

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
SEPTEMBER 15 2003
(APPROVED OCTOBER 6, 2003)

The meeting was held at the hour of 1:30 p.m. at 224 West Winton Avenue, Room 160, Hayward, CA

FIELD TRIP: 11:00 p.m.

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

MEMBERS EXCUSED: Commissioner Glenn Kirby

OTHERS PRESENT: Brett Lucas, Planner II

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

1. **2088TH ZONING UNIT - EVILSIZOR/LIPPITT** - Proposal to reclassify one site containing approximately 1.03 acres from a PD (Planned Development) District [2048th Zoning Unit allowing R-S-D-20 (Suburban Residence, 2,000 square feet m.b.s.a. per dwelling unit) and commercial office use in an existing single family dwelling and detached garage permanently] to a PD (Planned Development) District allowing construction of a 24 unit apartment building, located at 2033 Miramonte Avenue, northwest side, approximately 200 feet northeast of Foothill Boulevard, unincorporated San Leandro area of Alameda County, bearing County Assessor's designation: 80A-0202-012-11.
2. **2177TH ZONING UNIT – RAMIREZ** – Petition to reclassify from an R-1 (Single Family Residence) District to a PD (Planned Development) District to allow construction of an addition to a converted, detached garage as a second dwelling, on one site containing approximately 0.13 acres, located at 1178 Grove Way, north side approximately 50 feet southwest of Ocean View Drive, unincorporated Hayward area (Cherryland) of Alameda County, bearing County Assessor's designation: 0414-0081-067-00.
3. **2180TH ZONING UNIT – MAYO** – Petition to reclassify from an R-1-SU (Single Family, Secondary Unit) District, to a PD (Planned Development) District, in order to construct a single family residence over a secondary unit and garages, on one site containing approximately 0.18 Acres, located at 1523 Plaza Drive, west side, approximately 29 feet north of 156th Avenue, unincorporated San Leandro (Ashland) area of Alameda County, bearing County Assessor's designation: 0080-0033-023-00.



REGULAR MEETING: 1:30 p.m.

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

OTHERS PRESENT: James Sorensen, Community Development Director; Chris Bazar, Planning Director, Bruce Jensen, Senior Planner, Phil Sawrey-Kubicek, Senior Planner, Brett Lucas, Planner II; Karen Borrmann, Public Works Agency Liaison; Ron Torres, Environmental Health; Holly Janvier, Recording Secretary

There were approximately fifteen people in the audience.

CALL TO ORDER:

The Chair called the meeting to order at 1:35 p.m.

ANNOUNCEMENTS BY THE CHAIR: Commissioner Ysit reminded the Commissioners to return their conference registration forms to Ms. Janvier as soon as possible, in order to be registered for the November conference in time.

The Chair announced that item #8 would be continued to October 20. No one wished to speak on the application.

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 - July 21, 2003**

Commissioner Kirby made corrections to the minutes. Commissioner Kirby moved to approve the minutes as corrected. Commissioner Imhof seconded the motion. The motion was carried 6/0/1, with Commissioner Gault abstaining.



2. **2125TH ZONING UNIT - ANDERSON** - Petition to reclassify from a PD (Planned Development, ZU-1762) District **allowing single family residences** to the R-S-D-15 (Suburban Residence, 1,500 square feet M.B.S.A.) District in order to allow up to 50 apartment units, on one site containing approximately 2.04 acres, located on Miramonte Avenue, southeast corner, northeast of Saratoga Street, unincorporated San Leandro area of Alameda County, bearing County Assessor's designation: 80A-0199-001-05. (Continued from July 7, 2003; to be continued indefinitely.)

3. **2146TH ZONING UNIT - MARCHAND** - Petition to reclassify from the R-1-L-BE-CSU-RV (Single Family Residence, Limited Agricultural, five acre minimum building site area, 100 feet median lot width, 30 feet front yard, Conditional Secondary Unit, Recreational Vehicle Regulation) District, to a PD (Planned Development) District, allowing a 1280 square foot secondary unit, on one site containing approximately 11.45 acres, located at 8600 Oak Tree Lane, southwest side, approximately 340 feet southeast of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 085-5000-001-19. (Continued from August 18, 2003; continued without discussion to November 3, 2003.)

4. **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. (This application has been withdrawn by the applicant.)

Commissioner Gault moved to approve the remainder of the Consent Calendar as recommended by staff. Commissioner LePell seconded the motion. The motion was carried 7/0.

REGULAR CALENDAR:

5. **HOUSING ELEMENT** - (Continued from July 21, 2003.)

Mr. Bazar presented the staff report. He pointed out five new sites that had been identified. One in Hayward, and four in Castro Valley. He introduced Diana Elrod, consultant for the project. She went over the list of the updates and sections of the proposed Housing Element. Commissioner Kirby said he had a problem with linking density with income level. They could get projects that are high density, but not lower income. He asked if there was another way to get the lower cost housing besides using density. Mr. Bazar agreed that they couldn't guarantee

lower income with high density. Ms. Elrod said subsidies were available for providing lower income housing. She pointed out other areas where incentives were offered in the Element. Commissioner Kirby said he hoped some of the other uses would be available for providing lower income housing. Public testimony was called for.

Dennis Botelho of Castro Valley said that he had a problem with the fact that the community asked for certain changes, and they had not been addressed. He said the homeless shelters were still a problem area. County had told him that the homeless shelters were a state mandate and after he had talked to the State, had found out that the County regulated them. He also said he didn't like the idea of relaxing the building standards for lower income housing. He asked why the Unincorporated Services Committee wasn't hearing this final proposal as they were told they would. Commissioner LePell asked Mr. Botelho if he was at the meeting last Wednesday. Mr. Botelho said that he was a BZA Board Member and was unable to attend, as were several other Board Members, because they had a hearing that evening.

Mr. Bazar said the homeless shelters had been changed some and regarding the changing of setbacks and heights, if that were to be asked for by a developer, it would be brought to the community for comment at a public hearing. This document was only a guideline; it didn't put homes on the ground. Commissioner LePell asked if the community input was sufficient. Mr. Bazar said he felt the inventory was well commented on. Commissioner LePell asked if there would be a problem in bringing the proposed Final Housing Element to the Unincorporated Services Meeting before bringing it up to the Board of Supervisors next month. Mr. Sorensen said he didn't feel that anything new would be said, since community people don't show up to those meetings except for the same people like Mr. Botelho, Mr. Beckman, etc. He suggested getting their problems resolved that day. Ms. Elrod said that homeless shelters would no longer be in single family areas. They would only be allowed in medium to high-density areas.

Charles Snipes of the Fairview Community Club, said his concern was the homeless housing. He said it didn't seem there was any restriction on this. Mr. Bazar said the use was permitted but they could condition it. Commissioner Kirby said that if it were a permitted use, the conditions would be what were decided between the applicant and staff. He said they wouldn't need a hearing. Mr. Bazar said the only difference in this document and the one they have now is the word "transient" was removed and "industrial zone" was added. Commissioner LePell asked if a building permit would be needed to build anything. Mr. Bazar said it would.

Howard Beckman of San Lorenzo agreed with Mr. Botelho, and added that this hearing should have been held as an evening meeting. He said it had been a policy that these type meetings are held at night. He added that the community was given less than a week to see the final document and there was no indication of where changes were made to make it easier to find the changes. He said the only reason the State has stepped in to demand affordable housing be because the cities and counties didn't do it. He said there are discrepancies about what the County says the State demands and what the State really demands. He noted that the Community Development Agency has received a lot of flack on this Element. They say it doesn't implement anything. He felt it was important to implement policies. He said by keying lower income housing to high density and transit oriented areas, this was placing the least desirable housing in most desirable

commercial areas. He said the housing would interfere in commercial areas where the community wants to see commercial developed.

Suzanne Barba said she had been at ABAG meetings. She said there were dilapidated sites not on the inventory. She felt the Castro Valley Municipal Advisory Council should have taken clipboards and found the sites. She didn't see any collation between redevelopment and housing, or school impacts in the proposed Housing Element.

Commissioner LePell said she opposed housing in an industrial area. She suggested it be left out. Mr. Bazar said staff was trying to find places where shelters wouldn't be around single family homes. He said there were areas in San Francisco where this worked well. He said this was for emergency housing only, not for permanent housing. Commissioner Kirby said this came up with day care facilities in industrial areas. There were problems where sensitive receptors might come into contact with people. While he felt housing there was good, certain housing shouldn't be there. Commissioner LePell asked about funding dates and agreed with Mr. Beckman that meetings of this type should always be at night. She felt it should be a policy. She also agreed that the County needed to allow more time for response to staff reports and documents in the future. She added that there was an impact with transportation, but felt it could be mitigated.

Commissioner Jacob moved the staff recommendation removing the words "industrial areas" from the homeless shelter section. Commissioner Kirby seconded the motion. Commissioner Tam said she appreciated identification of additional sites being found in excess of the prior inventory. She said it did not mean houses would be built without going through the process. Commissioner Jacob said he felt there should be a circulation element to help understand things. The motion was approved 7/0.

6. **2178TH ZONING UNIT B SIMONS B** Petition to reclassify from an R-1-L-B-E (Single Family Residence, 5 Acre 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. (Continued from August 18, 2003.)

This application was heard before Item #5. Mr. Sawrey-Kubicek presented the staff report. Commissioner Tam asked about monitoring of the septic system. Mr. Torres said they were working on a new system for monitoring the septic systems and it would be a part of this septic system's monitoring. Commissioner Kirby asked if this new monitoring would be for new systems only, or for all systems. Mr. Torres said they were currently looking at a realistic approach of looking at the soils in monitoring. They had been applying this to all the systems. They look at the soil to decide on the best systems for each site. They can use this proposed type of septic system on sites that normally couldn't support the old type of system. Commissioner Kirby asked about the current moratorium on new septic systems. Mr. Torres said the

moratorium had started because of high bacteria and nitrates being produced. Over the past 10 years the conditions have been improved to allow for this new type of septic system. They are looking at these applications of a case by case basis. Commissioner Kirby said neighbors believe that there is a moratorium. He asked if materials would be sent out to educate neighbors about changes proposed for updating the ordinance. Mr. Torres said there would be materials sent out.

Mr. Imhof asked how many wells in the area had been monitored. Mr. Torres said they didn't usually monitor all of them, but have spot information on most parcels that have applied for permits. Mr. Imhof asked what the state standard for nitrates was. Mr. Torres said 40 particles per million was the drinking water standard. He said he only had seen two wells that exceeded that. Mr. Imhof said if this project were approved, it would set a precedent, and would result in the same problems that caused the moratorium, since the amount was so close to the limit. Mr. Torres said that a lot of the wells back when the moratorium was put in were not constructed with the technology of today. In high nitrate areas, they might have to look more closely at approving septic systems on some sites. Mr. Imhof asked if the problem might not return 10 years down the road. Mr. Torres said that with the application before them, the nitrates would be reduced 85%. Commissioner LePell said that they had usually discouraged septic systems. Mr. Torres said they had, but the new systems were much improved over the old ones.

Commissioner Kirby asked about public water verses well water problems. Mr. Torres said in areas such as Sunol, there would be a lot more problems without the public water. Public water areas tended to monitor usage more. He added that if one could connect to public systems, they encouraged it. Commissioner Kirby said the Commission did also. He asked if Mr. Torres had visited the site. Mr. Torres said he had. Commissioner Kirby asked if it was feasible to use the second system for both homes. Mr. Torres said they could look into that.

Commissioner Tam asked about the golf course system. Mr. Torres said the regional board made the recommendations for that project. Commissioner Tam asked what would happen if the water exceeded 45 parts on a neighboring well after this system was set in. Mr. Torres said they would have a monitoring program in effect to help with that, but he believed that with the safeguards in place, they could avoid that. Commissioner Ysitt said this would be precedent setting. He asked what would happen if the nitrates rose in the area and wells were contaminated. Mr. Torres said they have looked at how these systems work in other counties and they seem to work well. Commissioner Ysitt asked how they address contamination after the fact. Mr. Torres said that there are treatments that could be used. Mr. Torres re-stated that they look at the applications on a case by case basis.

Commissioner Gault said he had concerns over cumulative effects. He asked how the increase in levels could be treated. He asked how long it would take for nitrates to increase to make water bad. Mr. Torres said he couldn't say. He said he had seen a memo considering lifting the moratorium in Happy Valley. Commissioner Gault said that over time this would have an effect. Commissioner Kirby asked if there was a maximum setback for the systems. Mr. Torres said there wasn't. Mr. Imhof asked how many of these systems had been put in the County. Mr. Torres said about 10 in the past 3-5 years. Mr. Imhof asked if they had been monitored. Mr.

from a new system would be better. Regarding precedent, if they approved this type of unit, it would encourage new systems or replacements to be the new cleaner system. Commissioner Kirby moved denial, but stated that he would support the project if both homes could share the same system. Mr. Imhof seconded the motion. Commissioner LePell asked they amend the motion to continue the project until there was a similar plan with one septic system. Commissioner Tam asked if they could conditionally approve the project, calling for one septic system. Mr. Jensen said they could. Commissioner Kirby withdrew his first motion and moved for approval of the second unit with a condition that both units use one septic system. Commissioner Gault seconded the motion. The motion was carried 7/0.

7. **2088TH ZONING UNIT - EVILSIZOR/LIPPITT** - Proposal to reclassify one site containing approximately 1.03 acres from a PD (Planned Development) District [2048th Zoning Unit allowing R-S-D-20 (Suburban Residence, 2,000 square feet m.b.s.a. per dwelling unit) and commercial office use in an existing single family dwelling and detached garage permanently] to a PD (Planned Development) District allowing construction of a 24 unit apartment building, located at 2033 Miramonte Avenue, northwest side, approximately 200 feet northeast of Foothill Boulevard, unincorporated San Leandro area of Alameda County, bearing County Assessor's designation: 80A-0202-012-11.

Mr. Lucas presented the staff report. Commissioner LePell said she had had serious problems with this project when it was first heard. She thought the historical report was adequate but not complete. It gave a lot of Native American history of the area, but didn't discuss the particular site as much. She found the house on the site a beautiful example of a Craftsman house, and didn't felt the Consultants did a very good job of researching the architectural history of the house and grounds.

Public testimony was called for. Ms. Suzanne Baker the archaeological and historic consultant said they had searched extensively and could find nothing historic about this site. She said she couldn't prove historic relevancy without documentation. They believed there was no historic relevance. Commissioner Tam agreed with Commissioner LePell that historical beauty was in the eye of the beholder, and felt the assessment was harsh. She asked if the home could be incorporated into the proposed development.

Bill Kostra the historic architect, said Ms. Baker had done a title search and referenced the owners to any historic person or event. She couldn't find any. Regarding the architecture, he said the interior had some very nice things, like the doors and the staircase. He didn't feel it could be called a Craftsman house. He felt the stone wall along the drive was the best thing about the outside. Commissioner LePell commented that the beautiful architectural features of the house had been overlooked, and added that the home was a Craftsmen house.

Commissioner Kirby asked if there was any ordinance to help with dismantling the house and diverting the parts instead of demolishing it and sending it to a landfill. Mr. Jensen didn't think

there was. Ms. Borrmann said that only County projects and the Castro Valley Sanitary Districts had a diversion policy. Commissioner LePell thanked the Parks Recreation and Historic Commission for taking a stand in declaring the home historic. She said she disagreed with the architect. She said the tiles in the kitchen were beautiful. She said the stained glass was beautiful, and she found the portico beautiful. She mentioned the servants quarters above the garage. She also admired the oak woodwork. She was also not happy with the developer wanting to remove the trees on the site.

Helen Lippitt, the applicant said she was planning on using the palm trees on the site. She said she had no objection to the paneled doors or anything else that could be preserved being saved. Public testimony was closed.

Commissioner Kirby said he could see this as an underutilized site. He moved staff approval and asked the applicant to consult with Waste Management to save and divert whatever parts they could of the home and added a condition that the palm trees be used on site as part of the landscaping. Commissioner Gault seconded the motion. Commissioner LePell said she would be voting against the project. The Motion was carried 6/1, with Commissioner LePell voting no.

8. **2177TH ZONING UNIT – RAMIREZ** – Petition to reclassify from an R-1 (Single Family Residence) District to a PD (Planned Development) District to allow construction of an addition to a converted, detached garage as a second dwelling, on one site containing approximately 0.13 acres, located at 1178 Grove Way, north side approximately 50 feet southwest of Ocean View Drive, unincorporated Hayward area (Cherryland) of Alameda County, bearing County Assessor’s designation: 0414-0081-067-00. (Continued from August 18, 2003.)

This application was continued without discussion until October 20, 2003.

9. **2180TH ZONING UNIT – MAYO** – Petition to reclassify from an R-1-SU (Single Family, Secondary Unit) District, to a PD (Planned Development) District, in order to construct a single family residence over a secondary unit and garages, on one site containing approximately 0.18 Acres, located at 1523 Plaza Drive, west side, approximately 29 feet north of 156th Avenue, unincorporated San Leandro (Ashland) area of Alameda County, bearing County Assessor’s designation: 0080-0033-023-00. (Continued from August 18, 2003.)

Mr. Jensen presented the staff report. Commissioner Kirby said he was impressed with the innovative design of the project. Mr. Imhof asked if the drive should be off set for landscaping like the drive on the other side. Mr. Jensen said the house on the right would be removed. Mr. Imhof said the other side is next to a neighboring house, and the use of the driveway might disturb the neighbor. Mr. Jensen said they were proposing switching the driveways, and thus

could accomplish what Mr. Imhof was proposing.

John Ploss the Architect explained the reason he had planned the driveways the way he had. He said the applicant would work with either way. Commissioner Kirby said he would still like to move the parking place away from the intersection, and moved for approval per staff recommendation. Mr. Imhof seconded the motion. Commissioner LePell asked about the setbacks. She didn't want the neighborhood overwhelmed. The motion was carried 7/0.

STAFF COMMENTS & CORRESPONDENCE: There were none.

CHAIR'S REPORT: There was none.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:

Mr. Imhof said he had suggested to Mr. Lucas that when the Commission looked at a map, he would like to see the buildings over-laid on the original contour plan. He wanted to see the building footprint with existing landscaping. Mr. Jensen said that different applications require different plans, and they did not always get a contour plan, but they would try.

Commissioner Kirby and Commissioner LePell indicated that they needed conference registration forms.

Commissioner LePell reported that the new Tree Ordinance went to the Board of Supervisors for the first reading, and was adopted. The second reading would be in a few days.

ADJOURNMENT:

There being no further business Commissioner LePell moved to adjourn the meeting at 5:35 p.m. Commissioner Imhof seconded the motion. The motion was carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY