

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
FEBRUARY 5, 2007
(APPROVED FEBRUARY 20, 2007)

FIELD TRIP: 1:30 p.m.

MEMBERS PRESENT: Commissioners Glen Kirby, Frank Imhof and Kathie Ready.

MEMBERS EXCUSED: Commissioners Ken Carbone, Richard Hancocks, Mike Jacob and Alane Loisel.

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:

OTHERS PRESENT: Jana Beatty, Senior Planner.

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone, Vice-Chair; Richard Hancocks; Frank Imhof; Mike Jacob; Glenn Kirby, Chair; Alane Loisel and Kathie Ready.

MEMBERS EXCUSED: None

OTHERS PRESENT: Steven Buckley, Assistant Planning Director; Karen Borrmann, Public Works Agency Liaison; Brian Washington, County Counsel's Office; Maria Palmeri, Recording Secretary.

There were approximately 15 people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:00 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: The Chair announced that items 1, 3 and 6 on the regular calendar are being moved to the consent calendar. Steve Buckley noted that the Tree Ordinance item is actually being pulled from the agenda and will be rescheduled to sometime in the spring and not March 5, 2007. He also noted that TR-7738, Palomares Canyon, is being continued to March 5, 2007 and TR-7866, Ghosh, is being continued to February 20, 2007.

1. **APPROVAL OF PLANNING COMMISSION MINUTES** - January 8 and 16, 2007. Commissioner Ready asked for a correction on page 6 of the January 16, 2007 minutes. Third paragraph, the motion should read 5/1 with Commissioner Hancocks dissenting. Commissioner Hancocks informed staff that he did not receive January 16, 2007 minutes.
2. **ZONING UNIT, ZU-2241 and TENTATIVE TRACT MAP, TR-7834- PAK** ~ Petition to reclassify from the R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling Unit) District, to a PD (Planned Development) District, so as to allow fifteen townhouse units with attached garages on a site of 44, 568 square feet (1.02 acres) and site-specific development standards, located at 1630 – 159th Avenue, northwest side, approximately 400 feet northeast of E. 14th Street, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0040-071-00. (Continued from November 20 and December 18, 2006; to be continued to February 20, 2007).
3. **POTENTIAL AMENDMENT TO ZONING ORDINANCE REGARDING SLURRY POND OPERATIONS IN THE UNINCORPORATED ALAMEDA COUNTY** - Consideration of the appropriateness of, and the regulation of, activities involving the construction and operation of settling ponds for ground concrete slurry, derived from highway grinding activities performed by contractors under the authorization of Caltrans or other agency. (Continued from January 8; to be continued to February 20, 2007).

The consent calendar was approved as amended 7/0, with Commissioner Jacob abstaining from vote on the minutes of January 16, 2007.

REGULAR CALENDAR:

1. **COUNTY TREE PROGRAMS** ~ Discussion of existing tree preservation ordinance, tree planting programs, and tree-related concerns related to development projects and public works – CONTINUED TO A FUTURE DATE, TO BE DETERMINED.
2. **GARAGE CONVERSIONS** – Consideration of amendments to section 17.52.955: Limitations – necessary findings for approval of conversion of garages to non-garage uses. The proposal would clarify the findings, including possible requirements that replacement garages, carports, or open parking spaces are provided, and that replacement storage be provided for other household goods often associated with garage space, and that the regulations may apply only to lots less than one acre in size.

Staff member Steve Buckley presented the staff report. This item was first discussed by the Castro Valley Municipal Advisory Council on September 11, 2006. They identified the section

of the ordinance related to garage conversions as a hindrance when considering the conversion of garages to habitable spaces. The Planning Department currently has several applications waiting for this ordinance review to be finalized. Some of the conversions were the result of illegal conversions and some were remodeling projects but they can no longer meet the ordinance requirement. Currently, due to the strict interpretation of the zoning ordinance, staff can't process the applications. The changes to the ordinance have also been reviewed by the Ordinance Review Committee.

The key options to consider are:

1. Replace parking at a one to one ratio, or require two spaces consistent with the present ordinance (unless otherwise specified by a Specific Plan or PD)
2. Garage structure, carport, or open paved area for parking
3. Replacement storage, i.e. 100 cubic feet of enclosed storage space.
4. Districts to which this ordinance should apply, i.e. larger than one acre could be exempted.

Commissioner Hancocks asked if it is 100 cubic feet or 100 square feet. Mr. Buckley stated that it is 100 cubic feet. Commissioner Hancocks mentioned that it is a lot less space than a one car garage. Mr. Buckley said it would be much like a cabinet 8 feet tall, 12 feet long, 1 foot deep. Commissioner Imhof asked if covered parking could mean by a tent or other temporary facility. He stated that they should not be portable structures. Discussion ensued on temporary parking structures. The Chair suggested that if you request shingles on the structure to match the ones on the house, it should eliminate any other possibilities. Consensus was that the parking structure should be permanent, no temporary structures should be allowed. Discussion ensued on parking space and if it should be covered or uncovered.

Commissioner Ready recommended that parking replacement should be 1:1, can be uncovered or covered, on permanent pavement, if covered then in a permitted/compatible design structure, should be located outside of required yards, plus household storage of 800 cubic feet (eg. 10'X10'X8'). Commissioner Imhof seconded. Motion passed 6/1. Commissioner Jacob voted against the motion.

3. **TENTATIVE TRACT MAP, TR-7738 – PALOMARES CATTLE COMPANY** ~ Petition to allow subdivision of a site comprising 666.25 acres into six lots of at least 100 acres each, in an "A" (Agricultural) District, located at 31253 Palomares Road, east side, approximately 3.7 miles south of Palo Verde Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085A-3701-008-00.

