

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**MARCH 6, 2006**  
(APPROVED MARCH 20, 2006)

**FIELD TRIP: CANCELLED**

1. **TENTATIVE TRACT MAP, TR-7685 – COOK/HIFAI** ~ Petition to convert 27 apartment units into 27 condominium units in a R-S-D-15 (Suburban Residential, 1,500 square foot Minimum Building Site Area per unit) District, located at 1570 – 165<sup>th</sup> Avenue, south side, approximately 260 feet west of Los Banos Street, Ashland area of unincorporated San Leandro, bearing County Assessor's Parcel Number: 080-0076-016-01.
  
2. **TENTATIVE TRACT MAP, TR-7734 – SUNRISE CONDOMINIUMS, LP/BENETTI** ~ Petition to convert 46 existing apartment units into 46 condominiums (44 residential and two commercial), in the ACBD Specific Plan – TA (Ashland/Cherryland Business Districts Specific Plan – Transit Access) District, located at 16006 E. 14<sup>th</sup> Street, Ashland area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 080-0057-033-00.
  
3. **VESTING TENTATIVE TRACT MAP, TR-7305 – ALCORN/DELCO** ~ Application to allow subdivision of one parcel into seventeen parcels on a site containing approximately 3.99 acres in an "R-1-CSU-RV" (Single-Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4653 Malabar Avenue, south side, approximately 250 feet west of Pepper Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 084C-0835-001-07.

**REGULAR MEETING: 6:00 p.m.**

**MEMBERS PRESENT:** Commissioners Ken Carbone; Frank Imhof, Chair; Mike Jacob; Glenn Kirby, Vice Chair; Alane Loisel and Edith Looney.

**MEMBERS EXCUSED:** Commissioner Richard Hancocks.

**OTHERS PRESENT:** Chris Bazar, Planning Director; Steven Buckley, Assistant Planning Director; Brian Washington, County Counsel's Office; and Nilma Singh, Recording Secretary.

There were approximately twenty 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:**

1. **APPROVAL OF PLANNING COMMISSION MINUTES** - January 9 and February 6, 2006. Commissioner Jacob made the motion to approve January 9<sup>th</sup> and February 6<sup>th</sup> Minutes as submitted and Commissioner Loisel seconded. Motion carried unanimously.

2. **Motion to Reconsider Action Taken at 7/18/05 - AMENDMENT TO CONDITIONAL USE PERMIT, C-4158, REPUBLIC SERVICES – VASCO ROAD LANDFILL** ~ Application to extend the term of the Conditional Use Permit for this facility (“Permit”) from 2008 to December 31, 2022; and to formalize permission to continue to conduct waste diversion and materials recycling operations that have been ongoing for a number of years on the site. The Vasco Road Landfill (VRL) (formerly Vasco Road Sanitary Landfill) is an existing permitted landfill in an A (Agriculture) District, located at 4001 North Vasco Road, east side, approximately 1 mile north of Dalton Road, Unincorporated Livermore area, designated as Assessor's Parcel Numbers 99B-4901-2-3; 99B-4926-1-1, 1-2, 2- 4, and 2-5; and 902-6-2-2. (Continued from August 1, September 6 and 19, October 17, November 21, December 5, 2005, February 6 and 21, 2006; to be continued to March 20, 2006).

3. **2230<sup>th</sup> ZONING UNIT and PARCEL MAP, PM-8910 – LAMB SURVEYING INC./CAMPBELL** ~ Petition to reclassify one parcel from R-1-L-B-E (Single Family Residence, Limited Agricultural Uses, 5 acre Minimum Building Site Area) District to a P-D (Planned Development, allowing one acre parcels) District, and to allow subdivision of one lot into four parcels, located at 1365 Hilliker Place, east side, corner south of Las Positas Road, Livermore area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 099-0015-026-06. (Continued from January 23 and February 21, 2006; to be continued to April 3, 2006).

4. **2231<sup>st</sup> ZONING UNIT and PARCEL MAP, PM-8909 – LAMB SURVEYING, INC./WATERMAN** ~ Petition to reclassify one parcel from R-1-L-B-E (Single Family Residence, Limited Agricultural Uses, 5 acre Minimum Building Site Area) District to P-D (Planned Development) District, and to allow subdivision of one lot into four parcels, located at 1339 Hilliker Place, east side, approximately 320 feet south of Las Positas Road, Livermore area of unincorporated Alameda County, bearing

|||||

Assessor's Parcel Number: 099-0015-025-04. (Continued from January 23 and February 21, 2006; to be continued to April 3, 2006).

5. **ZONING UNIT, ZU-2207 and TENTATIVE TRACT MAP, TR-7614, UTAL** ~ Petition to reclassify three parcels containing approximately 1.17 acres from the P-D (Planned Development, 1779<sup>th</sup> Zoning Unit) to a P-D (Planned Development) District, allowing subdivision into 10 parcels intended for single-family dwellings, located at 18911 and 18919 Lake Chabot Road, approximately 234 feet northeast of Keith Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084B-0502-045, 084B-0502-055 and 084B-0502-046. (Continued from June 20, July 18, September 6 and 19, October 17, November 21, December 19, 2005, January 9, 2006; to be continued to April 3, 2006).
  
6. **MODIFIED TRACT MAP, MTR-7118 – COURTNEY** ~ Petition to allow modification to TR-7118 to subdivide one site containing 4.60 acres into 19 parcels in a PD-ZU-1762 (Planned Development, 1762<sup>nd</sup> Zoning Unit) District, located on Page & Miramar, east side, corner south of Page Street, San Leandro area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080A-0197-001-06. (Continued from September 19, October 17, November 21, December 19, 2005 and January 23, 2006; to be continued to April 3, 2006).
  
7. **ZONING UNIT, ZU-2204 and AGRICULTURAL SITE DEVELOPMENT REVIEW, S-1978 – BRAUN/THOMPSON** ~ Petition to reclassify from the 'A' (Agricultural) District to a P-D (Planned Development) District with an Agricultural District base-zone, and allowing one secondary dwelling unit, on one site approximately 3.21 acres, located at 8855 Pleasanton-Sunol Road, west side, approximately 1.8 miles north of the intersection with Highway 84, Sunol area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 0096-0320-003-00. (Continued from July 18, August 1, September 19, October 17, November 21, December 19, 2005 and January 23, 2003; to be continued to April 3, 2006).

Commissioner Jacob made the motion to approve the remainder of the Consent Calendar per staff recommendations. Commissioner Carbone requested the status of the Utal application, ZU-2207 and the final hearing date. Mr. Buckley replied that neighbors had been notified of today's continuance, the economic report has been just completed and a traffic count is no longer needed as the pool across the street is no longer in operation. As such, the matter should be ready for action on April 3<sup>rd</sup>. Motion was seconded by Commissioner Loisel, which carried unanimously.

|||||

**REGULAR CALENDAR:**

1. **VESTING TENTATIVE TRACT MAP, TR-7305 – ALCORN/DELCO – Public comment on the DEIR** ~ Application to allow subdivision of one parcel into seventeen parcels on a site containing approximately 3.99 acres in an “R-1-CSU-RV” (Single-Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4611 and 4653 Malabar Avenue, south side, approximately 250 feet west of Pepper Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 084C-0835-001-07.

Mr. Buckley presented the staff report. Commissioner Looney requested clarification on ingress to Seven Hills Road. Mr. Buckley replied that the traffic engineer has identified potential impact from twelve houses due to the curve and slope of the road. There could be a sight distance issue for vehicles exiting left. As such, a right-turn-only be allowed out of the project area. The developer, in response to Commissioner Carbone’s question, will provide curb, gutter and sidewalk improvements only on the frontages with a 50 feet wide road and planters on both sides.

Public testimony was called for. Harlem Wells representing Delco Builders, stated his concurrence with the DEIR.

Public testimony was called for. James Alcorn, representing his mother, stated that she would like to remain living on the property. Since she cannot maintain the undeveloped portion of the property, this subdivision is being requested. The most recent history has been omitted in the DEIR. Since the land has been in escrow for the last five years with much interference from other property owners and the tentative map has been approved previously, he urged an approval. Commissioner Jacob asked if he agreed with pages 652-653. Mr. Alcorn replied yes.

Larry Hutchings, property owner at 18729 Brickell and member of Castro Valley Preservation Alliance (CVPA), though agreeing that a property owner had the right over his property, said he opposed the proposal. The EIR fails to discuss the impact on the community in reference to the lack of a park and the quality of life. This property is an ideal location for a park and is historic by Castro Valley standards. A bond measure is being developed as a fund source to purchase the property.

Sonya Howes, 4890 Seaview Avenue, also a member of CVPA, spoke on the inadequacy of the traffic report contained in the DEIR. The footnote on Page 4-1 mentions Appendix C and Ms. Howes said that her copy of the DEIR did not include Appendix C. She requested the following: who and how the study was conducted, if mechanical counter was used, and which intersections were included in the study since the neighbors were not aware of this study. This information should be included in the FEIR. Ms. Howes also requested a copy of the second traffic study including the log book. She disagreed with the statistics as contained on page 4-13.

Kevin Gormly, 4520 Seven Hills Road, said he was a new property owner on the west and

supported the project. He requested that curb, gutter and sidewalk improvements be installed further towards the west, down to Redwood Road and a stop sign along with a right-turn only. He also had water run-off concerns and agreed with Mr. Alcorn that the property owner should be allowed to do as she desires with her property.

Susan Hersh, property owner at 18217 Judy Street and a member of CVPA, pointed out the following inadequacies of the DEIR: the total disregard of aesthetics including loss of scenic views, changing the character of the neighborhood and the failure to follow up with HARD, CVPA and other public entities. She displayed a photograph of the property pointing out the views. The DEIR also erroneously concludes that a public use of a private property as a park is not feasible or reasonable and no funding has been identified. Recent developments/discussions indicate that future funding for a park is possible through a measure bond, which will perhaps be on the November ballot. A park will be a superior alternative to a residential development.

Public testimony was closed. Commissioner Looney asked if this property is being considered in the discussion for the bond funds and the cost. Mr. Bazar explained that there was a well-attended meeting in Castro Valley regarding the protection of the EBMUD property which concluded that a bond measure was probably the best way to proceed. A discussion had also occurred on the subject property. The minimum bid for the EBMUD property is \$15.5 million but no figure was available for the subject property yet. Commissioner Carbone said he had concerns regarding quality of life and asked if the Commission could make a recommendation for a park and to make it part of a bond measure. Mr. Bazar said that there are written guidelines, such as Castro Valley General Plan and CEQA. Perhaps at the next meeting, he could provide a up-date on the bond measure.

Commissioner Jacob asked County Counsel if he had any concerns with the conclusion on Page 656. Mr. Washington replied no. Commissioner Jacob requested that all comments from previous hearings be included in the FEIR and the record to reflect that the Commission did not discuss the 50-year limit. He thanked staff for facilitating a comment letter from PRHC during the comment period. In response to Ms. Howes, he confirmed that the Commission did receive a copy of the Appendix C. He requested a comment letter from HARD regarding the feasibility of retaining this property as a park, to be included in the FEIR and that the poll results be made public and also be included in the FEIR. The Chair requested clarification on HARD funding. Mr. Bazar replied that funding has been a major concern for HARD and Commissioner Jacob noted Commissioner Kirby's support for the increase of park dedication fees, to be used to purchase future park land and not maintenance.

Mr. Buckley announced that the comment period closes on March 15<sup>th</sup> and the FEIR will perhaps be available by May or June. Commissioner Loisel requested that the issue of the stop sign and sidewalk be looked into. Commissioner Jacob made the motion for a continuance to a future date and Commissioner Loisel seconded. Motion carried unanimously.

2. **TENTATIVE TRACT MAP, TR-7669 – MAYAR** ~ Application to allow subdivision of two parcels into six single family lots and three common area lots, in a R-1-B-E (Single Family Residence, Fairview Plan) District, located at 23358 and 23386 Maud Avenue, east side,

|||||  
approximately 30 feet north of Romagnolo Way, Hayward area of  
unincorporated Alameda County, bearing County Assessor's Parcel  
Numbers: 417-0210-069-01 and 417-0210-092-00.

Mr. Buckley presented the staff report.

Public testimony was called for. Mr. Indarjeet Chadha, project engineer, said he was available for questions.

Betty and George Horog, 23581 Matthew Court, discussed light pollution and requested that lights be conditioned to face downwards, away from the neighbors and a contact number be made available during construction. There is an existing lighting problem with a current construction in the neighborhood. Mr. Horog said he hoped the builder will comply with the construction permit regulations that prohibits construction/grading in the week-ends limiting the work to daylight hours only.

Allan Wells, 23501 Matthew Court, said his property looks down the subject site. He requested to review the site plan to check if his view will be affected, the fire turnaround be located on the property, sideyard setback clarifications, and asked if a joint fence is being proposed and if there will be a dust control measure. The courts had placed a very high value of his property because of the view and he had court papers in support. His main concern was the loss of his view. Mr. Buckley explained that the General Plan has a policy related to construction on slope and view in general. The buildings will be less than 20 feet above the original grade, set into the hillside with retaining walls, specifically the rear two lots.

Public hearing was closed. The Commission discussed the building height, retaining wall, and average lot size. Commissioner Carbone suggested requiring all lots to be the average size of 6,000 square feet similar to the neighboring lots which would move the dwellings away from the hills and eliminate the view issue. With the exception of Condition #25, Commissioner Jacob asked if there was another condition addressing utilities and lighting. Although there is a standard lighting condition, Mr. Buckley noted that it was not included in the conditions of approval but could be added under General Conditions, after Condition #6, for post and during construction. Fairview Specific Plan includes a policy as stated on page 4 which requires new lots not to be smaller than prevailing lots and Mr. Bazar added that the existing lighting problem is a code enforcement issue.

Commissioner Kirby arrived and apologized for being late adding that he had visited the site.

A discussion followed regarding the view, setbacks, building heights, roof lines, lots 5 and 6 and view guarantee. Commissioner Carbone recommended a condition to reflect that the roof top cannot exceed the graded level of the property above it. Mr. Chadha agreed adding that the garage could be turned around allowing the house to be located lower on the slope. Commissioner Kirby appreciated the engineer's willingness to re-design.

Commissioner Jacob made the motion to approve the project per staff recommendation including

|||||  
a standard condition on lighting and a provision for existing structures to be re-designed for lots 5 and 6 so as to not exceed the base level of the up-slope homes. Commissioner Loisel seconded. Motion carried unanimously.

**STAFF COMMENTS & CORRESPONDENCE:** None.

**CHAIR'S REPORT:** Request was made for 2006 parking permits, an increase in the Commission stipend and thanked for the coffee and cookies. Mr. Bazar, in response, said that Mr. Wallace will be working on the mixed use and the Commission By-laws.

**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:** Commissioner Jacob asked for the deadline for the Economic Interest Forms. Commissioner Kirby apologized for the lateness. Commissioner Looney requested clarification on the Planning Commission conference at Bass Lake. Mr. Bazar said it was for the Central District. Not all Commissioners had received an invite and Mr. Bazar suggested that staff will provide a Commissioners list to the Association.

**ADJOURNMENT:** There being no further business, Commissioner Loisel moved to adjourn the meeting at 7:30 p.m. Commissioner Carbone seconded the motion. The motion was carried 6/0.

---

**CHRIS BAZAR, SECRETARY**  
**COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY**