

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
MAY 5, 2003
(APPROVED MAY 19, 2003)

The meeting was held at the hour of 6:00 p.m. at 951 Turner Court, Hayward, CA

FIELD TRIP: 1:30 p.m.

MEMBERS PRESENT: Commissioners Compton Gault; Mike Jacob; Glenn Kirby; Audrey LePell

MEMBERS EXCUSED: Commissioners Lena Tam, Chair; Ario Ysit, Vice Chair

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner

FIELD TRIP: The meeting adjourned to the field and the following property was visited:

1. **2169TH ZONING UNIT AND TENTATIVE MAP, TRACT 7370 – HOFFMAN & VAUGHN FAMILY TRUST** - Petition to reclassify from a PD (Planned Development) District allowing Commercial Uses, to a PD (Planned Development) to allow nine residential units, on one site containing approximately 128 acres, located on Villareal Drive, south side, approximately 75 feet west of Clement Drive, unincorporated Castro Valley area of Alameda County, bearing County Assessor's Designation: 085A-6405-166-00.
2. **2174TH ZONING UNIT – CAREY** – Petition to reclassify from a PD (Planned Development [allowing R-1-L-B-E, One Acre m.b.s.a.]) District, to a PD (Planned Development) to allow a second dwelling unit, on one site containing approximately 2.22 acres, located at 12355 Foothill Road, north side, approximately 1400 feet west of Kilkare Road, unincorporated Sunol area of Alameda County, bearing County Assessor's designation:0096-0180-011-01.
3. **2175TH ZONING UNIT – WILLETT** – Petition to reclassify from an A-B-E (Agricultural, 320 acre m.b.s.a.) District, to a PD (Planned Development) District, to allow a second dwelling unit, on one site containing approximately 21.34 acres, located at 3522 Welch Creek Road, south side, approximately 3.87 miles east of Calavaras Road, unincorporated Sunol area of Alameda County, bearing County Assessor's designation: 0096-0110-007-00.

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Commissioners Lena Tam, Chair; Compton Gault; Mike Jacob; Glenn Kirby; Audrey LePell; Ario Ysit, Vice Chair

OTHERS PRESENT: Bruce Jensen, Assistant Planning Director, Phil Sawrey-Kubicek, Senior Planner, Brett Lucas, Planner II; Holly Janvier, Recording Secretary

There were approximately 14 people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 6:18 p.m.

ANNOUNCEMENTS BY THE CHAIR:

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** - April 7, and April 21, 2003

Kirby moved to approve the April 7 minutes as submitted. Commissioner Jacob seconded the motion. The motion was carried 6/0.

Commissioners LePell and Tam made corrections to the April 21, 2003 minutes. Commissioner, Kirby moved to approve the April 21 minutes as corrected. Commissioner Jacob seconded the motion. The motion was carried 5/0, with Commissioner Ysit abstaining.

2. **2169TH ZONING UNIT AND TENTATIVE MAP, TRACT 7370 – HOFFMAN & VAUGHN FAMILY TRUST** - Petition to reclassify from a PD (Planned Development) District allowing Commercial Uses, to a PD (Planned Development) to allow nine residential units, on one site containing approximately 128 acres, located on Villareal Drive, south side, approximately 75 feet west of Clement Drive, unincorporated Castro Valley area of Alameda County, bearing County Assessor’s Designation: 085A-6405-166-00. (Continued from April 7, 2003; continued without



discussion to May 19, 2003.)

3. **2173RD ZONING UNIT AND TENTATIVE TRACT MAP, TR-7448 – LANGON** – Petition to reclassify from an R-S-D-25 (Suburban Residence, 2,500 square foot m.b.s.a.) District, to a PD (Planned Development) District, to allow 14 single family lots, on one site containing approximately 0.97 acres, located at 377 – 407 Lewelling Boulevard, south side, approximately 265 feet west of Meekland Avenue, unincorporated San Lorenzo, area of Alameda County, bearing County Assessor’s designations: 0413-0031-005-00 and –006-00. (Continued from April 21, 2003; continued without discussion to May 19, 2003.)

4. **GENERAL PLAN CONFORMANCE REPORT – DISPOSAL OF WATERSHED PROPERTY BY EAST BAY MUNICIPAL UTILITY DISTRICT:** Request by the East Bay Municipal Utility District (EBMUD) for a General Plan Conformance Report under Government Code Section 65402 for the disposal of a 7.8 acre property located near Cull Canyon Road, approximately 6,000 feet south of the northern terminus of Cull Canyon Road, designated.

Commissioner Tam said that staff had asked that Item 4 be moved to the Regular Calendar. She added that she would recuse herself from that discussion and vote.

Commissioner Kirby moved to approve Items 2 and 3 on the Consent Calendar as recommended by staff. Compton seconded the motion. The motion passed 6/0.

Mr. Jensen stated that the staff report for item 4 stated that the site was zoned Rural Residential, but was in error. The area where this site is located is now in the Measure D area and must have 100 acres to build. He asked that East Bay Municipal Utility District (EBMUD) be informed of this fact.

Commissioner Kirby said he didn’t see why a private party would want this property, and didn’t understand why this was coming to the Commission. Mr. Jensen didn’t know why either. Mr. Kirby said he didn’t see the benefit to EBMUD or a buyer, since this wasn’t buildable. Mr. Jensen said it could be if it the buyer were to obtain an easement. Commissioner Kirby asked if a single-family residence could be built there. Mr. Jensen felt that one home could be built.

Commissioner LePell asked if Commissioner Kirby wanted a continuance. Commissioner Kirby said this sale was being exempt from CEQA, but could have an impact with Measure D, so he couldn’t vote for approval. Commissioner LePell asked if other public agencies had been offered the opportunity to purchase this site, since they usually have first bid. It didn’t look like this had happened, so she couldn’t support this either.

Commissioner Ysitt felt they couldn’t take a vote because this wasn’t originally on the Regular

Calendar, and no one had been noticed. Commissioner Gault moved to notice this and move it to another agenda. Mr. Jensen restated that this was only to decide if the sale was in conformance with Measure D. Commissioner LePell seconded the motion. Commissioner Gault amended his motion to included providing answers to the Commissions concerns by staff. Commissioner Jacob added to check whether an easement could be placed according to the original land partition. Commissioner Gault added this concern to the list. Commissioner LePell amended her second. The motion passed 5/0/1, with Commissioner Tam abstaining.

REGULAR CALENDAR:

5. **2147TH ZONING UNIT - BANDUCCI/CORBETT/BARTLETT -**
Petition to reclassify from an A (Agricultural) District to an A-CA (Cultivated Agricultural) District, one site containing approximately 361.0 acres, located at 8125 Crane Ridge Road, south side, approximately 0.25 miles southeast of Greenville Road, unincorporated Livermore area of Alameda County, bearing County Assessor's designations: 099A-2100-013-00, -014-01 and -014-02. (Continued from April 21, 2003.)

Mr. Jensen presented the staff report. Commissioner LePell asked if the water transfer would definitely be available. Mr. Jensen said the transfer approval had been granted by Zone 7. Commissioner LePell felt that when the land trust is expanded there would be fees levied. Mr. Jensen said he didn't believe individual fees were imposed when the land is brought in, but it happened when the land was subdivided. Commissioner LePell asked if the Commission would see the subdivision project. Mr. Jensen said he didn't think so, it would likely be decided by the Planning Director. Commissioner Kirby said he believed the applicant should pay for any expansion costs, and that should be included in any approval. Mr. Jensen said the applicants could address this. Public testimony was called for.

Mr. Banducci said they would work with the land trust to cover expenses. He said Mr. Corbett had provided the turn out and pipes to irrigate the property. Commissioner Kirby asked if the applicants would agree with a caveat that the stewardship fees would be recoverable by the Land Trust.

Commissioner Tam asked about the water transfer. Mr. Banducci said they had purchased the water as agreed by Zone 7. Commissioner Kirby asked if the water capacity was actually there on site, and not transferred. Mr. Banducci said the transfer was between lots owned by Mr. Corbett and Mr. Bartlett, so were on the site. Commissioner LePell asked if there was a stream on the site. Mr. Banducci said there was. Commissioner LePell informed Mr. Banducci that there various agencies were looking a putting together a Stream and Creek Ordinance, so there may be some restrictions in the future. Public testimony was closed.

Commissioner Kirby said they visited the site last year. He felt it was suitable to add to the South Livermore Area Plan. He said he supported the project with the addition that the

that the conditions of approval for the Map would be more specific to address these issues. Commissioner LePell still felt the twelve feet was too narrow. Ms. Adessanya said twelve feet was the minimum, but within the perimeters set by the Fire Department. Commissioner LePell voiced concern that two vehicles could not pass. Public testimony was called for.

Mr. and Mrs. Ayala said the Fire Department told them they could use sprinklers in the home on the rear lot to meet requirements. Commissioner Kirby asked if they were expanding the Oro Loma pipeline to the rear border of their lot. He asked if the Ayalas if they would mind extending the line in order to have access for the lots to the rear of their property in the future. Ms. Ayala said the sewer district annexed them because their neighbors had connections. She said Oro Loma did this on a case-by-case basis. Commissioner Kirby said the residents struggle with sewer connections in Fairview. He said he would like to provide for later use for the future rear neighbors to negotiate with Oro Loma and the Ayalas for connection. He said the pipe could be out of the way of the house footprint. Ms. Adessanya said the sewer went out to Clover Road. Commissioner Kirby said he believed that was just the water pipe, not the sewer. The Ayalas and that they would agree to extend the pipe, and negotiate with future residents to the rear. Commissioner Jacob clarified that this wouldn't be of any cost to them, and they could negotiate whenever a future lot owner wished to hook up to the pipe running through the Ayala property. Commissioner LePell said the Commission likes to discourage septic systems near housing areas. Public testimony was closed.

Commissioner Kirby moved approval per staff recommendation with a condition that the easement by Oro Loma be extended to the eastern boundary for possible future annexation of the lots to the east. Commissioner Gault seconded the motion. Commissioner LePell expressed concern regarding there not being a condition for drought tolerant plants. Ms. Adessanya said it would be addressed in the conditions for the Parcel Map. Commissioner Kirby amended his motion to add encouraging drought plantings in the conditions of the Parcel Map. Commissioner Gault amended his second. The motion passed 6/0.

8. **2174TH ZONING UNIT – CAREY** – Petition to reclassify from a PD (Planned Development [allowing R-1-L-B-E, One Acre m.b.s.a.]) District, to a PD (Planned Development) to allow a second dwelling unit, on one site containing approximately 2.22 acres, located at 12355 Foothill Road, north side, approximately 1400 feet west of Kilkare Road, unincorporated Sunol area of Alameda County, bearing County Assessor's designation:0096-0180-011-01.

Mr. Jensen presented the staff report. Commissioner Kirby said it looked like this site was once going to add streets, since there were "Paper Street" on the map. He asked if this was recorded with these paper streets. Mr. Jensen said it was put on paper by a banking firm before the County had Parcel Maps, and felt the eight sites could never be developed. Commissioner Kirby asked if these maps could be removed. He said if there was a way to remove these from future speculation, he would like this looked at.



Commissioner Tam said the water tank held 5,000 gallons of water, and 10,000 gallons were required by the Fire Department. She asked if there was a well to make up the difference. Commissioner Ysit said there was a well. Commissioner LePell brought the lack of a condition for drought tolerant plants up and asked that that the Planning Director address it. Public testimony was called for.

Mr. Carey said he was surprised at the paper streets also, but understood that was how things were done at one time. Commissioner LePell asked if they spoke to Zone 7. Mr. Carey said San Francisco Water provided water. He said they were working with Fire and Health to split the lot when staff from Planning told them to consult Measure D. They found they couldn't divide the land as they had originally planned, and went for the secondary unit instead. Commissioner LePell asked about drinking water. Mr. Carey said water would be provided by San Francisco Water District. Public Testimony was closed.

Commissioner Jacob moved staff recommendation. Commissioner Gault seconded the motion. Commissioner LePell asked to have added the condition on drought tolerant plants to Condition 4, Commissioner Jacob amended his motion to reflect this. Commissioner Gault amended his second. The motion was carried 6/0.

9. **2175TH ZONING UNIT – WILLETT** – Petition to reclassify from an A-B-E (Agricultural, 320 acre m.b.s.a.) District, to a PD (Planned Development) District, to allow a second dwelling unit, on one site containing approximately 21.34 acres, located at 3522 Welch Creek Road, south side, approximately 3.87 miles east of Calavaras Road, unincorporated Sunol area of Alameda County, bearing County Assessor's designation: 0096-0110-007-00.

Mr. Jensen presented the staff report. Public testimony was called for. Debra Willett came forward. Commissioner Gault asked about the requirement for the water tank. Ms. Willett said she would be adding a water tank. Commissioner LePell asked if Ms. Willett had spoken with Zone 7, or if she relied on well water. Ms. Willett said she used well water. Commissioner LePell asked if this well water would always be available. Ms. Willett said she believed it would, and when she first built her home, Zone 7 said they had nothing to do with her site. Commissioner LePell asked about the road to the park, and asked how it was maintained. Ms. Willett said the County maintained it.

Ms. Willett asked what the all weather road improvements mentioned in the conditions of approval were to be constructed with, and added that in a later condition, the Public Works Agency said the first 50 feet should be asphalt. She was confused. There was a general discussion on whether the two comments were in conflict. Mr. Jensen said one usually took the more stringent, which would be asphalt. He suggested talking with Public Works, and trying to convince them to use compacted gravel, which Ms. Willett preferred. Commissioner Tam said

There being no further business Commissioner LePell moved to adjourn the meeting at 8:50 p.m. Commissioner Gault seconded the motion. The motion was carried 6/0.

JAMES SORENSEN - PLANNING DIRECTOR
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY