

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
MARCH 3, 2008
(Approved March 17, 2008)

FIELD TRIP:

MEMBERS PRESENT: Commissioners Glen Kirby, Chair and Richard Rhodes

MEMBERS EXCUSED: Commissioners Ken Carbone, Vice Chair; Frank Imhof; Mike Jacob; Alane Loisel and Kathie Ready.

OTHERS PRESENT: Andrew Young, Planner

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. **TENTATIVE PARCEL MAP, PM-9408, PALOMARES CATTLE, INC.,** ~ Petition to allow subdivision of one site containing approximately 666.25 acres into six lots, located on Palomares Road, east side, approximately 3.7 miles south of Palo Verde Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085A-3701-008-00. **Staff Planner: Phil Sawrey-Kubicek.**
2. **TENTATIVE TRACT MAP, TR-7842 -PETER LAU** ~ Petition to allow subdivision of one parcel containing approximately 40,755 square feet (0.93 acres) into five parcels in an R-S-CSU-RV (Suburban Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4269 Heyer Avenue, south side, approximately 810 feet west of Forest Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0745-001-00. **Staff Planner: Andrew Young.**
3. **VARIANCE, V-12083 – ESCOBAR** ~ Petition to allow an attached addition with a six feet front yard setback and a three feet – seven-inch rear yard setback where 20 feet is the minimum required in the front and rear yards, in a R-1 (Single Family Residence) District, located at 14747 Midland Road, west side, approximately 200 feet north of Placer Drive, San Leandro area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0002-001-04. **Staff Planner: Andrew Young**
4. **TENTATIVE TRACT MAP, TR-7898 and SITE DEVELOPMENT REVIEW, S-2123 –BRYANT/GILBERT** ~Petition to allow construction of ten condominium units and subdivision of one site containing approximately 0.49 acres into ten parcels in the ACBD Specific Plan – RC (Ashland/Cherryland business District specific Plan – Residential/Commercial) District, located at 477 E. Lewelling Boulevard,

south side, approximately 100 feet south east of Bar Avenue, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Number: 413-0031-009-00. **Staff Planner: Andrew Young**

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone, Vice-Chair; Frank Imhof; Mike Jacob; Glenn Kirby, Chair; and Richard Rhodes.

MEMBERS EXCUSED: Commissioners Alane Loisel and Kathie Ready.

OTHERS PRESENT: Sandra Rivera, Assistant Planning Director; Rodrigo Orduña, Senior Planner; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were nine people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:30 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair apologized for the lateness.

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 Commission Minutes** – February 4 and 19, 2008.
Commissioner Carbone made the motion to approve both February 4th and 19th Minutes as submitted. Commissioner Rhodes seconded and the motion carried 4/0. Commissioners Jacob (arrived late), Loisel and Ready were excused.

REGULAR CALENDAR:

1. **PLANNING COMMISSION DETERMINATION, D-163, ECHO LANDSCAPE** ~ Planning Director-initiated Determination by the Planning Commission as to whether Echo Landscape is a permitted or conditional permitted use in the M-2 (Heavy Industrial) District, located at 2401 Grant Avenue, northwest side, approximately 250 feet west of Railroad Avenue, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080G-1178-003-02. **Staff Planner: Richard Tarbell**

Mr. Orduña presented the staff report. The Chair noted that this business had been relocated from another site. He asked if the CUP process had been initiated at the prior location or was it filed after relocating to this site and also asked about the allowed uses of the zoning districts. Mr. Orduña replied that staff only became aware of this use

through Zoning Enforcement activities. Any decision will be used for the entire M-2 District and further explained the allowed uses of the other industrial (M-P and M-1) zoning districts.

Public testimony was called for. Danielle Scheid, representing Echo Landscape, stated that they are leasing the property and would like to continue the landscape business with two dumpster containers for green and solid waste. The CUP application had been filed at the advice of Planning staff and the matter has been postponed several times. The Chair asked if tentative conditions of approval have been discussed with the applicant. Staff replied no adding that there would be limited conditions as the property, since, as seen in the photographs dated October, 2007, the property has been cleaned up and the property now meets the Neighborhood Preservation Ordinance. However, it is presently unclear if the project has any environmental impacts.

