

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**MAY 4, 2009**  
(Approved May 18, 2009)

**FIELD TRIP:**

**MEMBERS PRESENT:** Commissioners Kathie Ready and Richard Rhodes.

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

**OTHERS PRESENT:** Jana Beatty, Senior 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. **ZONING UNIT, PLN2008-00081, SCARANO – *Preliminary Plan Review***  
~ Petition to rezone a 2.5 acre parcel from R-1-L-BE (Single Family, Limited Agriculture, 5 acre Minimum Building Site Area) District to a P-D (Planned Development) District, to allow construction of a new single family dwelling unit, access driveway and a detached four-car garage in the rear portion of the property and the conversion of an existing house in the front to become the secondary unit, located at 1912 Buena Vista Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-1250-019-02. **Staff Planner: Jeff Bonekemper**
  
2. **PROPOSED ASHLAND YOUTH CENTER REDEVELOPMENT PROJECT - *Informational Item*** ~ A community facility and park in the Transit Corridor, Ashland Cherryland Business District Specific Plan, located at 16285-16343 East 14<sup>th</sup> Street, Ashland area of unincorporated Alameda County. **Staff Planner: Sonia Urzua**

**Committee of the Whole**

Time: 4:30 p.m.

Place: Public Hearing Room  
224 West Winton Avenue,  
Hayward California

1. **2009 HOUSING ELEMENT SUBCOMMITTEE UP-DATE**

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**REGULAR MEETING: 6:00 p.m.**

**MEMBERS PRESENT:** Commissioners Ken Carbone, Chair; Frank Imhof (arrived late); Mike Jacob, Vice-Chair; Glenn Kirby; Kathie Ready and Richard Rhodes.

**MEMBERS EXCUSED:** Commissioner Alane Loisel.

**OTHERS PRESENT:** Albert Lopez, Planning Director; Rodrigo Orduña Senior Planner; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were 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 COMMISSION MINUTES ~ April 20, 2009.**

*Commissioner Kirby made the motion to approve the April 20<sup>th</sup> Minutes as submitted. Commissioner Ready seconded and the motion carried unanimously, 6/0. Commissioner Loisel was excused.*

**REGULAR CALENDAR:**

1. **ZONING UNIT, PLN2008-00081, SCARANO – Preliminary Plan Review ~** Petition to rezone a 2.5 acre parcel from R-1-L-BE (Single Family, Limited Agriculture, 5 acre Minimum Building Site Area) District to a P-D (Planned Development) District, to allow construction of a new single family dwelling unit, access driveway and a detached four-car garage in the rear portion of the property and the conversion of an existing house in the front to become the secondary unit, located at 1912 Buena Vista Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-1250-019-02.  
**Staff Planner: Jeff Bonekemper**

Mr. Orduña presented the staff report and acknowledged receipt of letters from two neighbors, copies of which have been provided to the Commission. Commissioner Jacob requested clarification on the Zone 7 requirement: whether a new additional septic system is needed or a replacement for both units. Staff explained that there will be a replacement to the existing system, with a total of one septic system for both units--the existing one will be replaced by a new engineered septic system. Commissioner Kirby asked if

revised site plans will be submitted showing the two leach fields. Staff replied that the existing leach field, barn and septic system currently in the front will be removed. In response to the Chair regarding well water testing requirement, Staff stated that Zone 7 indicated that there was an existing well on the site, but the property is on public water, so no new wells will be required.

Public testimony was called for. Tim Scarano, applicant, stated that although his and the surrounding properties are on city water, wells are used for irrigation. The septic system has already been designed, for up to seven-bedrooms, and approved by Environmental Health Department. The existing front dwelling is 840 square feet, a two bedroom house designed for 720 gallons per day capacity. He bought the property in 2001 and the plan is to rezone the property and improve the front dwelling to match the new house in the rear. Commissioner Ready asked for the status of the red trailer currently located at the rear of the property. Mr. Scarano explained that it is a railroad container temporarily used for storage while re-doing the garage foundation and barn.

John Canfield, property owner across the street at 2067 Buena Vista, said his primary concern is the septic system and he has discussed this issue with Zone 7. Another issue is the rezoning and Mr. Canfield asked if an approval will allow the operation of a business. Previously, there had been a body shop business at this site. Although there are several other businesses in the area, he expressed concerns regarding precedent-setting.

Don Hughes, property owner at 1732 Buena Vista, disagreed with the staff report regarding commercial enterprises. There are about 9-11 commercial uses on Buena Vista that are in violation, including the subject property. He felt that a four-car garage would mean another business, which was his main concern. Other concerns included the one septic system, contamination of groundwater of surrounding parcels, and the size of the existing front house. He felt it is larger than 840 square feet. In response to Commissioner Imhof, Mr. Hughes said he has lived in this area for 40 years and the subject property backs into vineyards.

Gina DePrima, 1763 Buena Vista, said that although she cannot see the subject dwelling from her house, her concern was the state of the front house, which the applicant is addressing. Her other concern is the size of the proposed house as the neighbors would like to maintain the rural character. She asked if such a large house with a four-car garage is needed.

Owen Parker, 2027 Buena Vista, stated that he has lived in this area for over 40 years and has seen an influx of illegal businesses on this street. Other concerns included the size of the rear accessory building, which could be used as a shop; and since this is a flood zone area with a creek flowing towards Almond Avenue, special drainage provisions should be required and perhaps a sewer hook-up also, similar to the other subdivisions in the area. Commissioner Kirby noted that Zone 7 has indicated that if any structures are within 200 feet of future sewer line, they would require hook-up.

Mike Corbett said he was representing his in-laws who live across the street at 1743 Buena Vista. Although he also has concerns regarding businesses in this area, Mr. Corbett confirmed that the applicant has no plans for a business. He was in support of the proposal which will increase the value of other properties.

Public testimony was closed. Commissioner Kirby said, in reference to Policy # 5, that he has difficulty in making Planned Development rezoning Finding C. He would like to see more details on the front house to ensure that it is currently only 840 square feet; and if there is adequate foundation, structural integrity, and integrity of existing exterior. An architectural assessment should be completed by a qualified architect/contractor. He would also like to look further at Policy 5: the secondary unit to be architecturally consistent -- the exterior elevation of the existing unit should be treated similarly to the proposed home; landscaping should screen the secondary unit; perhaps condition (this and future applications on Buena Vista Avenue) discretionary approvals to ensure home occupation activities are consistent with residential zoning; and require a combined engineered system with one leach field. Commissioner Jacob asked why the applicant was going through a PD process. Staff explained that there is an existing policy for allowing secondary units in rural R-1 District areas, and a rezoning application allows the BOS to review developments on lots less than 25 acres. Commissioner Jacob thought that secondary units were allowed in the East County as long as they were within the building envelope. Staff further read the related Ordinance sections.

Commissioner Ready said that her biggest concern is Policy 5 -- secondary units should be permitted only on properties that are well maintained. The subject property is not well maintained and the existing barn is not safe. Commissioner Imhof agreed that detailed scaled drawings, including elevation renderings, were necessary. In response to Commissioner Jacob, staff confirmed that a barn is a permitted agricultural building/use, but that it is limited in size per R-1 zoning standards. A discussion followed regarding the size of barns allowed by both Measure D and zoning. Commissioner Jacob indicated that although the existing front house can be saved, the outstanding issues/concerns will have to be addressed. Commissioner Kirby felt that if an entitlement is granted to the existing structure, outstanding issues/concerns should not be passed on to the Building Department. The Chair suggested that perhaps a building permit/final inspection not be issued until the existing dwelling is brought up to code and expressed precedent-setting concerns. Commissioner Kirby re-stated that both units need to be architecturally consistent in order to make Finding C and elevations for the front unit should be submitted.

Public testimony was re-opened. Mr. Scarano explained that he did not want to use a substantial amount of his funds to renovate the front house only to be denied the rear house proposal. If the project is denied, he would demolish the existing front house and build one new house. Plans for the existing front house have already been drawn. Commissioner Ready pointed out that repairing the front house first, if structurally sound, would benefit him by adding value to his property and the neighborhood. Commissioner Kirby suggested up-grading the exterior appearance to be consistent with the new dwelling first followed by the interior up-grading.

**STAFF COMMENTS & CORRESPONDENCE:** *None*

**CHAIRS REPORT:** *None*

**COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS:** Commissioner Kirby announced that the BOS, with some minor modifications, approved the Green Building Ordinance. Staff further explained the modifications.

**ADJOURNMENT:** *There being no further business, Commissioner Ready moved to adjourn the meeting at 7:00 p.m. Commissioner Jacob seconded the motion. The motion was carried 6/0.*

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**ALBERT LOPEZ, SECRETARY**  
**COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY**