

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**APRIL 17, 2006**  
(APPROVED MAY 15, 2006)

**REGULAR MEETING: 1:30 p.m.**

**MEMBERS PRESENT:** Commissioners Ken Carbone; Richard Hancocks; Frank Imhof, Chair; Glenn Kirby, Vice Chair; and Edith Looney.

**MEMBERS EXCUSED:** Commissioners Mike Jacob and Alane Loisel

**OTHERS PRESENT:** Steven Buckley, Assistant Planning Director; Andrew Young, Planner; Nilma Singh, Recording Secretary.

There were approximately fourteen people in the audience.

**CALL TO ORDER:** The Chair called the meeting to order at 1:35 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** - March 20 and April 3, 2006. Commissioner Kirby made the motion to approve both March 20<sup>th</sup> with minor corrections which he would submit to the Secretary and April 3<sup>rd</sup> Minutes as submitted. Commissioner Carbone seconded and the motion carried 5/2. Commissioners Jacob and Loisel were excused.

**REGULAR CALENDAR:**

1. **TENTATIVE TRACT MAP, TR-7734 – SUNRISE CONDOMINIUM LP/BENETTI** ~ Petition to convert 46 existing apartment units into 46 condominiums (44 residential and two commercial), in an ACBD Specific Plan – TA (Ashland/Cherryland Business District Specific Plan – Transit Access) District, on one parcel containing approximately 1.06 acres, located at 16006 E. 14<sup>th</sup> Street, northeast side, approximately 519 feet northwest of 162<sup>nd</sup> Avenue, Ashland area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 080-0057-033-00. (Continued from March 20, 2006).

Mr. Buckley presented the staff report. Commissioner Kirby felt that since the number of

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condominium conversions applications have increased, the Commission needs to consider the public benefit on a broader context. There is a need to retain a percentage of rental units in the County and his concern was the possibility of a blight issue in the future. Commissioner Carbone asked if any type of research has been conducted on the value of the units after conversion and questioned Redevelopment Agency's involvement. Commissioner Kirby suggested checking other surrounding jurisdictions. Mr. Buckley replied that there is mutual interest to retain the value.

Public testimony was called for. Steve Benetti, applicant, regarding the above discussion, pointed out the following: some jurisdictions, in order to control the number of condo conversions, monitor the number of vacancies in the apartment complex and place a cap on the number of conversions; market conditions are controlled by the salability; the proposed number of units are the maximum allowed on this site; CC&R will have a minimum ownership requirement; the two ground-floor units with E. 14<sup>th</sup> frontage will be commercial units; the area is within the Ashland/Cherryland Specific Plan; the conversion will offer entry level pricing for low-income buyers and, if built from scratch, the units would have to be more highly prized to be cost-effective; proposal includes improving interior and exterior, and he was working with Redevelopment Agency regarding frontal façade up-date.

No other testimony was submitted. While agreeing with staff's conclusion regarding the future nonconforming use, Commissioner Hancocks said his concern is bringing this building into conformity with zoning which will require the acquisition of forty-six owners. As such, he did not support the proposal. Commissioner Kirby said he appreciated the creation of commercial spaces and moved the motion for an approval. Commissioner Looney seconded. Motion failed 3/2 with Commissioners Hancocks and Carbone dissenting. Commissioner Carbone said his concern was precedent setting, the location which would be close to perhaps another future large project and felt that an approval will change the demographic of the area. A denial was perhaps not the solution either. Commissioner Looney re-stated her appreciation for the two commercial units and Commissioner Kirby pointed out that until plans are submitted for the adjacent property, public benefit cannot be determined. He re-stated his previous motion and Commissioner Looney seconded. Motion carried 4/1 with Commissioner Hancocks dissenting.

2. **ZONING UNIT, ZU-2233 and TENTATIVE TRACT MAP, TR-7740 – EDGE CONCEPTS, INC., - Preliminary Plan Review** ~ Application to reclassify one site, containing approximately 1.08 acres, to a P-D (Planned Development) District, to allow 18 townhouses, three residential condominiums and three retail condominiums, located at 789, 805 and 817 West A Street, north side, approximately 550 feet east of Royal Avenue, Hayward area of unincorporated Alameda, bearing County Assessor's Parcel Number: 432-0020-016-02.

Mr. Young presented the staff report. Based on a phone call from the Grading Department, the applicant has been advised to install all improvements above flood level as the front portion of the property is in the 500-year flood zone which would require specialized studies. FEMA and flood insurance will not allow parking in the flood zone area. In response to Commissioner

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Carbone, he confirmed that no street parking is available. Other issues are the entrance and lack of adjacent commercial uses to share parking.

Public testimony was called for. Jitender Makkar, representing Edge Concepts, Inc., with a powerpoint presentation, described his project in detail and discussed the Grading Department's concerns and proposed mitigations. A café instead of a restaurant would be more appropriate at this site. Commissioner Carbone said he had parking concerns and Commissioner Looney questioned the commercial viability at this location. Mr. Jamal, one of the property owners, indicated that the project has been re-designed and this site has potential for a variety of uses, such as dry cleaning, a café and small offices.

Dick Hardwig, speaking on behalf of a neighbor to the east, at 769 West A Street, voiced the following concerns: locating residential and commercial side by side usually creates lighting issues; an approval will increase traffic and will be inconsistent with the Draft Eden Area General Plan, which does not allow rezoning of commercial properties to residential.

Public testimony was closed. Commissioner Hancocks asked if this proposal was consistent with the General Plan. While noting that the Plan supports commercial with residential as a secondary use, Commissioner Kirby said he had concerns about deep parcels. He commended the Applicant on the architecture and design of the proposal but supported Commissioner Carbone's concerns of inadequate and non-dedicated commercial parking spaces. Commissioner Carbone said he preferred office use on the second floor and retail on the ground floor of the front building, and residential for the rear portion of the site. Commissioner Looney indicated her support adding that any visual up-grading will be a plus. The Commission agreed that parking was their biggest concern followed by the number of residential units.

Commissioner Hancocks made the motion for a continuance as recommended by staff and Commissioner Carbone seconded. Motion carried unanimously.

3. **ZONING UNIT, ZU-2225 and TENTATIVE TRACT MAP, TR-7679 – OGBEIDE - Preliminary Plan Review** ~ Petition to reclassify one parcel containing approximately 22,016 square feet (0.46 acres) 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 six 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 County Assessor's Parcel Number: 429-0019-045-00.

Mr. Buckley presented the staff report. Commissioner Carbone asked if a five-unit project will meet all other requirements. Staff indicated that it would depend on the size and orientation of the units, and primarily the location of parking and garages.

Public testimony was called for. Tony Ogbeide said he has had several meetings with staff and neighbors and present his project to Cherryland Home Association. Neil Guillot, Project Architect, stated that the project could be redesigned to two-story units providing 10 feet side yard setback, 15 feet of open space, a 18.75 feet access driveway where 20 foot is required, if approved by Fire Department, with parallel parking along the driveway and eliminating the two rear guest parking spaces to allow for additional open space. Commissioner Hancock said that he would like to see these revisions on paper; Commissioner Kirby felt that the project has to be consistent with the neighborhood and that he would like to see a 20-foot driveway; Commissioner Carbone concurred with all the above; and Commissioner Looney said her concern was over-building.

Toni Wilkerson, 4928 Proctor Road, said her concerns included height, setback and rezoning. She further asked for the PD criteria.

Ron Silva stated that he owned four properties on Blossom Way and urged a denial. He agreed that revised plans need to be submitted and was concerned with the misuse of the PD.

David Wilkerson, property owner at 4928 Proctor Road, said that the site plan, though attractive, was misleading. The project offers no benefits, sets precedent, the third story egress is questionable; and he has noise concerns due to the lack of landscaping on his side of the driveway.

Eric Campisi, Cherryland Community Association, stated that the Association opposes the proposal noting the impact on the quality of life of the neighbors, reduced setbacks and the lack of landscaping, guest parking and children play area. The Association is recommending only five units.

Public testimony was closed. Commissioner Looney indicated that she would not support the project as submitted due to the increased height and too many units; Commissioner Carbone concurred adding that he would not support a PD with variances on a small parcel; Commissioner Kirby recommended that the plans be revised under the current zoning and be consistent with the neighborhood; and Commissioner Hancock noted that there were already too many projects with numerous variances that have been approved in the Cherryland area due to the odd shaped lots.

Commissioner Kirby made the motion for a continuance as recommended by staff and Commissioner Carbone seconded. Motion carried unanimously.

4. **ZONING UNIT, ZU-2227 - JENSEN** ~ Petition to reclassify one parcel containing approximately 154,887 square feet (3.55 acres), from the R-1-L-B-E (Single Family Residence, Limited Agriculture, 5 acre Minimum Building Site Area, 300 feet Median Lot Width, 30 foot Front Yard) and 'A' (Agricultural) Districts to the R-1-L-B-E-S-U (Single Family Residence, Limited Agriculture, 5 acre Minimum Building Site Area, 300 Median Lot Width, 30 foot Front Yard, Secondary Unit) District, located

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at 2740 Park Way, west side, approximately 500 feet east of Kilkare Road, Sunol area of unincorporated Alameda County, bearing County Assessor's Parcel Numbers: 096-0543-021-00, 096-0543-022-00, 096-0543-023-00, 096-0543-024-00, 096-0543-028-00, 096-0543-032-00 and 096-0543-033.

Mr. Buckley presented the staff report and responding to Commissioner Kirby, confirmed that the parcels are considered as one building site and as indicated in the Environmental Health letter, the second septic system was approved and installed in September 2005. Commissioner Kirby felt that the locations of both systems need to be indicated on the site plan. The Chair agreed adding that the plan was not to scale. Commissioner Looney asked if there has been any degradation of the slope during the rainy season.

Public testimony was called for. Jim Jensen, co-applicant, indicated that the leach field for the main house is located on parcel 22, downhill from his house, towards Park Way. Commissioner Kirby requested location verification of the topographic lines and the septic system/leach field.

Public testimony was closed. Commissioner Kirby re-stated the inaccuracy of Exhibit A and recommended revised drawing indicating the existing septic system, the newly installed system and the leach line. The Chair requested that a representative of Environmental Health be available at the next meeting to provide clarification on the operation and location of the septic system and topographic data.

Commissioner Kirby made the motion for a continuance to allow time for the above confirmation and re-evaluation of the documentation.

5. **ZONING UNIT, ZU-2181 and TENTATIVE TRACT MAP, TR-7473 – PAYVAR ~ Review of Mitigated Negative Declaration** ~ Petition to reclassify from the R-S-D-3 (Suburban Residence, 2,500 sq. ft. Minimum Building Site Area per Dwelling Unit) District to a PD (Planned Development) District allowing twelve residential units; and to subdivide one site measuring approximately 31,476 sq. ft. (0.72 acres) into twelve lots, each resulting lot to contain one unit, for a total of twelve units, for a property located at 15703 Liberty Street, south side, 290 ft east of Tanager Avenue, unincorporated Ashland area of Alameda County, designated County Assessor's Parcel Number: 0080-0046-008-02.

Mr. Buckley summarized the staff report adding that this hearing was to receive comments on the Mitigated Negative Declaration. Commissioner Carbone felt that due to the terrain on the rear, severe modification is needed aesthetically to minimize the impact. Based on the submitted design, the project will impact the neighbors' view and over-shadow the existing adjacent homes. Commissioner Kirby asked if the adjacent property owner has been notified regarding the installation of a curb-cut on the south. He further requested that the property on the south end with several non-conforming detached structures be referred to Code Enforcement.

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The Applicant was not available and no other public testimony was submitted. Commissioner Hancocks made the motion for a continuance and Commissioner Carbone seconded, which carried unanimously.

6. **ZONING UNIT, ZU-2230<sup>th</sup> 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, February 21 and April 3, 2006; **to be continued to June 5, 2006**).

7. **ZONING UNIT, ZU-2231<sup>st</sup> 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, February 21 and April 3, 2006; **to be continued to June 5, 2006**).

**STAFF COMMENTS & CORRESPONDENCE:** None.

**CHAIR’S REPORT:** None.

**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:** Commissioner Kirby reported that he had attended and provided testimony at the PRHC Workshop.

**ADJOURNMENT:** There being no further business, Commissioner Kirby moved to adjourn the meeting at 4:00 p.m. Commissioner Carbone seconded the motion. The motion was carried 5/2.

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