

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JUNE 19, 2006
(APPROVED JULY 17, 2006)

REGULAR MEETING: 1:30 p.m.

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

OTHERS PRESENT: Chris Bazar, Planning Director; Steven Buckley, Assistant Planning Director; Alex Amoroso, Assistant Planning Director; Andrew Young, Planner; Karen Borrmann, Public Works Agency Liaison; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately twenty-eight people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 1:30 p.m.

ANNOUNCEMENTS BY THE CHAIR: Chair Imhof stated that he would like to schedule a meeting regarding the Niles Canyon Scenic Corridor with Cities of Fremont and Union City.

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** - June 5, 2006 ~ to be continued.
2. **TENTATIVE TRACT MAP, TR-6864, ONE STOP DESIGN, INC.** ~ Petition to subdivide one parcel into five lots, located between 25129 and 25165 Second Street, south side, approximately 903 feet west of Winfeldt Road, Fairview area of unincorporated Alameda County, bearing County Assessor's designation: 0425-0150-006-00. (Continued from January 18, March 7, May 2, June 20, July 18, August 15, September 19, October 17, November 21, December 19, 2005 February 6, April 3 and May 1, 2006; to be continued to August 21, 2006).
3. **MODIFIED TRACT MAP, MTR-7118 – COURTNEY** ~ Petition to allow modification to TR-7118 to subdivide one site containing 3.17 acres into 19 parcels in a PD-ZU-1762 (Planned Development, 1762nd Zoning Unit) District, located at the southwest corner of Page Street and Miramar Avenue, San Leandro area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 080A-0197-001-06 and 080A-199-001-06.

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(Continued from September 19, October 17, November 21, December 19, 2005, January 23, March 6, April 3 and May 1, 2006; to be continued to July 17, 2006).

- 4. **GENERAL PLAN CONFORMANCE REPORT – PROPOSED SALE OF EAST BAY MUNICIPAL UTILITY DISTRICT’S SYDNEY RESERVOIR PROPERTY** ~ Request by the Real Estate Services Section of East Bay Municipal Utility District (EBMUD) for a General Plan Conformance Report under Government Code Section 65402 for the disposal of a 2.18+ acre property located off Sydney Way, north side, between the cross streets of Carlton Avenue and Stanton Avenue, Castro Valley area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 84B-0410-006-10.

- 5. **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 and June 5, 2006; to be continued to July 17, 2006).

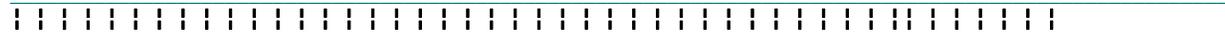
Commissioner Kirby made the motion to approve the Consent Calendar as recommended by staff. Commission Loisel seconded the motion which carried unanimously.

Commissioners Jacob and Loisel came in a few minutes late.

REGULAR CALENDAR:

- 1. **ZONING UNIT, ZU-2233 and TENTATIVE TRACT MAP, TR-7740, EDGE CONCEPTS, INC.,** ~ 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. (Continued from April 17, 2006).

Mr. Buckley presented the staff report. Commissioner Looney requested clarification on the commercial.



Public testimony was called for. Jitendar Makkar, representing Edge Concepts, with a powerpoint presentation, described all modifications. All the concerns from the last meeting have been met, especially related to parking, walkability and asphalt area. In response to Commissioner Looney, Mr. Buckley explained that the apartment building in the rear appears closer than 20 feet on the aerial map but it was setback 20 feet which is the standard.

Public testimony was closed. Commissioner Kirby said he appreciated the efforts to comply and made the motion for an approval as recommended by staff. Commissioner Loisel seconded, which carried unanimously.

- 2. **ZONING UNIT, ZU-2181 and TENTATIVE TRACT MAP, TR-7473, PAYVAR** ~ 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. (Continued from April 17, 2006).

Mr. Buckley presented the staff report. Commissioner Looney requested clarification on the difference between a duet and duplex and if the proposed units would be higher than the surrounding dwellings. Mr. Buckley said that these were townhouses with shared access easement for all units to provide for parking and yes the units would be higher. Commissioner Kirby thought that lowering the roof pitch to 9:12 could in turn lower the overall height.

Public testimony was called for. Mr. Payvar agreed to a lower roof pitch but without the requirement of a hip-roof design. Commissioner Carbone thought the side and the rear were very high and 'boxy' and, as such, additional architectural improvements were needed to lessen the impact. Commissioner Kirby concurred and suggested stucco treatment. Commissioner Hancock thought that a hip-roof would eliminate some of the details of the second floor in the rear of the buildings. Although Commissioner Loisel agreed that the end units needed more detail, her other concern was the lack of on-site parking. Mr. Payvar agreed with Commissioner Looney suggestion's that both end units needed the same improvements.

Public testimony was closed. Mr. Buckley clarified that the other end faces an apartment complex that has been converted to condos and the end in question is internal to the block and which will be screened with future developments. Only a portion of the side is visible from the Liberty and Maubert Streets. All second story units have a gable and a bay. Commissioner Carbone recommended extending the gables, as a projection, to eliminate the straight wall. Commissioner Kirby made the motion to approve the application as recommended by staff with the addition to treatment on the southeast end unit to bump out the second story, just below the gable, and continue the wrap of the detail along the sides, and reducing the roof pitch to 9:12.

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Commissioner Carbone seconded. Motion carried unanimously.

3. **ZONING UNIT, ZU-2226 and TENTATIVE TRACT MAP, TR-7703, HAMPTON ROAD DEVELOPMENT COMPANY/ANDRADE TRUST/SOARES TRUST - Preliminary Plan Review** ~ Petition to reclassify five parcels from the R-S-SU (Suburban Residence, Secondary Unit) to a P-D (Planned Development) District, so as to subdivide the properties into seven single-family lots and develop one detached single family dwelling on lots 1-5 and one single family dwelling with a secondary unit on lots 6 and 7, located at 876 through 924 Hampton Road, north side, approximately 300 feet west of Mission Blvd, unincorporated Cherryland area of Alameda County, bearing County Assessor's Parcel Numbers: 414-0021-064-01, 414-0021-064-02, 414-0021-083-01, 414-0021-083-02 and 414-0021-084-00.

Mr. Buckley presented the staff report noting that this is a preliminary plan review for Commission input. In response to Commissioner Kirby, he described that the property boundary is immediately adjacent to the flood control right-of-way which has a bench for maintenance and safety, between the fence and the channel. Commissioner Loisel stated her parking concerns and her appreciation of the tables contained in the staff report.

Public testimony was called for. Mr. Embry, Project Developer, explained that this was the most feasible design and the neighborhood was in support of a cul-de-sac. Instead, a loop design is being proposed to provide better access into flood channel, to eliminate the traffic ingress problem as there will be controlled access and neighborhood compatibility. Commissioner Loisel requested clarification on parking and Cherryland Community Association's recommendation for the Mediterranean theme. Mr. Embry replied that they were trying to be sensitive to the entire neighborhood and maintain similar characteristics. He felt that adequate guest parking is being provided by the driveways and street parking that is available. Commissioner Hancocks expressed his difficulty navigating the staff report. Commissioner Kirby indicated his disappointment that the front house in photo #4 will not be included in this project as it is a blight. Commissioner Carbone agreed adding that lack of parking is negative and suggested eliminating one unit to provide the required parking. He pointed out City of Hayward's guidelines. Commissioner Looney concurred. The Chair requested clarification on the site plan. Commissioner Kirby suggested adding either Plan 2 or 3 to a few more units to gain additional parking spaces while retaining the number of units.

Erica Campisi, on behalf of the Cherryland Community Association and the neighbors, stated that though not against the project, their biggest concern is parking. Since Hampton Road is under consideration by Redevelopment Agency for street improvements, they would like to see a response from Redevelopment regarding the sidewalk re-design and parking. Other concerns are inadequate children's play area, removal and replacement of mature trees, lack of landscaping plan, and an increase in traffic, noise and pollution. In response to Commissioner Looney, Ms. Campisi said that the Mediterranean theme request was based on the adjacent property.



Rebecca Wiebe, on behalf of the other residents of Hampton Road, said their concern was the quality of life as this project will increase traffic congestion, tax the infrastructure and the resources of this already stressed area. Ground instability is another problem in this area. Developers should be required to assist the community with traffic calming, sidewalks, beautification plans and protection of open space. She urged that the current zoning be retained or the project be denied.

Michael Freed said he lives across the street from the project at 855 Hampton Road. He concurred with Ms. Wiebe's statements as he also supports open space. He opposed the rezoning reclassification. Reducing the number of units to 5 would allow space for play area. Nine units would be too many for the property, put a strain on the infrastructure and access for emergency vehicles will be stressed.

Public testimony was closed. Commissioner Carbon requested clarification on the location of the easement. Mr. Buckley explained that the easement is aligned with the loop road, along the edge of the property and there is also a notch which includes the ramp, on the property. Commissioner Kirby asked if there has been discussion on re-locating the easement on the private road to allow access flood control maintenance crew and allow requirements setbacks for the adjacent two units. Mr. Embry explained that they were unable to secure the easement on the west. He agreed with Commissioner Kirby that with the cul-de-sac design, additional area would be available for parking. The neighbors wanted the access to flood control channel not be so visible but an agreement had not been reached. Commissioner Kirby suggested another attempt, with staff, if the easement can be adjusted to benefit the County and the project, and to allow access to the channel and allow a re-design. He would only support this project as submitted if all parking requirements are met. Otherwise, reduce the number of units. Commissioner Loisel asked if a children's play area is required for single family homes and Commissioner Looney Staff requested clarification on replacement trees. Mr. Buckley explained that it was not generally required but could be required for a PD zoning which needed additional open space. No landscaping plan has been submitted. Mr. Embry added that most of the trees are located in the rear and will be preserved.

Commissioner Looney said there were too many units, more parking was needed and recommendations from City of Hayward and Cherryland Home Association should be taken into consideration. Commissioner Carbone stated that he opposed projects that impact the surrounding neighborhood. The project needs to be self contained, provide adequate parking and needs a landscape plan. Commissioner Jacob agreed with the suggestion of a one-way street with some on-street parking and street widening. He also recommended additional setback or easement for public access in the rear in exchange of an appropriate number of units and dedication in the rear as well. Commissioner Hancocks said he would like the parcels exclude the street and a street system as a separate parcel with common ownership. Otherwise, the project should provide adequate on-site guest parking. Too many units were being proposed. Commissioner Kirby added that the parcel boundaries overlay a portion of the private street which demonstrates that too many units are being proposed. The parcels were smaller than the figures reflected in the table. He recommended demolishing the existing home.



4. **ZONING UNIT, ZU-2235 and TENTATIVE TRACT MAP, TR-7756, LANGON** ~ Petition to reclassify one parcel, containing approximately 15, 120 square feet, from the R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling Unit) District to a P-D (Planned Development) District, so as to allow demolition of one existing dwelling and construction of six town-homes, each on its own parcel, so as to allow demolition of one existing dwelling and construction of six town-homes, each on its own parcel, located at 20026 San Miguel Avenue, east side, approximately 680 feet north of Jeanine Way, Castro Valley area of unincorporated Alameda County, bearing county Assessor's Parcel Number: 084A-0109-009-02.

Mr. Buckley presented the staff report noting that the project is still in process. Commissioner Carbone requested clarification on the parking requirement and Commissioner Kirby on the Special Building Line as reflected in Table 1.

Public testimony was called for. Project Developer, John Langon said his biggest concern is parking. On-site parking spaces will be only 17 feet where 18 feet is required but an additional 2 feet from the adjacent properties on both sides will compensate. Mr. Buckley pointed out that it would be subject to Fire Department approval. Commissioner Looney asked if other properties also use street for guest parking. Staff replied yes. Mr. Langon added that this project is within walking distance to public transit on the boulevard. Commissioner Carbone felt that this street would become similar to Wisteria which runs parallel and is also a block from the boulevard and has a number of apartment complexes without required on-site parking.

Nancy Edelhuber, 20036 San Miguel Avenue, said she was the previous owner who had been originally told that a family would be living here. She stressed that the trees were special to her and asked if they could be saved. Traffic has always been a problem especially pulling out of her driveway. As such, this project will add to the congestion.

Robert Curto, 3444 Samson Way, said he lives across the street and confirmed that he had also been told that the existing house will only be remodeled by the new family. There are no sidewalks in this area similar to the surrounding streets. The six street parking spaces are always occupied. Contrary to Mr. Langon, a driveway is not located on the left side but an access to the five apartments. The adjacent neighbor on the right owns numerous cars. This project is too large with too many units which will contribute to the congestion problem as there is a day care and a church already in existence that generates a lot of traffic. Mr. Curto asked why this area does not have sidewalks. Commissioner Hancocks said that Castro Valley is a semi-rural community and Commissioner Kirby noted that the plans indicate curb/gutter and sidewalk improvements for this project and the apartment building on the left already has sidewalks.

Mark Poniatowski, attorney representing the adjacent property owner, Steve Brostrom, stated that this project will have impacts on parking, privacy and the quality of life. The 11-foot reduced setbacks will result in nine rooms at an elevated level looking into Mr. Brostrom's house

||||| and backyard. If the units were to face the street as other dwellings, this problem could be reduced. Six units would be too many for this property and Mr. Poniatowski suggested four instead. Possible mitigations could be curb, gutter and sidewalk improvements, a sound wall of some significant height between the properties and landscaping including tall-growing trees to provide some privacy.

Mr. Brostom said he has lived in this area for 30 years and his concerns were the removal of the two trees, parking in the front, space for garbage cans and lack of privacy. He felt that parking should be provided on site and a sound wall to provide some buffer. Otherwise, he will have to undo his existing landscaping to plant tall trees. There should be a ruling for demolishing old historical houses in Castro Valley as the existing house on the subject property has architectural improvements similar to his house built in 1928. There are only five such houses left on San Miguel.

Public testimony was closed. Commissioner Looney felt that there were too many units and eliminating one unit could save the trees and allow for on-site parking. Commissioner Carbone agreed and added that it will also provide open space to compensate for the lack of rear yards for some units. Commissioner Kirby said his concern was that lots 4, 5 and 6 have rear yards oriented towards the adjacent dwelling with reduced setbacks. Parking was another concern and having six street parking spaces does not totally mitigate the lack of on-site parking. He would like greater setbacks on the right side, perhaps re-orienting the units. Commissioner Loisel said her concerns were privacy and lack of a landscape plan. She supported re-configuration of the units. Approval of this project with street guest parking will set precedence and add to the congestion. Commissioner Jacob also supported the re-configuration that will allow on-site parking and open space. The trees are big and the one to be saved is a hazard, both to the street and electrical wires as it is lop-sided. If possible, he recommended saving the 54-inch wide pine tree. If removed, a landscape plan including a replacement plan is needed. He further pointed out and said he supported staff's recommendation to reconfigure lots 1 and 6 to face the street with porches. The Chair asked for the number of units allowed under the current zoning. Mr. Buckley indicated six units with 10 feet side yard and 20 feet front and rear yards. Commissioner Looney asked why a PD reclassification is being requested. Mr. Buckley explained that the request was due to the reduced rear setback.

Commissioner Kirby moved for a denial and Commissioner Looney seconded. Mr. Buckley pointed out staff's recommendation for a continuance. Motion and the second was amended for a continuance until all issues relating to guest parking, setbacks and trash enclosures are resolved including a landscape plan. Motion carried unanimously.

5. **TENTATIVE TRACT MAP, TR-7747 and SITE DEVELOPMENT REVIEW, S-2048 – K & Z HOMES** ~ Application to construct eight condominium units on one parcel containing approximately 0.46 acres, in a R-S-D-15 (Suburban Residence, 1,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 20378 Stanton Avenue, east side, approximately 187 feet south of Denning Court, Castro Valley area of unincorporated Alameda County, bearing County Assessor's



Parcel Number: 084A-0181-014-00. (Continued from May 1, 2006).

Mr. Buckley presented the staff report. Commissioner Hancock requested clarification on the application description, General Plan and Castro Valley Plan designations relating to the number of units.

Public testimony was called for. Joe Hasnain, representing K&Z Homes, said the project meets all zoning requirements where 29 units per acre are allowed. This proposal is for 17.7 units per acre only. He felt that this project will be beneficial for the community. It will satisfy housing needs in this area as a new hospital is in the process of being constructed. The neighbors have not voiced any objections and Mr. Hasnain urged an approval. In response to Commissioner Jacob, he said the sale price would be about \$550,000 per unit.

John Spaur, project architect, said the applicant would like eight units for the project to be economically feasible. Since the project was not finalized, they were open for input. Per staff's recommendation, carports are not being included in the project.

Commissioner Carbone asked for the project deficiencies based on the Condominium Guidelines. Mr. Buckley replied that CVMAC had concerns regarding guest parking. Mr. Spaur stated that per the Guidelines, one guest space for each unit, a total of eight spaces, would be required. They are proposing three on-site and five off-site.

Public testimony was closed. Commissioner Carbone felt that the project should be self-contained. Commissioner Loisel made a motion for a continuance to allow time to resolve the parking issues. Commissioner Looney seconded and the motion carried 6/1 with Commissioner Carbone dissenting.

- 6. **VESTING TENTATIVE TRACT MAP, TR-7305 - ALCORN/DELCO - Preliminary Review of the Final EIR** ~ 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.

Mr. Buckley presented the staff report and in response to Commissioner Looney confirmed that there is no creek on site.

Public testimony was called for. Hermann Welm, Delco Builders, project developers, said that although the project meets all General Plan, Castro Valley Plan and Zoning Ordinance requirement, it has taken six years of process. The opposition is only from a small group of neighbors. This is not zoned for park or open space and was not on HARD's list for parks. He urged an approval.



David Alcorn said he was the son of the owner and could not understand how a small group of neighbors could prevent a family from selling their property. The delay has been costly. One opposition has been for increased traffic on Pepper Street. Infill has occurred in this neighborhood while his project has been on hold and Mr. Alcorn urged for an approval.

Greg Alcorn, co-trustee of the Alcorn Trust, thanked staff for working on this project for six years. No variances are being requested and the project is in compliance with all requirements. The historical issue has no merit as confirmed by four historians. His grandfather was not historically significant and urged all to stop using his grandfather's name. Mr. Alcorn requested certification of the EIR.

William Fleishhaker, Steefel, Levitt and Weiss, also thanked staff for their work. He pointed out that the Final EIR does comply with the requirements of CEQA in the court's order and urged its certification.

Ethel Morgan asked if guest parking will be provided on-site and if access will be from Malabar Avenue or Seven Hills Road. Commissioner Carbone that access will be from both streets. Ms. Morgan noted that there is a knoll on Seven Hills Road and Pepper Street is a private Road.

Kevin Gormig asked if there will be a walking path access from Malabar through the project, with a crosswalk to the adult school, as discussed at the last meeting. Mr. Buckley replied yes. The knoll, as noted by Ms. Morgan, will encourage speeding. His concern was installing a crosswalk with no signs and cars speeding over the hill which has a blind spot. There is no sign for the school. Mr. Gormig said he has difficulty exiting his driveway. He felt that perhaps with this project and involvement with the Traffic Department, speed bumps could be installed.

Public testimony was closed. Mr. Buckley pointed out that the EIR did address the possibility of a stop sign issue but concluded that it was not warranted. He would double-check with the Traffic Division on the safety measures. Commissioner Kirby thought that the EIR did not specifically address the issue of pedestrian and walkway and further suggested a flashing yellow light. Commissioner Jacob asked for the PRHC deliberals at their next meeting since extensive comments have already been received from them. Staff indicated that it is informational and Mr. Amoroso explained that PRHC had requested copies of FEIR to review the responses to their comments. Commissioner Jacob suggested perhaps a letter. He also requested additional information on bond issue and park alternative. Mr. Bazar explained that there is a \$30 million bond measure on the November ballot; \$20 million for EBMUD property and \$10 million undesignated for HARD. The timeframe is August. Commissioner Carbone asked if this hearing was specifically for the certification of the EIR or if design issues could be discussed. Mr. Bazar said that all issues under CEQA are open for discussion. Commissioner Looney requested parking details. Mr. Buckley said there is on-street parking within the project. Commissioner Kirby made the motion to continue this matter to the next meeting to allow certification of the EIR and Commissioner Carbone seconded. Motion carried unanimously.

STAFF COMMENTS & CORRESPONDENCE: Mr. Bazar announced that the July 3rd meeting has

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been cancelled because of the July 4th holiday and the next meeting will be on July 17th with a field trip and a Mixed Use Workshop. Commissioner Kirby suggested the election of officers occur during the afternoon meeting. The Commission opted for an afternoon meeting with the field trip in the morning with an evening meeting and the workshop to be continued to August.

CHAIR'S REPORT: None.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Carbone asked if the General Plan Conformance property was part of or adjacent to the EBMUD property. Mr. Buckley said it was not. Commissioner Jacob announced that he had attended an EBMUD workshop which had a water storage segment. He requested that San Lorenzo underground water storage be added as a future field trip.

ADJOURNMENT: There being no further business, Commissioner Kirby moved to adjourn the meeting at 4:20 p.m. Commissioner Loisel seconded the motion. The motion was carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY