

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JUNE 2, 2003
(APPROVED JUNE 16, 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 Lena Tam, Chair; Audrey LePell

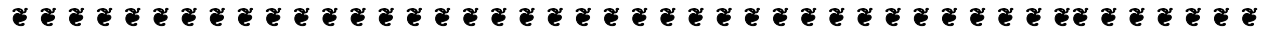
MEMBERS EXCUSED: Commissioners Compton Gault; Mike Jacob; Glenn Kirby; Ario Ysit, Vice Chair

OTHERS PRESENT: Ronald Gee, Senior Planner

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

1. **2172ND ZONING UNIT – KOZAKURA/DOAN** – Petition to reclassify from a C-N (Neighborhood Business) District to a PD (Planned Development) District, to allow three single family residences on one site containing approximately 0.56 acres, located on Crow Canyon Road, west side, approximately 190 feet west of Greenridge Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 0085-5300-013-01.
2. **2176TH ZONING UNIT – NAVARRO** – Petition to reclassify from an R-1-SU (Single Family Residence , Secondary Unit Overlay) District, to a PD (Planned Development) District, allowing a second dwelling, on one site containing approximately 0.20 acres, located at 20381 Haviland Avenue, west side, approximately 205 feet north of Cherry Way, unincorporated Hayward area (Cherryland) of Alameda County, bearing County Assessor's designation: 0429-0014-021-00.
3. **2178TH ZONING UNIT – SIMONS** – Petition to reclassify from an R-1-B-40 (Single Family Residence, 40,000 Square Foot m.b.s.a.) District to a PD (Planned Development) District, to allow a second dwelling, on one site containing approximately 2.69 acres, located at 664 Happy Valley Road, north side, approximately .42 miles west of Alisal Street, unincorporated Pleasanton area of Alameda County, bearing County Assessor's designation: 0949-0007-014-04.

CLOSED SESSION: 6:00 p.m.



Time: 6:00 p.m.

Place: 951 Turner Court, Hayward, California

**REPORT BY RICHARD WINNIE, COUNTY COUNSEL, ON THE
STATUS OF THE REDWOOD CHRISTIAN SCHOOL LITIGATION**

Due to an error on the Agenda, the heading reading “Closed Session” was omitted from the Agenda. Although it was noted on the Agenda that the Regular Meeting would follow the Closed Session, members of the press felt there wasn’t proper notice given. The Commission Agreed, so the Closed Session was postponed.

Richard Winnie, County Counsel, apologized about the noticing. He asked for a list of items, which the Commission would like him to discuss at the next meeting. He said he could speak of other litigation items including Measure D. He said that in public session he could address other issues, which did not involve legal strategy.

Commissioner LePell spoke of the previous application and the process (see item #4 below.). She asked if there was a policy for the sale of property. Commissioner Tam wanted the Castro Valley Municipal Advisory Council invited to the meeting. She said she would talk to the Chair about it. Mr. Jensen asked Mr. Winnie if that was possible. Mr. Winnie said he would have to check it out. The meeting might have to be separately noticed on a MAC agenda. Commissioner Jacob said he wasn’t named in the Redwood Christian School litigation, since he wasn’t a member at that time. Mr. Winnie said the Commission as a body was named.

REGULAR MEETING: 6:00 p.m.

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

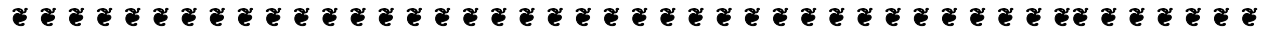
OTHERS PRESENT:, Bruce Jensen, Assistant Planning Director, Ronald Gee, Senior Planner, Richard Winnie, County Counsel; Holly Janvier, Recording Secretary

There were approximately seven people in the audience.

CALL TO ORDER:

The Chair called the meeting to order at 6:02 p.m.

ANNOUNCEMENTS BY THE CHAIR: There were none.



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. (Continued from May 19, 2003.)

This item was taken before Mr. Winnie’s comments above, due to his late arrival. Commissioner Tam recused herself and turned the gavel over to Commissioner Ysit. Mr. Jensen presented the staff report. Commissioner LePell asked about offering the land to public agencies. She said the process of offering surplus property to public agencies first, should be followed in order to gain her affirmative vote. She asked if one of the adjacent neighbors had offered to buy the property. Mr. Jensen said that he had been told one of the adjacent owners had made an offer. Commissioner Ysit reiterated that this would have to go to public agencies first. Commissioner Jacob moved staff recommendation. Commissioner LePell asked to have a statement regarding public agencies having first refusal added to the motion. Commissioner Jacob amended his motion to add another “whereas” to the resolution reflecting that the property would be offered to public agencies first, as prescribed by State law. Commissioner LePell seconded the motion. The motion carried 6/0.

- 5. **2172ND ZONING UNIT – KOZAKURA/DOAN** – Petition to reclassify from a C-N (Neighborhood Business) District to a PD (Planned Development) District, to allow three single family residences on one site containing approximately 0.56 acres, located on Crow Canyon Road, west side, approximately 190 feet west of Greenridge Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor’s designation: 0085-5300-013-01.

Mr. Gee presented the staff report. He went over the Conditions of Approval, which he distributed that evening. Commissioner LePell asked about the orientation of the homes. Mr. Gee said there was a map in the staff report showing the layout. The homes would be along the cul-de-sac. Commissioner LePell asked where on the map would the start of the 20-foot setback be. Mr. Gee pointed it out. Commissioner Kirby said the lots were in the setback but the footprint for the homes were not. Commissioner Tam said she understood there would be curbs and gutters installed. She asked where the boundary of the no-build zone would be. Mr. Gee pointed it out. He added that the Public Works Agency had no problems with the setbacks. Public testimony was called for.

The applicants came forward. Mr. Hoahn said he had lived and worked in San Francisco, but had bought the site in Castro Valley and wanted to move there. He said he would use public transportation to get to work. He went on to speak of the value of the Castro Valley area to the applicants, including the good schools. He added that he and the other applicants intended to live in the homes and retire there. Commissioner Ysit asked if the applicants had received a copy of the Conditions of Approval. Mr. Gee said they had. He added that according to the Ordinance, permission could be granted to build in the setback.

Commissioner LePell asked about the square footage from the no-build line. Mr. Gee said it was 2600 feet. Commissioner LePell said she was not prepared to vote for a project with buildings beyond the no-build line without a comment from the Director of the Public Works Agency, stating that it would now be a problem to the creek. She added that she did not like the parking in the no-build zone. She said she had recently been working on stream setback language. She felt that there was too much building at that site.

Howard Beckman of San Lorenzo said he would like a copy of the Resolution accompanying staff reports in the future. Regarding the creek, he said the Friends of San Lorenzo Creek were organized to take a look at more than building around the creek. He felt the determination of the minimum creek setbacks had yet to be decided. He was also concerned about slope being taken into account. He felt areas with slope should have greater setbacks. He said he didn't understand why the Castro Valley Municipal Advisory Council felt taking the commercial property for residential was a good thing. He said this is the reversal of the Arbor Avenue property in Hayward, that changed residential property to commercial, which the Commission had heard a few months ago. He noted that the parcel was zoned both commercial and residential. He said he didn't buy that. Public testimony was closed.

Commissioner Gault moved staff recommendation. Commissioner Ysit seconded the motion. Commissioner LePell said she would vote against the application. She said she wanted to hear from the Public Works Agency on any creek projects in the future. She felt this project needed to be looked at further. She supported homes, but didn't like the design. Commissioner Kirby said he didn't like what they were being asked to approve because of the same reasons Commissioner LePell mentioned. He further stated that he had traffic issues.

Commissioner Jacob said he had concerns about the landscaping. He felt trees would eventually be planted in the right-of-way, and wanted something else, which could be easily maintained. He asked to have a condition that no trees would be planted in the right of way or line of sight on Crow Canyon Road included in the motion. Mr. Gee said that would be something to include in the Parcel Map. Commissioner Jacob said he wanted specific language for no trees in the right-of-way.

Commissioner Gault amended his motion to add that no trees be planted within the 20-foot setback or within the 30 feet from the cul-de-sac in the line of sight on Crow Canyon Road. Commissioner Ysit amended his second. Commissioner Tam noted that the Resolutions were usually included in the packets with the staff reports. She asked what was happening with this project. Commissioner Tam asked to get a copy of the Resolution to Mr. Beckman. She added that the motivating factor for the Castro Valley Municipal Advisory Council was that if this had stayed commercial, there would be an increase in traffic, and there was a lot now with the mini-mart nearby. Mr. Gee said there were complaints about the mini-mart nearby already.

Commissioner Tam asked if the creek review and soils study recommended by the Public Works Agency would be included. Mr. Gee said the conditions state that the recommendations of the Public Works Agency would be included, which would be for grading and drainage issues. Commissioner Tam asked for that. She wanted to be assured there was 150 feet from the no-

build zone to the edge of the creek. Mr. Gee said that for any study done in the future the footage would be established. Commissioner Gault said that the map showed over 150 feet. Mr. Gee said this was to the centerline of the creek. The footage might be a little less from the edge of the creek. Commissioner Gault amended his motion to add a condition for meeting grading and drainage requirements by the Public Works Agency. Commissioner Ysit amended his second.

Commissioner Jacob wanted to make sure there would be a 100-foot buffer from the creek to the development. Mr. Jensen clarified that there may be slightly less than 100 feet. Commissioner Jacob asked if the buildings themselves would be over 100 feet. Mr. Jensen said that was correct. Commissioner LePell asked for an extension for two weeks for answers from the Public Works Agency Director. She felt there were too many unanswered questions. Commissioner Kirby wasn't sure about that. He said one way to view the 20-foot setback would be to protect the setback from the creek. He felt the buffer was part of the riparian corridor. He added that there would be a considerable impact due to the configuration of the project.

Mr. Gee said that the Land Development Division reviewed the project. They assured him at that time that the applicants would be able to build the project by meeting the minimum requirements. They would have drainage going to the street, not the creek. Mr. Gee stated there were developments built even closer to the creek on both sides of this site. The motion passed 4/2, with Commissioners Kirby and LePell voting no.

STAFF COMMENTS & CORRESPONDENCE: There were none

CHAIR'S REPORT: There was none

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:

Commissioner Tam said that the Commission had received a thank you note from former Commissioner Edwards, thanking them for the dinner and serving with them. Commissioner Ysit indicated that Commissioner Edwards seat had not been fill as yet, as Supervisor Haggerty was waiting for a decision to be made regarding the Governance issue before them.

Commissioner LePell said she had attended a meeting that unveiled plans for improvements on Hesperian Boulevard, from A Street to near the San Leandro border.

Commissioner LePell noted that she had been asked by Mr. Sawrey-Kubicek to represent the Planning Commission on a committee to decide where to spend Park Dedication Fees. A decision was made to grant \$80,000. to the Hayward Area Recreational District for installation of amenities to the Mervin Morris Park.

Commissioner Kirby said he would be interested in discussing State legislature on secondary units, which would be taking effect on July 1, of this year. He wanted to know the implications. Mr. Jensen said that Planning was working on this subject. He said the County could not make secondary units discretionary; they would become ministerial. Each City and County would