Public testimony was closed. The Chair noted that the site is at the rear of a triangular parcel with no significant impact but expressed concerns regarding some of the on-site activities including services on unpaved surfaces. He would only support the use under the conditionally permitted use category. Commissioner Carbone agreed, adding that there are not many properties available in the County that can support this type of business and he would like to sustain the use. The Chair questioned the possibility of an Ordinance amendment. Mr. Washington, County Counsel, explained that the Commission or the Applicant can make an amendment recommendation to the Board of Supervisors. Commissioner Rhodes discussed whether the Zoning Ordinance allows for tiering of uses from the M-1 to the M-2 District, noting that the only other use at this site besides general industrial use could be for a parking lot. A discussion followed regarding M-2 District uses versus M-1 District uses, and the possibility of a zoning amendment.

Public testimony was re-opened. The property owner, Joseph Fanfa, said his business is located in the front. The property is clean and well-kept with no problems as the use is located in the rear, the access road is paved, the entire property is fenced in with the east, north, and portion of the west completely screened by 15-20 feet high solid vegetation, and is not visible from the street; and the use has no traffic impacts. He further explained the circumstances regarding the inoperable vehicle.

Commissioner Jacob arrived and apologized for his tardiness.

Public testimony was re-opened. Ms. Scheid further explained that a Conditional Use Permit application for the two dumpsters was filed as informed by Bruce Babcock, Zoning Enforcement Officer, in July, 2007. Commissioner Carbone said he was unsure if the dumpsters were of any concern and asked for the least impacting action that the Planning Commission could take for the proposed use. The Chair pointed out that dumpsters are only an element of the CUP.

Debbie Griffin said that she works for the property owner and clarified that the dumpsters became an issue because Mr. Babcock thought that this is a transfer station.

Commissioner Carbone pointed out that this property is located in such a way that the use has no impact from the public street. Moreover, this use provides an opportunity to utilize the property and he asked for the shortest method without setting a precedent. County Counsel replied that the shortest method would be to find that the use, under Section 17.46.035A, does constitute dumping, disposal, incineration, etc and process as a CUP. Commissioner Jacob pointed out that this is an industrial use, does not improve the property and does not create an obstacle for future improvement. *Commissioner Rhodes made the motion to find that it is an M-2 industrial use, consisting of dumping, disposal, reduction of garbage and debris, under Section 17.46.035A. The CUP process will determine the CEQA implications, if any. Commissioner Carbone seconded and the motion carried 5/0 with Commissioners Loisel and Ready excused.*

2. **TENTATIVE TRACT MAP, TR-7898 and SITE DEVELOPMENT REVIEW, S-2123 –BRYANT/GILBERT** ~Petition to allow construction of ten condominium units and subdivision of one site containing approximately 0.49 acres into ten parcels in the ACBD Specific Plan – RC (Ashland/Cherryland business District specific Plan – Residential/Commercial) District, located at 477 E. Lewelling Boulevard, south side, approximately 100 feet south east of Bar Avenue, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Number: 413-0031-009-00. (Continued from February 4, 2008). **Staff Planner: Andrew Young**

Mr. Orduña presented the staff report. The Chair announced that the Commission had re-visited the site today and had noted a variety of situations in the neighborhood that addresses the Commission's concerns: an asphalt curb and temporary sidewalk, and an asphalt berm with no sidewalk. The temporary asphalt curb and sidewalk could be on the same line as the permanent one but at a different elevation than the finished elevation, to address the drainage concerns. Noting that one of the utility poles, serving only one parcel, needs to be relocated, he asked if undergrounding is part of the Conditions of Approval for the street improvement. Staff confirmed that the relocation will be part of the street improvement. Commissioner Jacob pointed out that the Conditions of Approval lack the language that the bond requirement for street improvements will not become a home association obligation. He would like to see the Conditions of Approval modified to include that the developer will be responsible for the bonding of the street improvements. Commissioner Jacob expressed that he was comfortable with the temporary location of the improvements at the current street edge as long as the developer was held responsible for permanent improvements at the new edge.

Richard Gilbert, property owner, introduced Charles Bryant, project architect. After the last meeting, they have opted for Alternative Plan B. In support, he noted the following: this property allows a high density, infill, smart-growth development near a transit corridor which addresses a market need for starter-smaller-affordable energy-efficient homes; and the street can accommodate three parking spaces. Using the revised site plan, he pointed out and discussed the proposed sidewalk improvements; low front fencing with two entries for the front units; parking underneath the units with two additional spaces in the rear; shared open public space; the picnic area; no rear fence to preserve the

park view; the court yard with delineated walkways and an impervious concrete center per project civil engineers with no drainage into the canal; and the third-story walls are recessed six feet which to diminish the perceived height, with two exemptions to provide for the stairs. He also discussed that, as shown in the sun-shade lines, there would be no loss of direct sunlight to neighbors. Commissioner Carbone expressed concern with a large number of cans on the street on garbage pick-up days and asked for storage sites. Mr. Gilbert replied that trash cans would be stored in the garage and rolled out on pick-up days. Staff pointed out that there is no specific provision for garbage cans in the Ordinance. Mr. Gilbert suggested designating a 'red-curb' area in front of the property, at the east corner of the property frontage, for the garbage cans. This red-curb area would not reduce the number of on-street guest parking spaces. In reference to the drainage issue, he agreed that the temporary curb/gutter and sidewalk improvements at a higher level will keep the water out. Staff pointed out that even with the temporary improvements, Public Works requires bonding for the permanent location. Mr. Gilbert concurred. A discussion followed regarding the retaining wall and Mr. Gilbert explained that their proposal includes a three foot high rear retaining wall.

Public testimony was closed. *Commissioner Jacob, in reference to resolution language, recommended the following: Condition of Approval #11.C to include designated visitor parking; #11.F to include drought-tolerant landscaping; and #11.A to include the bond requirement, to be paid by the developer and not paid by the home association members, be included in the resolution. He made the motion to approve the application with the above modifications. The Chair seconded and the motion carried 5/0 with Commissioners Loisel and Ready excused.*

3. **ZONING UNIT, ZU-2252 and TENTATIVE PARCEL MAP, PM-9712, JAMES ANDRADE** ~ Petition to reclassify from the R-S-D-20 (Suburban Residence, 2,000 square feet Building Site Area per Dwelling Unit) District to a P-D (Planned Development) District, to allow subdivision of one site containing approximately 0.34 acres into four parcels and to permit construction of four detached single family residences and allowing site-specific development standards, located at 20540 Forest Avenue, east side, approximately 540 feet north of Vincent Court, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0713-009-01. (Continued from February 4, 2008). **Staff Planner: Andrew Young**

Mr. Orduña presented the staff report.

Public testimony was called for. Craig Ragg, on behalf of the applicant, stated that since the last meeting, he has met with staff regarding parking options. A revised drawing has been submitted which reflects additional turnaround area in the rear, and parking on the street adequately provides for additional parking spaces. The CVMAC at their last meeting on February 25th unanimously supported the project.

Although Lillian Baker had submitted a speaker card, she indicated that her concerns have been resolved.

Public testimony was closed. *Commissioner Carbone made the motion to approve the application with the modification that the colored and delineated walkway be included in the 20 feet driveway access. Although a good project, Commissioner Jacob expressed concern with approving a PD to create substandard lot sizes in order to reduce density, perhaps a precedent setting for down-zoning through PDs. Commissioner Imhof seconded and the motion carried unanimously, 5/0 with Commissioners Loisel and Ready excused.*

STAFF COMMENTS & CORRESPONDENCE: Ms. Rivera announced that Chris Bazar is out of the office for family emergency.

CHAIRS REPORT: The Chair indicated that he and Commissioner Jacob have been discussing the possibility of a subcommittee meeting on green building at the March 17th hearing. He has requested a presentation from Karen Smith, Executive Director of StopWaste. Commissioner Jacob added there will be another from Northern California Chapter of US Green Building Council and suggested agendaizing this item as a Set Matter. However, the Chair recommended presentations at the end of the regular meeting and requested that staff work out the details. He also requested an update on staff training. Ms. Rivera replied that the Department is currently promoting education. In response, Commissioner Jacob requested copies/documents from staff training.

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: *None.*

ADJOURNMENT: There being no further business, Commissioner Jacob moved to adjourn the meeting at 8:05 p.m. Commissioner Carbone seconded the motion. The motion was carried 5/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY