved frontage in order to construct: 1) a single family dwelling 28 feet-six inches in height where 27 feet is the maximum allowed and a 10 foot side yard where 20 feet is required; and 2) a detached two-story secondary dwelling unit 20 feet in height where one story and 15 feet are the maximums allowed, in a R-1-B-40-CSU-RV (Single Family Residence, 40,000 square foot Minimum Building Site Area, Secondary Unit, Recreational Vehicle) District, located at 17760 Madison Avenue, east side, approximately 1,200 feet north of Seaview Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0910-005-07.

|||||
Mr. Buckley presented the staff report and Mr. Bazar added that the community concern has been the general slope determination/slope methodology. The generalized maps and verbage in the Specific Plan is a concern for future developments in this area. Commissioner Carbone thought that the issue of additional runoff including the impact on the creek has not been fully addressed and he had surface area/drainage concerns. Mr. Bazar indicated that staff has been in contact with Regional Water Board via email and Mr. Buckley added that the Board was not concerned with on-site water issues but noted that storm drain outlets into the creek would require review and permits from other agencies. Regarding flooding, Public Works Agency has indicated that with appropriate design and erosion control, filtration and on-site retention, they would not have any other concerns.

Public testimony was called for. Bob Peterson, 5294 Canyon Hill Court resident, said he has lived in this area since 1977 and had been part of the Specific Plan discussions/meetings, the intent of which was no buildings on the canyon walls. The issue today is location on the 30% slope. He thanked staff for the detailed staff report and further provided the history of the subject and surrounding lots, and introduced the original area map, indicating that the project site is not on the mapped area of concern.

Jeff DeLima, Applicant, read and discussed his written statement in detail which included the following issues: 30% slope and buildable/unbuildable lots; side yard setbacks; proposed detached garage/secondary unit; impacts to the creek; his attempts to provide a compromise to the neighbors; and information related to the variance findings. In his summary, he stated that the moratorium for this area adopted in 1994 expired in September 1995; the proposed site was not 30% by nature but man-made; other similar variances have been granted in the area; the reduced side yard setbacks was due to the extremely narrow shape of the lot and easement rights; and more than half of the homes have a similar variance; the secondary unit will be located in the best possible buildable area with no impact to the nearest neighbor. He was asking for a fair and equal opportunity with no special privileges; this plan will eliminate all grading; the site is outside any landslide area and on suitable buildable land; all improvements will up-grade the area as the old dwelling, an eye-sore, will be demolished, and Exhibit 10 is a list of neighbors in support. Mr. DeLima re-stated that he was not asking for special privileges.

Commissioner Looney noted that the Commission had made a site visit today and asked if the secondary unit would be on ground level. Mr. DeLima explained that it would be accessible on the uphill and downhill side as it would be cut into the hillside.

Gerry Thompson, 17764 Madison Avenue, read his written testimony noting that the 30% slope was an issue with the neighbors. He requested that the Commission rule on how to quantitatively calculate percent slope to comply with Regulation 5 of the Specific Plan and proposed the following two components: 1) slope threshold and 2) 5 foot contour intervals. The Applicants have indicated a willingness to re-locate the secondary unit if the area is determined to be a 30% slope. He discussed an overlay of several maps.

Alan English, project architect, pointed out that the intent of the Madison Specific Plan was not to analyze each slope or look at specific lots but the general area. The subject property is not on a 30% slope but a man-made slope and an approval will not set a precedent.

|||||

Chris Sarantakis, resident at 17627 Madison Avenue, in opposition, stated that it was unnecessary to build on this disputed area as there is other buildable area on the property, especially the easterly flat area. She was not against the applicant building his house but they should build within the intent of the Plan and protect and preserve the area for all residents.

Dave Deets, 18413 Madison Avenue, said that an approval would be considered a special privilege. Although many other properties in the area have similar circumstances, they have built outside the 30% slope. Both CVMAC and the BZA had requested that the project be revised and although the applicant agrees that there are possibilities to build without any variances, no revision has been made to the project to-date.

Jim Oldakoloski, 47659 Wabana Ct, in support, felt that the neighbors were trying to enforce only some sections of the Specific Plan. The project will add value to the area.

Connie Deets, 18413 Madison Avenue, thanked Mr. Buckley for his help and read her written testimony. The 50 year old trees had been cut down. So far, there have been seven meetings with staff including one neighborhood meeting in which she did not get an opportunity to speak. The Applicant has stated that he was aware of the Plan and chose not to follow it and per Mr. Buckley, all information given to the County is by the applicant. Ms. Deets further discussed the three findings which, she felt, could not be made in the affirmative. Her other issues/concerns included: alternative location outside the 30% slope is available on-site; location of the horse trail on top of the hill; the additional four garages is special privilege; 15 other properties on Madison Avenue also have 30% grade but have built outside the grade with the exception of one which is about one mile away; removal of swale/vegetation; flooding and de-valuation of neighboring properties; and legal access since the subject property has no prescriptive easement rights from Madison Avenue but through Common Road, as the payment for road improvements did not include previous owners of the subject property. She further submitted a copy of an email from Brian Wines, SF Bay Regional Water Quality Control Board.

Roxann Lewis, property owner at 17750 Madison Avenue, felt that if the revision to the Specific Plan had been completed there would be no concerns today and further submitted copies of Supervisor Mary King's letter. The Applicants confirmed at the Wednesday meeting, that although aware of the Plan's existence, they had not instructed their architect to build within the specifics of the Plan. The applicants must comply with the Plan and an approval would be granting of special privileges. There is ½ acre of flat land to accommodate all the buildings without variances. There is a question of the easement on the right side. Ms. Lewis requested a moratorium be placed on future buildings in this area, and, if approved, the motion to include no construction vehicles use the 1947 bridge and a bond to be posted. In the event of any run-off water damage from this project, the county would be sued as a flooding problem already exists in this area.

Jim Bissell, 17480 Madison Avenue, said he has lived in this area for 22 years and had testified at previous hearings that there are other 30% slope areas on this property. During the construction of his house, he had minimized the use of the bridge on the roadway and requested

|||||
the same from these applicants. He agreed that retention of water on site should be a condition of approval. Mr. Bissell said his main problem with this project was the mischaracterization of the facts, such as, the seven garages for guest parking and a 1,600 square feet 25 feet high secondary unit.

Tom Belflore, southern property owner at 18261 Madison Avenue, stated that he had a video of the flooding/run-off problem created by a change to this sensitive area. His concern was the placement of the garage and the drainage. He invited the Commission, the applicants and all interested to view the video.

Linda Bennett, Friends of San Lorenzo Creek, disagreed that a variance will not set a precedent and the question was perhaps “the spirit of the law verses the letter of the law”. Her concern was to prevent flooding as water from these properties drain into San Lorenzo creek. It is not just the subject property but the entire area and creek sections, and downstream properties.

Nancy Churchill, three properties north of the subject property at 17843 Madison Avenue, said she has lived here for 43 years. Her concern was the capacity of the creek to handle additional run-off and hillside erosion as this area also has run-off from the upper valley. Severe flooding has occurred washing away front yards and fences with mudslides. Initially, Public Works Flood Control had maintained the creek yearly but, now the residents are told that this is low priority. She urged the Commission to consider the impact of building on this site. Commissioner Looney asked if she had been involved in the initial drafting of the Specific Plan. Ms. Churchill replied no.

Laurie Childers, 17875 Madison Avenue, felt that it was important to adhere to the Plan and that this property could have been a school site. Her house was one of the properties that had flooded.

Lyle Bogue said his property was two parcels south, in the flat delta area. He noted that staff and applicant both have stated that the project can be built without any variances. This property has 50% larger buildable area than his property and was neither unique nor unusual with no special circumstances. There is no rectangular or square one-acre parcel in the Specific Plan area. Since this entire area is unique and does not fit under the General Plan, the Specific Plan was created with a specific intent. All maps submitted by both staff and applicant show a 30% slope and the initial application of May 27th was to consider a variance to build on a 30% slope. Since the applicants have removed two 50-year trees, he now has a view of the Canyon Court development. His main concern was the location of the secondary unit which would be approximately 50 feet from the adjacent neighbor’s front door and 80 feet from the Applicant’s main door. Although CVMAC and West BZA had requested relocation of this unit, the applicants have refused and, as such, he had concerns regarding the purpose of this unit pointing out that the two required guest parking spaces do not have to be inside a garage.

Public testimony was closed. Commissioner Hancocks asked if there was ½ acre buildable acre on the property. Mr. Buckley replied that it was less than ½ acre. At Commissioner Looney’s request, staff explained the variance request, the height and the number of stories depending on

|||||
the location of the unit. Commissioner Carbone felt that the unit, limited to the height required, should be relocated to another buildable area. In response to Commissioner Jacob, staff confirmed that Common Road is not a county-approved road and all properties with frontage would require a variance to build and County Counsel confirmed that the easement access was applicable on both sides of the property. A discussion followed on the bridge including ownership, safety issue, maintenance and historical designation.

Commissioner Kirby pointed out that the variance before the Commission is for the side yard setback of the main dwelling, and he made the motion to approve the 10 foot side yard setback. Commissioner Looney seconded and the motion carried unanimously.

Regarding the slope determination, Commissioner Kirby felt that the unit should be closer to the house and above the garage based on Map 6 and the Specific Plan and not in the 30% slope. Option 3 would be most appropriate. Commissioner Carbone concurred adding that with the relocation, the unit would be out of the scenic corridor and reduce the impervious surface. The Chair noted that the garage footprint would be larger than the secondary unit. Commissioner Kirby said he would support a determination that an incremental 30% slope exists which progresses up the hill, and the unit should therefore be closer to the main dwelling or attached as one structure.

A discussion followed on the Specific Plan. Commissioner Looney felt that it was an appropriate time to revisit the Plan and Mr. Bazar added that the matter has been referred to the Policy Planning Manager for review and modifications.

Commissioner Carbone asked the Applicant if he was willing to relocate the unit closer to the main dwelling. Mr. DeLima replied yes. Mr. Buckley, using the overhead, pointed out the slope location, the location of the proposed secondary unit and the possible alternative sites. Commissioner Hancocks made the motion to continue the matter to October 17th to allow time for staff to work on alternatives with the applicant. Commissioner Kirby seconded and recommended no new driveway entrance for the secondary unit, but entrance for both through Common Road and suggested reducing the garage footprint to provide some uncovered parking. Staff pointed out that if the revised plans do not require a variance, this matter will not return before this Commission. Commissioner Hancocks amended his motion to reflect that this matter return at a subsequent hearing if a variance is necessary. Commissioner Kirby seconded adding that the review of the Specific Plan begin at staff level. Motion carried unanimously.

The Chair announced a recess.

4. **TENTATIVE TRACT MAP, TR-7684 – COOK/HIFAI – Preliminary Plan Review** - Petition to allow a condominium conversion of two existing apartment buildings located in the CVCBD-SUB5 (Castro Valley Central Business District Specific Plan, Sub Area 5) District, located at 20421-99 Anita Avenue, west side, approximately 350 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 080A-0131-007-02 and 080A-0131-

|||||
008-00.

Staff presented the staff report and the Chair added that this site had been included in the Field Trip.

Public testimony was called for. Jeff Moore, Greenwood & Moore, civil engineer/project consultant, said he would like to receive feedback from the Commission regarding the feasibility of the project before undertaking more detailed studies. To-date, he has had several meeting with staff based on the Condo Conversion guideline checklist. Key issues were parking and open space and he asked if there were any flexibility with the guidelines. Mr. Moore further discussed these two issues in detail. The aim was to propose a project beneficial to the community but be economically viable to the applicant. Mr. Moore introduced Barry Zupin(?), consultant, who explained the lift parking system and provided photographs of other existing sites where a new parking system is in use. This is an owner operated system with one unit per dwelling unit. Commissioner Hancocks said although innovative, he was unsure if the County would consider this system. Since some of the lift spaces would not be considered independently accessible, it would not meet the Zoning Ordinance. If more than minor deficiencies, he felt that perhaps the units would be better as rental units since not all rentals can be converted. Mr. Moore pointed out the financial aspect of providing large-scale up-grades for rental units which was not economical feasible. To balance the project, this would provide an aesthetically-improved, entry level opportunity for home ownership. Commissioner Kirby stated that he was not convinced that the parking solution benefits the property in general.

The Chair requested that this application be added to the next field trip. In response to Commissioner Looney, Mr. Moore said that the option to combine units instead of removing units to provide additional open space has been considered. Commissioner Jacob pointed out that the Commission will look at the guideline checklist rigidly once approved. Although he liked the lift parking system, he did not think it was appropriate for this property. Though an innovative concept, Commissioner Looney said she was not sure they could recommend the conversion as it would involve a lot of work and money, and perhaps the removal of complex two. But, she appreciated the preliminary plan review. The Chair felt that much work would be involved to become a condo conversion project. He recommended a field trip for the benefit of other Commissioners.

5. **CONDOMINIUM GUIDELINES:** Ratification of guidelines of Building Inspection Division and Fire Department regarding information submittals and building improvements related to condominium construction and conversions.

Commissioner Looney said she was concerned with the vagueness of the Building Department list. Staff pointed out that the Building Inspection Department has indicated that these would be strict requirements if they could be imposed but if there is an existing structure, the requirements could be limited. A discussion followed regarding making sure the Planning Commission obtains the information contained in the Building and Fire Department checklists, regardless of the individual departments' ability to require specific code upgrades. Commissioner Jacob

|||||
recommended that the word 'should' be replaced by 'shall' in requirements 18 and 19 and made the motion to approve the list. Commissioner Kirby seconded. Motion carried unanimously.

STAFF COMMENTS & CORRESPONDENCE: Staff announced that the Board of Supervisors has approved the rezoning applications that the Commission approved at their last meeting.

CHAIR'S REPORT: The Chair reminded the Commission of the up-coming CCPCA conference.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Kirby, in reference to the Madison Avenue project, noted that a second access driveway would be in conflict with the secondary unit policy. His concern was that, in the event the matter did not come before this Commission, the project could get approved with a second access. Commissioner Carbone concurred.

ADJOURNMENT: There being no further business, Commissioner Jacob moved to adjourn the meeting at 11:05 p.m. Commissioner Kirby seconded the motion. The motion was carried 6/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY