

**MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
APRIL 16, 2007
(DRAFT)**

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.

OTHERS PRESENT: Steven Buckley, Assistant Planning Director; Alex Amoroso, Assistant Planning Director; Cindy Horvath, Transportation Planner; Brian Washington, County Counsel's Office; and Nilma Singh, Recording Secretary.

There were approximately seventeen people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:10 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 ~**
April 2, 2007 – *Approval of Minutes was continued to May 7, 2007.*

2. **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. (Continued from February 20, 2007).
Withdrawn.

3. **ZONING UNIT, ZU-2202 and TENTATIVE PARCEL MAP, PM-8560 - HOPSON** ~ Petition to reclassify two parcels totaling 1.96 acres from the R-1 (Single Family Residence) and R-1-B-E (Single Family Residence, one acre per 1976th Zoning Unit) Districts to the R-1-B-E District (allowing for a 30,000 square foot Minimum Building Site Area for parcels 2 & 3), and to allow subdivision of one site into three lots with the existing dwelling to remain, located at 22750 Valley View Drive, east side, approximately 850 feet north of Kelly Street, Hayward area of unincorporated Alameda County, bearing County Assessor's Parcel Numbers: 417-0140-028-00 and 417-0151-001-00. (Continued from April 18, 2005, February 6, April 3, May 1, June 19, July 17, August 21 and October 16, 2006, and December 4, 2006; to be continued to July 16, 2007).
4. **ZONING UNIT, ZU-2199 and TENTATIVE TRACT MAP, TR-7584 –NEWPORT AVALON INVESTORS, LLC** ~ Petition to reclassify from a PD (Planned Development) District to another PD (Planned Development) District, to allow the subdivision of one site into 10 parcels, located at 255 Happy Valley road, south side, approximately 125 feet east of Pleasanton-Sunol Road, Pleasanton area of unincorporated Alameda County, bearing County Assessor's designation: 0949-0010-001-07. (Continued from December 20, 2004, February 7, May 2, July 18, October 3, December 19, 2005, February 6, April 3, June 5 and November 20, 2006; to be continued to June 4, 2007).
5. **TENTATIVE PARCEL MAP, PM-9408 – PALOMARES CATTLE COMPANY** ~ Application to subdivide one parcel containing approximately 666 acres into six lots, 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. (Continued from March 5 and April 2; to be continued to May 7, 2007).
6. **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. (Continued from February 5; to be continued to May 7, 2007).

7. **ZONING UNIT, ZU-2246 – MOLINARO – *Comments on Initial Study*** ~ Petition to amend the General Ordinance of the County of Alameda, California, by reclassifying from the PD (Planned Development) District to a PD (Planned Development) District to allow expansion of the allowed building envelope, the property generally described as: One site containing approximately 20.79 acres, located at 7986 Tesla Road, north side, corner northeast of Greenville Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-1602-013-02. (Continued from February 20 and March 19; to be continued to May 7, 2007).

At the request of the Chair, Mr. Buckley explained the reasons for the withdrawal for item #2. *Commissioner Hancocks made the motion to approve the Consent Calendar and Commissioner Imhof seconded. Motion carried 6/0.*

REGULAR CALENDAR:

1. **PUBLIC HEARING ON THE FINAL DRAFT EDEN AREA GENERAL PLAN AND FINAL DRAFT ENVIRONMENTAL IMPACT REPORT** ~ Staff and consultant will review these documents, outstanding issues, and proposed new policies for recommendation to the BOS for adoption. Public comments will be taken. This will be the final Planning Commission hearing on this project.

Ms. Horvath outlined the process, the timeline and the consultants. Changes that were made in response to comments received will not be discussed tonight. Six main issues have been identified in the staff report. She introduced the consultant, Steve Nack.

Mr. N., Principal, Design, Committee & Environment, with a powerpoint presentation, showed a map of the planning area, General Plan Content and Land Use Designations and discussed the Summary of Impacts, Summary of Significant Impacts, and Summary of Proposed new Goals, Policies and Actions. Mr. Amoroso discussed the unmitigatable impacts. The Chair noted Commissioner Jacob's concern that the outcomes of some mitigations would be in conflict with the regional transportation issues. Mr. Amoroso agreed and further discussed the relationship between the EIR/Plan and the six issues as outlined in the staff report. In reference to #4, San Lorenzo Creek Multi-use Path, the Chair suggested replacing the phrase 'due to community opposition' to 'due to lack of support'. Mr. Amoroso explained that the language is from the Alameda County Pedestrian Master Plan and his suggestion will be forwarded to Public Works Agency. Commissioner Hancocks pointed out that the community, throughout the process, has stressed the importance of an economic future. He felt that this has not been reflected in the Plan. Commissioner Ready agreed adding that the Economic Development Strategy Plan does not reflect any viable economic strategy and felt that a sentence reflecting that the economic development would continue to be a major priority. Commissioner Carbone concurred. Regarding #3 Land use Designations, Commissioners Hancocks, Ready and

Carbone all agreed with the use of the word 'secondary' vs. 'additional'. In reference to #1, Commissioner Loisel asked if there is underlying value for properties owned by the School District. Mr. Amoroso explained that currently the underlying designation is residential. A discussion followed on the zoning and the public hearing process.

Public testimony was called for. Lowell Shira, representing San Lorenzo Unified School District, submitted his written testimony and discussed the following three main concerns: the process is flawed; creates a financial hardship and severe detriment to children and taxpayers in less affluent neighborhoods and is in direct conflict with State Law protecting school districts. A school to school designation devalues the property. A lengthy discussion followed regarding underlying density, current designation, special benefits, the representation of other government lands in the General Plan and the General Plan designation of residential with density no higher than 5,000 square feet, similar to the surrounding area. Mr. Amoroso agreed that this is the intent.

Patrick Cruzen, 15966 Cambrian Drive, thought that the term 'extra land' is inappropriate and instead by called 'school'. His area is not served adequately by the school district and, as such, he did not support residential zoning in such an area.

Lisa Mori, School and College Legal Services of California, representing San Lorenzo Unified School District, read her written statement. They are preparing for possible litigation in the event the Plan is adopted and an adoption will have catastrophic financial consequences for the District. She further discussed, in detail, the existing public input requirements in the Education Code and the three possible grounds for a lawsuit. There is no factual basis for the amendments and violates Government Code Section 65852.9. The Chair noted that the staff report does not indicate any restriction on the District's ability to go through the public process to determine if a property is surplus.

Dorothy Partridge, 1962 Boxer Ct, a former school board and committee member, stated that the District has closed 15 schools, sold 5 and leased others to generate revenue for facility maintenance. She urged the Commission not to adopt a policy that severely restricts the District's ability to sell their properties.

Commissioner Jacob arrived.

Nancy Van Huffel, San Lorenzo Home Association, discussed the land use designation and density as reflected on page 2-20. Low density residential is defined as 0-9 houses similarly to San Lorenzo low 8.7. Mr. Shira's letter states low medium density, 7-12, which is also correct. The over-lapping figures are confusing. Regarding 23B Map, she felt that the coloring scheme makes it difficult to read. Her other complaints included receiving the Plan on Friday, wrong information in the newspaper notice, the development of an ordinance to address the live/work development in Eden area as stated on Page 2-29 has not been discussed at meetings during public process and childcare issues was discussed only once and noted the omission of Commissioner Ready's name from the List of Preparers on the last page.

Howard Beckman stated that he picked a copy of the Plan on Friday but has not had an opportunity to read and urged the Commission for a continuance after public testimony. He felt that there were many other important issues along with the school district which has become the focus. The District has a fourth invisible source of income, Certificate of Participation. He has also attended all public hearings and concurred with Commissioners Ready, Carbone and Hancocks that land use planning be coupled with economic development. Mr. Beckman disagreed that the community is solidly opposed to a policy promoting creeks and trails.

Leah Meagher, a Castro Valley resident at 17065 Sabina Ct, pointed out that Camelot School leasing the school property from San Lorenzo School District, has expressed interest in continuing the lease. She urged the District to retain their properties instead of selling them.

Public testimony was closed. Commissioner Ready pointed out the following regarding the Plan: page 1-10 should reflect mitigation measures for job shortage and commercial development a priority; re-coloring of map 2-3B; and errors on map 2-1 showing vacant commercial properties; pages 2-26, second paragraph should read: "...average density of 19.5 dwelling units..."; agreed with Ms. Van Huffel regarding A3 on Page 2-29 which was not addressed at meetings; concerned with P3 on page 3-36 which conflicts with the economic development; suggested adding the words "when possible and where impacts to neighborhoods would be minimal" on page 3-31, A1; page 4-2 second sentence in the first paragraph is incorrect as all new developments are not required to pay park and recreation fees and requested clarification on floor area ratio and, overlapping density and how it benefits a community.

Commissioner Hancocks stated that he has previously provided correction regarding the number of officers at the Eden Township Substation (page 5-2); discussed Table 1-1 and employment concerns (pages 1-9 through 1-10), P7 on page 2-29 and second paragraph on page 2-22 with the recommendation that the 3rd and 4th sentences be deleted; and page 2-35 commercial corridors.

Commissioner Jacob apologized for his tardiness. He recommended that EIR MM on page 15 be included as Policy P9 on page 2-43; noted the omission of table 4.11-3 and CARB recommended buffers; discussed the industrial areas, related policies and buffers, LU Goal 11 and 15; LU-17; Bayfair Station, figures 2-3A and 2-3B; the need of an overlay District and the densities in reference to the Bart station; agreed with Goal Circulation P3 on page 3-32 but needs specificity; disagreed with the word "potential" in A-3 (p.3-32) but reflect development of a transit-village plan.

Commissioner Carbone concurred with Commissioners Ready and Hancocks' comments. His primary interests are commercial corridor and preservation of commercial properties. Commissioner Loisel also agreed on strong language for economic development and suggested working with the School District and the recommended changes reflected before the next hearing. Commissioner Imhof, in reference to new developments,

pointed out that retention ponds need to be included in the flood zones. *He made the motion for a continuance and Commissioner Ready seconded.*

The Chair thought that the weakest part of the Plan is the economic development and the retention of commercial properties is extremely important, and supported the need for further discussions with the School District. He supported application of some residential designations to school zone except for private schools. *Motion for a continuance to May 7th for both the Plan and the EIR carried unanimously.*

Commissioner Loisel was excused for the remainder of the hearing.

2. **PROPOSED ZONING REGULATIONS RELATING TO FENCES** ~ To consider amending Chapter 17.52 of Title 17 of the Alameda County Zoning Ordinance. The proposed amendments would reduce fence heights in certain locations and increase fence heights in other locations.

Mr. Buckley presented the staff report adding that since Public Works Traffic may have additional comments regarding 4 foot vs. 3 foot rear corner fences, a continuance would be appropriate. The Chair indicated his preference for either a 3 or 4-foot fence along the entire property line (front or side yard), adjacent to the sidewalk, a 3-foot fence on the property line and a 6-foot fence subject to the setback. A lengthy discussion followed regarding corner and key lots, fences located on property lines, possibility of 8-foot fence with building permits; various heights; and definition and location of front yards. Commissioner Carbone felt that there were too many different possibilities and problems.

Public testimony was called for. Nancy Van Huffel, San Lorenzo Homeowners Association, said that the Association requires fencing in San Lorenzo to start from the leading edge of the house or 10-foot setback from the street where the asphalt meets the pavement. Angled fencing was required for key lots to eliminate sight distance concerns.

Public testimony was closed. Commissioner Hancocks stated his preference for 7-8-foot fences/hedges to allow for additional privacy. Commissioner Jacob suggested modifying (as listed in Attached A) 4 feet in Section 17.52.430C. to 3 feet for side yard fence on the property line, same as 430B, and 3 feet setback for a six-foot fence on the property line in E, the height to increase by one foot up to a maximum of 6 feet. The Chair felt that another issue was the grade measurement. The Commission felt that additional details needs to be worked out.

Commissioner Imhof made the motion for a continuance to a future meeting and Commissioner Hancocks seconded. Motion carried 6/0.

3. **PROPOSED ZONING REGULATIONS RELATING TO TENTS AND CANOPIES** ~ To consider amending Chapter 17.52 of Title 17 of the Alameda County Zoning Ordinance. The proposed amendments would define tents and canopies and establish standards for them in residential districts.

Mr. Buckley presented the staff report. The Commission discussed the applicable Districts. Commissioner Ready stated that the Ordinance Review Committee had requested that Commercial Districts be included. Commissioner Hancocks requested for clarification/origin on the last paragraph of Attachment A. Staff explained that this was in response to the Ordinance Review Committee's discussions on some type of permit process. A discussion followed regarding accessory structures, fabric canopies, free standing structures and appropriate locations such as detached from main dwelling, setback from property line and not in front line.

Commissioner Hancocks recommended including 'accessory structures' in the definition.

Commissioner Hancocks made a motion for an approval subject to the above modifications (adding Commercial Districts and the words 'accessory structures') and omission of the last paragraph. Commissioner Ready seconded. Motion carried 6/0.

4. **ZONING UNIT, ZU-2244 – WALLACE – Preliminary Plan Review** ~ Petition to reclassify from the R-1-CSU-RV (Single Family Residential, Conditional Secondary Unit, Recreational Vehicle, 5,000 square feet Minimum Building Site Area per Dwelling Unit) District, to a P-D (Planned Development) District, so as to allow six townhouse units with attached garages on a site of 22,514 square feet (0.52 acre) and site-specific development standards, to replace a single-family home and duplex, located at 3232-3236 Somerset Avenue, north side, approximately 750 feet east of Lake Chabot Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084B-0546-012-03.

Mr. Buckley presented the staff report.

Public testimony was called for. Peter Petruzzi, project architect, described the project as a good use of the land at the end of a transition area between high and low densities, and adds to the neighborhood. Guest parking has been an issue because of the unusual shape of the lot. Two or three guest parking spaces will be provided on the street and one or two on-site spaces. Other alternatives will reduce open space area at the end of the lot and/or reduce the driveway which will eliminate the apron. In response to Commissioner Carbone, he added that the option of eliminating a unit has been considered which will eliminate the need of two additional spaces. The Chair stated that he could support 4 units as the property is entitled, perhaps 5 but not three units with a secondary unit each,

a total of 6 units. There is no public benefit. Commissioner Hancock agreed that the intent is to allow one secondary unit. The property could perhaps support five. Commissioner Imhof noted that west elevation is flat and plain and recommended architectural facades and fluctuating roof lines. Commissioner Ready pointed out the lack of open space and backyards, and suggested the elimination of a unit. Mr. Petruzzi explained that the units were rotated to provide 10-foot rear yards, 335-875 square feet open space. Staff added that the R-S District requires 350 square feet of private open space. The project has been down-sized from 8 to 6 units but acknowledged that additional work is needed. The Chair reiterated that justification is needed for six units.

STAFF COMMENTS & CORRESPONDENCE: Mr. Buckley announced that Mr. Bazar will be back from vacation by the next meeting.

CHAIRS REPORT: *None.*

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: *None.*

ADJOURNMENT: There being no further business, Commissioner Imhof moved to adjourn the meeting at 9:35 p.m. Commissioner Ready seconded the motion. The motion was carried 6/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY