

**MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
SEPTEMBER 20, 2004
(APPROVED OCTOBER 4, 2004)**

The meeting was held at the hour of 1:30 p.m. at Public Works Auditorium, 399 Elmhurst Street, Hayward, California.

REGULAR MEETING: 1:30 p.m.

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

MEMBERS EXCUSED: Frank Imhof, Vice Chair.

OTHERS PRESENT: Chris Bazar, Planning Director, Steven Buckley, Assistant Planning Director, Karen Borrmann, Public Works Agency Liaison; Nilma Singh, Recording Secretary.

There were six 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. No one requested to be heard under open forum.

CONSENT CALENDAR:

1. **APPROVAL OF PLANNING COMMISSION MINUTES -**
September 2 and September 7, 2004.

The Chair made a correction on Page 5 of the September 2nd Minutes. Commissioner Kirby made the motion to approve both September 2 Minutes as modified above and September 7th Minutes as submitted. Commissioner Tam seconded the motion, which carried 6/1. Commissioner Imhof was excused.

REGULAR CALENDAR:

1. **2195th ZONING UNIT – LANGON HOMES, LLC** – Petition to reclassify from the R-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area/Dwelling Unit) to a PD (Planned Development) District, to facilitate subdivision of one parcel into four lots and construction of a two-story single family dwelling on each new lot, located at 759 Bartlett Avenue, north side, approximately 141 feet east of

deficiencies. Mr. Buckley agreed pointing out that these are guidelines and not part of the Ordinance and there was the issue of ownership verses quality of unit. Commissioner Kirby agreed with Commissioner Tam that the proposal does not meet the open space requirements and inadequate parking. The Guidelines were adopted in 1979 and could be considered generous as condominiums today would have new requirements, especially new building code requirements, such as Title 24 requirements for energy efficiency. He pointed out the response to Guideline #9 "...no changes are proposed to the physical structure". Another concern was the lack of separate water meters.

Commissioner Hancocks agreed that these were just policy guidelines with many grey areas. His concern was that decisions may affect applicants and ultimately affect the tenants and the surrounding neighborhood. But, he felt that until the Board of Supervisors revise the Guidelines, it should still be considered relevant.

Public testimony was called for. Doug Rogers, Project Engineer, stated that these were just Guidelines and each project should be looked at individually. This site had been originally developed in conformance with the Ordinance and there were many rental units in this area. He agreed that there were open space constraints but said that nothing could be done about the constraints. Private water meters would be provided. Since there was a scarcity of lower market-rate housing, converting to individual ownership would provide opportunities for first time home buyers. In reference to the Chair's comments on the timing for submittal of reports as indicated in Condition #10, Mr. Rogers indicated that they would be submitted as part of the Final Map process. Commissioner Kirby asked if there was adequate fire separation between the units. Mr. Rogers replied that the dwellings were constructed in conformance with the building codes in 1968 and, as such, Building Department has no new requirements.

Public testimony was closed. While stating that the Guidelines has been used positively in the past, the Chair said he has concerns, not necessarily based on the concerns as discussed above, but also placing large liabilities on future home associations. Commissioner Kirby made the motion to deny the application adding that this project did not closely conform to the Guidelines. Since the Building Department does not require any changes, he felt that the use should remain what it was initially approved for. Safety concerns and property restraints would be better under one owner. Commissioner Gault seconded the motion. Although there were many conformance concerns, he had safety issue concerns. Since a change in use was being proposed, he felt that the Building Department should take a closer look. Commissioner Tam agreed with the Chair. She asked if the Applicant could provide additional accommodations to the Guidelines before the matter is heard by the Board of Supervisors. Mr. Buckley replied yes. Commissioner Kirby thought that the two options available were to either deny the application or continue the matter if the Applicant agreed. Commissioner Hancocks pointed out that it was not the Building Department's role to enforce the Guidelines and Commissioner Kirby agreed adding that having a response from the Building Department would not be sufficient. This is a change in use. Commissioner Gault said he would support a continuance only if the Applicant is willing to work on the deficiencies. While stating that a continuance would be consistent with the Commission's enforcement of the Guidelines, Commissioner Tam noted that based on the representative's comments, it did not appear that the Applicant was willing to accommodate to

the guidelines, especially the parking issues, setback and open space requirements, which were significant deficiencies. Commissioner Gault made the motion for a continuance to allow the Applicant time to work on the conformance deficiencies. Motion carried 4/2/1. The Chair and Commissioner Kirby voted no and Commissioner Imhof was excused. The Chair advised Mr. Rogers to discuss the deficiencies and remedies.

3. **MODIFICATION TO THE 1557th ZONING UNIT – ADAMS –** Application to modify a PD (Planned Development) District that allows C-N uses and auto repair business subject to Type A service station requirements, to include additional buildings and services according to a 5 year phasing plan, and **CONDITIONAL USE PERMIT, C-8275**, an application to implement the minor modification to the zoning unit, on one site containing approximately 0.30 acres, located at 18811 Lake Chabot Road, south side, corner east of Huber Drive, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084B-0502-044-00. (Continued from July 19 and August 2, 2004).

Mr. Buckley presented the staff report.

Public testimony was called for. The Applicant was not available and no other testimony was submitted. Public testimony was closed.

Commissioner Gault made the motion for a denial and Commissioner Tam seconded. The Commission voted unanimously on the motion. Commissioner Imhof was excused.

STAFF COMMENTS & CORRESPONDENCE: Mr. Bazar announced that it was possible to tour the new facility and it could be combined with the field trip to the Granite site. In response to Commissioner Tam, he indicated that the completion date was January, 2005.

CHAIR'S REPORT: None.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Gault announced the California County Planning Commission State Association Conference from November 11-13, 2004, at the Pleasanton Hilton, Pleasanton, California. He also indicated that the information on By-Laws will be mailed out at the beginning of next week.

Commissioner Ysit said he was concerned that handicap units were being eliminated during conversions. He asked if these could be maintained as handicap units. Safety issues should be considered a priority and he noted that increasing the fire protection standards in the older units would be costly but felt that safety issues should be a priority. Commissioner Gault asked if the Commission could submit comments to the Board of Supervisors for amendments to the Guidelines. Commissioner Kirby agreed that the Commission was not comfortable with the Guidelines given the changes in the code, especially life safety, energy efficiency Title 24 and seismic design issues. Commissioner Hancocks asked for the possibility of inclusion in the