This item was continued without discussion to March 5, 2007.

4. **TENTATIVE TRACT MAP, TR-7663 - GOULART** ~ Petition to merge two parcels, demolish one house, construct four townhome units and convert thirteen existing apartments into condominiums, all located on one parcel containing approximately 45,370 square feet, located at 384 and 399 Sunset Way, north side, approximately 662 feet southwest of Western Boulevard, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 429-0055-016-00 and 429-0055-0017-00.

Staff member Steve Buckley presented the staff report. Staff requested comments and preliminary review from commissioners. Staff asked that this application be continued to give the applicant sufficient time to submit additional information to review the project for Condominium Guidelines requirements and have the applicant submit a tentative map package to conform with the County Subdivision Ordinance. The applicant is proposing to merge two parcels, demolish an existing home, construct four townhome units and convert thirteen existing apartments into condominiums. The overall density is comparable with the baseline zoning and consistent with the general plan for the area. The project does not have enough open space area for the units and parking might be an issue. Staff requested a continuance for 60 days to give the applicant sufficient time to submit additional material.

Public testimony was called for. Mr. John Gutierrez, representing the applicant, stated that there are still some documents missing and other issues they need to work through with staff. He asked for a 60 day extension. He addressed the open space issue and said that there is a large playground area across the street from this project. He said that he is available to answer any additional questions from the Commissioners. The applicant, Mr. Tony Goulart, stated that he would like to provide affordable housing in the area. He stated that he does not think open space will be an issue because there is a large park across the street where children that currently live in the units go to play. He also stated that some of the tenants are ready to buy the units. He stated that this will definitely be a nice project.

Public testimony was closed. Commissioner Jacob asked that staff work with the applicant to make sure they complete the survey of comparable rental housing. The information on Guideline #16 is critical at this time where the market is dynamic in regards to rental housing versus housing for sale. The HOA dues, including costs and financing should be documented so that the affordability can be more fully understood. Commissioner Carbone asked if additional open space could be provided. County staff stated that there is very little open space in the parcel and that it was previously approved under the Site Development Review process, and the Condominium Guideline standards were not applied. The consensus of the Commission was that open space should be provided to the residents as the developer can't rely on the park across the street to provide open space requirements. Commissioner Ready stated that play equipment and on-site open space is also needed. Commissioner Jacob also requested that the developer's various proposals for renter relocation, right of first refusal, and other aspects of the conversion process be put in writing and submitted in advance of the next hearing. Commissioner Kirby reiterated that on-site open space is lacking and could be a concern when the project comes back for a decision. Commissioner Loisel expressed concern about the lack of adequate guest

parking. The developer responded that not all guests come to visit at the same time and most of the visitors use on-street parking, which is available due to the large school property across the street. The commissioners conveyed to the applicant that it is very important that he work with county staff to make sure his project complies with the Condo Conversion Guidelines.

Commissioner Loisel moved for continuance of the project for sixty days. Commissioner Imhof seconded. Motion passed 7/0.

5. **ZONING UNIT, ZU-2225 and TENTATIVE TRACT MAP, TR-7679 - OGBEIDE** ~ Petition to allow reclassification of one parcel containing approximately 22,016 square feet from the R-S-D-35 (Suburban Residence, 3,500 square feet Minimum Building Site Area per Dwelling Unit) District to a P-D (Planned Development) District so as to allow demolition of two existing dwellings and construction of five town-homes, each on its own parcel, located at 574 and 578 Blossom Way, north side, approximately 250 feet west of Western Boulevard, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 429-0019-045-00. (Continued from January 8, 2007).

Staff member Steve Buckley presented the staff report. He stated that, in response to previous review and comments, the applicant has revised the project and reduced the number of units to 5. All the units are now two stories to address neighbors concern with the height of the project. The project has also been redesigned so that the front unit faces the street, making it look more attractive, and improved landscape treatment and parking is provided on the site. Because the project geotechnical report is still being peer reviewed, the project is not quite ready for action. County staff asked for any Commission or public feedback on the project as it is currently formulated, and a continuance of thirty days.

Public testimony was called for. Erica Campisi representing the Cherryland Community Association spoke on the project. She stated that they had not received the revised plans. She would like to review the new plans, but she was encouraged by the changes made to the project.

Public testimony was closed. Commissioner Jacob moved to continue the project for thirty days. Commissioner Liosel seconded. Motion passed 7/0.

6. **TENTATIVE TRACT MAP, TR-7866 – GHOSH** ~ Petition to resubdivide Tract Map, TR-7115, to reflect as-built conditions that vary from the original map, for ten lots with zero setbacks on one side and reduced setbacks on other sides according to MZU-1862, in a P-D (Planned Development, MZU-1862) District, on one site containing ten lots and one private street known as Bali Terrace, comprising a total of approximately 28,000 square feet (0.65 acres), located adjacent to 16100 Maubert Avenue, north side, approximately 280 feet west of the intersection with 162nd Avenue, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 0080-0084-002-00, 0080-

0084-003-00, 0080-0084-004-00, 0080-0084-005-00, 0080-0084-006-00, 0080-0084-007-00, 0080-0084-008-00, 0080-0084-009-00 and 0080-0084-010-00.

This item was continued without discussion to February 20, 2007.

STAFF COMMENTS & CORRESPONDENCE: NONE

CHAIR'S REPORT: NONE

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Imhof announced the Spring Conference on March 10, 2007. Commissioner Imhof asked that the commissioners help with fund raising for the next conference in October which will take place in Tahoe.

ADJOURNMENT: There being no further business Commissioner Jacob moved to adjourn the meeting at 7:15 p.m. Commissioner Imhof seconded the motion. The motion was carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY