

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
AUGUST 1, 2005
(APPROVED AUGUST 15, 2005)

FIELD TRIP:

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:

1. **ZONING UNIT, ZU-2210 - GIL** – Petition to reclassify from the A-CA (Agricultural, Cultivated Agricultural Overlay) District to a PD (Planned Development) District, to allow construction of a 1,200 square foot secondary dwelling unit, on one site containing five acres, located at 9293 Tesla Road, south side, approximately 0.33 miles northwest of Reuss Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099A-2003-005-00. (Continued from July 18, 2005).
2. **ZONING UNIT, ZU-2211 - ELLIS** – Petition to reclassify from the A-CA (Agricultural, Cultivated Agricultural Overlay) District to the PD (Planned Development) District, to allow construction of a 1,200 square foot secondary unit, on one site containing approximately 4.92 acres, located at 7301 Mines Road, west side, approximately 60 feet north of Del Valle Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Number: 099A-2420-004-20. (Continued from July 18, 2005).
3. **ZONING UNIT, ZU-2209; TENTATIVE TRACT MAP, TR-7623; GENERAL PLAN AMENDMENT, GPA-135 – OLSON COMPANY** Petition to amend the Eden Area General Plan by redesignating from Suburban and Low Density Residential to Medium and High Density Residential, and amend the General Ordinance Code of the County of Alameda, California, by reclassifying from the C-1 (Retail Commercial) District to the PD (Planned Development) District, and to subdivide the property to develop 99 townhouse residential units and 4,500 square feet of retail, on one site made up of 3.87 acres on the northern side of Bockman Road with a general address of 1233 Bockman Road, and 2.54 acres on the southern side of Bockman Road with a general address of 1210 and 1294 Bockman Road, San Lorenzo area of unincorporated Alameda County, Assessor's Parcel Numbers: 411-063-017-00, 411-069-001-01, 411-069-001-02.

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

MEMBERS EXCUSED: Commissioners Richard Hancocks and Edith Looney.

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OTHERS PRESENT: Steve Buckley, Assistant Planning Director.

REGULAR MEETING: 6:00 p.m.

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

MEMBERS EXCUSED: Commissioner Edith Looney

OTHERS PRESENT: Chris Bazar, Planning Director; Steven Buckley, Assistant Planning Director; Jana Beatty; Senior Planner; Brian Washington, County Counsel’s Office; Nilma Singh, Recording Secretary.

There were approximately fifty-seven people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 6:05 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 - July 18, 2005.**
2. **ZONING UNIT, ZU-2202 – HOPSON –** Petition to reclassify from the R-1 (Single Family Residence) and R-1-B-E (Single Family Residence, 1 acre per 1976th Zoning Unit) to the R-1-B-E (as specified) to divide the site into four 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 Assessor’s Parcel Numbers: 0417-0140-028-00 and 0417-0151-001-00. (Continued from July 18, 2005; to be continued to October 3, 2005).
3. **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

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unincorporated Alameda County, bearing County Assessor's Parcel Number: 0096-0320-003-00. (Continued from July 18, 2005; to be continued to September 19, 2005).

4. **TENTATIVE TRACT MAP, TR-7549 – BRIGGS** - Petition to allow conversion of eight apartments units into condominiums, in a R-3 (Four Family Residence) District, located at 22242 North Sixth Street, east side, approximately 150 feet north of Knox Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Numbers: 0415-0100-126-01 and 415-0100-126-02. (Continued to August 15, 2005).

Approval of July 18th Minutes was continued to August 15, 2005. Commissioner Kirby made the motion to approve the Consent Calendar and Commissioner Jacob seconded. Motion carried unanimously.

REGULAR CALENDAR:

1. **Motion to Reconsider Action Taken at 7/18/05 Planning Commission Hearing:**

CONDITIONAL USE PERMIT, C-4158, REPUBLIC SERVICES – VASCO ROAD LANDFILL - AMENDMENT – 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.

At the request of Commissioner Loisel, Mr. Bazar and Commissioner Jacob explained the circumstances surrounding the request for reconsideration. This was based on the fact that the Planning Commission action on July 18, 2005, involved a very complicated motion and the financial impacts were not totally explored and, as such, perhaps it would be appropriate to do some additional research and discussion. Commissioner Hancocks stated that no provision is provided for reconsiderations under Title 17, but amendments to Title 17 could be further discussed at the Board of Supervisors. Mr. Bazar pointed out that there is a provision which allows applications to be reconsidered at the very next meeting following an action and Mr. Washington added that it was allowed under Article 5, Section 4 of the Planning Commission Rules and Procedures. Motion for reconsideration carried unanimously. Commissioner Jacob made the motion for a continuance to August 15th and Commissioner Kirby seconded. Motion carried 6/0; Commissioner Looney was excused.

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2. **ZONING UNIT, ZU-2210 - GIL** – Petition to reclassify from the A-CA (Agricultural, Cultivated Agricultural Overlay) District to a PD (Planned Development) District, to allow construction of a 1,200 square foot secondary dwelling unit, on one site containing five acres, located at 9293 Tesla Road, south side, approximately 0.33 miles northwest of Reuss Road, Livermore area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 099A-2003-005-00. (Continued from July 18, 2005).

Mr. Buckley presented the staff report adding that staff’s recommendation is that the Commission either continue the hearing to allow the applicant to develop another alternative proposal or to approve the project with a modified proposal incorporated as specified by text and/or graphics specified by the Commission.

Public testimony was called for. Jeff Gill, Applicant, explained his proposal pointing out that he believes his original proposal is the most appropriate location for a secondary dwelling, as it is a dead corner of the lot and would not result in the loss of land for agricultural uses. If moved to the rear of the property as suggested by staff, additional space that he currently uses for animal pens will be lost and a gravel road will be required. He stated that the new driveway would provide adequate visibility on Tesla Road and paving 50 feet from the edge of the roadway could be done. Zone 7 recommends two septic systems, as opposed to staff’s recommendation that one system should be considered, which will require modification to the existing system and adding a new one.

Public testimony was closed. Commissioner Kirby noted that a two-acre building envelope for a secondary unit was the standard for the rural areas with consolidated septic systems which would not require a second driveway. He could not support the proposal unless it was modified to be in conformance with these requirements. Commissioner Loisel agreed adding that she would like to see a revised plan before taking any action. Commissioner Carbone also agreed and further requested clarification on the location of the secondary units. He felt that the proposed location of the secondary unit was not related to agricultural reasons and perhaps the existing road could be utilized with one combined up-graded septic system. Commissioner Jacob concurred with Commissioner Carbone and asked for the location of the leach field. Per submitted drawing, Mr. Buckley pointed out that it was located at the rear of the dwelling on top of the hill, in the gravel parking area. Commissioner Kirby made the motion to continue the matter to allow time for the Applicant to submit a revised proposal for a 1,200 square foot secondary dwelling unit on a two-acre maximum single building envelope with a consolidated septic system, a single driveway from Tesla Road and improvements for entryway to the driveway as per staff recommendations. Commissioner Loisel seconded, which carried unanimously; Commissioner Looney was excused.

3. **ZONING UNIT, ZU-2211 - ELLIS** – Petition to reclassify from the A-CA (Agricultural, Cultivated Agricultural Overlay) District to the PD (Planned Development) District, to allow construction of a 1,200 square

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foot secondary unit, on one site containing approximately 4.92 acres, located at 7301 Mines Road, west side, approximately 60 feet north of Del Valle Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Number: 099A-2420-004-20. (Continued from July 18, 2005).

Mr. Buckley presented the staff report. One possible issue would be the width of the access driveway, which is a Fire Department's requirement and could require minor grading work and tree removal.

Public testimony was called for. James Ellis, Applicant, stated that the purpose of the second unit was for his parents, adding that there is a roadway easement to the rear of the property that will provide another access point so the existing driveway would not require improvements, and other improvements would include a 5,000-gallon water tank with a fire control system. In response to Commissioner Kirby, he explained that although he would like to extend the existing leach field for one up-graded system, Zone 7 would like two systems so that is what was proposed.

Public testimony was closed. Commissioner Carbone thought this was a good proposal and further requested clarification on septic tank requirements. Mr. Buckley noted the contents of Zone 7 and Environmental Health response letters pointing out that these were not planning issues. A discussion followed regarding different types of systems. Commissioner Kirby made a motion to approve staff recommendation adding that the septic system should be consolidated for both units or another alternative as approved by Zone 7, and fire access issue should be approved by the Fire Department. The Chair amended the motion to include Environmental Health as a responsible party in determining the final design and location of the septic system or systems. Commissioner Loisel seconded. Commissioner Jacob asked if a response had been received from the Fire Dept. Mr. Buckley said that a response was received today from the Fire Department recommending widening the driveway to 20 feet at the entrance with 15 feet otherwise. Motion carried unanimously; Commissioner Looney was excused.

- 4. **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, 1779th 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 and July 18, 2005).

Ms. Beatty presented the staff report noting that although the Commission had found the project to be exempt from CEQA, County Counsel has advised that the more prudent course of action would be to prepare an Initial Study. Public Works has informed the Planning Department that their geotechnical and soils investigations were not complete and, as such, staff is recommending

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a continuance. A discussion followed regarding dedication for future road widening to 44 feet and its effect, current varied street widths, whether the dual general plan designation is related to the entire property or specific area, CVMAC unanimously recommending denial, and removal of this site from the Housing Element's potential site list.

Public testimony was called for. Mark Armstrong, applicant's representative, stated that although the project has other access alternatives, both Traffic Division and Fire Department staff prefer access on Huber Road with dedication and no parking on one side. The commercial use has been a blight and this property is only one acre and, as such, residential use is the reasonable choice as there is nothing to suggest that a commercial use would be a viable use. He submitted a report on other neighborhood stores of the area. Access from Lake Chabot Road involves engineering issues.

In response to Commissioner Jacob, Mark Pringle stated that he was the new owner proposing the residential plan adding that the previous owner had enquiries only for residential uses and had not been able to keep the property in commercial use.

Melba Akehurst, a Huber Drive (18915) resident for 54 years, discussed her concerns which included an additional 800-1000 cars per day on a substandard narrow street, the elimination of her front yard and off-street parking as a result of street widening; per traffic engineers, access to Lake Chabot Road would be costly but this should not be a consideration; lack of sight distance; and lack of a traffic signal at the north intersection of Key and Lake Chabot Road.

John Davis, 18847 Huber Drive, said he has lived in this neighborhood for twenty years. He opposed this project because of the single access on Huber Drive which would add too many cars on a little street. Although CVMAC recommended a denial based on the number of accidents on Lake Chabot Road, there have been only two accidents in the last 2 ½ years per Sheriff's Department. He requested a traffic study by a licensed traffic engineer.

John Thorpe, property owner at 17400 Parker Road and also representing J&P Bell, Inc., provided the history of the commercial use. Since the landlord refused repairs, Mr. Bell and other investors were willing to buy and up-grade the commercial use (the market) but the landlord was not interested. Residents do not want to drive a distance for every small purchase and there is plenty of market for commercial uses at the site. He felt that there should be a penalty for owners who let their properties become a blight.

Stephen Dearborn, 3254 Keith Avenue, said that his concerns were traffic and access on Huber Drive. As a result of the street widening, they would lose yards and parking. There was already over-spill parking from the swim center and the community center, and this development will aggravate the situation. A compromise consisting of residential uses along Huber Drive and maintaining commercial use along Lake Chabot Road would be appropriate. The development, as proposed, will affect the neighborhood negatively and he suggested that sacrifices be made by the owner/developer and not the community.

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Willie Hughes said she owns property at the corner of Keith and Lake Chabot Road. She suggested houses along Huber Drive and no access to commercial property through Huber Drive as it would decrease property values. She agreed that the street widening will eliminate front yards and parking.

Edward Dang, property owner at 18865 Huber Drive, concurred with the above speakers regarding traffic, congestion, over-spill and sight distance. Page 3 of the staff report does not include the impacts on the neighbors.

Kenneth Akehurst submitted photographs in opposition and pointed out that the street in front of his property is 29 feet wide.

Michael Vaz, said his property, 3254 Keith Avenue, was located in the narrowest section of Huber Drive and he did not wish to lose 10 feet of his property. He would support a neighborhood store at the project site. If a project is approved, he urged that access be limited to Lake Chabot, or with reduced number of homes and commercial use along Lake Chabot Road.

Public testimony was closed. Commissioner Jacob, in reference to Page 29 of the Initial Study, asked if the impacts of the swim club could be identified in the staff report and the impact of street improvements on the over-spill parking problem, in order to separate the parking impacts and traffic issues, and that traffic counts should be based on realistic trip generation figures, and not likely to be as high as some testimony that was received. Commissioner Carbone suggested doing a traffic study during the peak hours and not during the day. Commissioner Kirby said his concern was the dual zoning, pointing out that a commercial use will also have an impact on Huber Drive. Although he did not support a full residential project, the developer could propose one within the land use designation for the site contained in the Castro Valley Plan. He wanted to see a project that did not require road widening on Huber, and ideally 3-4 homes with access on Huber Drive and mixed uses along Lake Chabot Road. Commissioner Hancocks said his concern was the on-going problem of allowing properties to de-grade with an ultimate plan to change from commercial to residential for financial gain. He asked if the public health and welfare is being served by this proposal. Commissioner Loisel felt that since Huber Drive could not accommodate any additional traffic, access should be on Lake Chabot Road. Ten homes on a 1.17 acre parcel would not be compatible with the existing neighborhood. She made the motion for a continuance to September 6th and Commissioner Kirby seconded. Motion carried unanimously; Commissioner Looney was excused.

5. **ZONING UNIT, ZU-2209; TENTATIVE TRACT MAP, TR-7623; GENERAL PLAN AMENDMENT, GPA-135 – OLSON COMPANY** Petition to amend the Eden Area General Plan by redesignating from Suburban and Low Density Residential to Medium and High Density Residential, and amend the General Ordinance Code of the County of Alameda, California, by reclassifying from the C-1 (Retail Commercial) District to the PD (Planned Development) District, and to subdivide the property to develop 99 townhouse residential units and 4,500 square feet of retail, on one site made up of 3.87 acres on the northern side of

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Bockman Road with a general address of 1233 Bockman Road, and 2.54 acres on the southern side of Bockman Road with a general address of 1210 and 1294 Bockman Road, San Lorenzo area of unincorporated Alameda County, Assessor's Parcel Numbers: 411-063-017-00, 411-069-001-01, 411-069-001-02; as shown on the map labeled Exhibit "A", July 1, 2005, on file with this Commission at 224 W. Winton Avenue, Suite 111, Hayward, California. (Continued from July 18, 2005).

[The purpose of this hearing is to take comments on the Initial Study leading to the preparation of an Environmental Impact Report. No action will be taken at this hearing. Additional hearings will be held later in the year, and additional public notice will be provided].

Mr. Buckley presented the staff report adding that schools have also been identified as an impact that will be discussed in the EIR.

Public testimony was called for. Phil Kerr, representing the Olsen Company, submitted photographs to the Commission and the public, and further described the proposal. Community meetings were held for feedback and now the project has been revised for a mixed use development with 4,500 square feet of retail use, 99 townhomes with 268 parking spaces. Commissioner Kirby pointed out that the existing square footage of retail use has been reduced to 4,500 square feet. Mr. Kerr replied that many tenants, although interested in staying, may be unable to meet the lease price of a revitalized commercial center compared to the present depressed lease rates. Commissioner Jacob asked how many of the proposed residential units were three stories, and the relative construction cost of adding height or changing construction techniques. Mr. Kerr replied that all units were the same height, 3 stories in the rear and 2 stories in front, and anything higher would not be compatible to the existing surroundings. Commissioner Carbone said he concurred with Commissioner Kirby, and his concern was that the parking layout did not distribute the guest parking throughout the project.

Michelle Clowser, 1135 Via Vista, said she has lived in this area for 34 years pointing out that San Lorenzo is made up of long term residents. An approval will have a long term impact on residents; add 200 additional cars to the already over-burdened Bockman Road; add new students to the existing over-crowded six schools which will have a significant impact; eliminate locally owned shops; and drastically change San Lorenzo.

Kathie Ready, representing San Lorenzo Village Home Association, noted the absence of a convenience commercial use section in the Eden General Plan. Height was her other main concern as the development will stick up as a 'sore thumb', surrounded mainly by single family homes. Density needs to be addressed more fully in the Initial Study as 99 homes for this area was too many. The Initial Study states that students could attend schools outside the assigned area and she asked how this made sense. She agreed with Commissioner Hancock that the problem is allowing property owners to degrade their properties and then try to change the use.

Donald Clowser said there are only five main arterials coming into San Lorenzo. Property

owners would not support dedication of their small front yard for street widening. Summer was not the time for a traffic count. Residents like community areas and having shopping centers within walking distance. His other concerns were noise, density and height. Commissioner Carbone asked what he thought would be a good project. Mr. Clowser said he did not support residential zoning but would like to retain the commercial uses, or have the density be reduced.

Ms. Clowser agreed that there was a need to attract businesses and the building was dilapidated but the residents were not against remodeling. This was a low crime area which should help attract new businesses.

Mr. Buckley indicated that the EIR will include commercial alternatives with traffic impacts/counts for commercial vs. residential for comparison and lower density development as options.

Mimi Dean, property owner at 16137 Via Pinole and a teacher at Bohannon Middle School, agreed that the building was dilapidated but felt that retail space was critical to the community and 4,500 square feet would be inadequate. Schools were already at capacity and busing was only available for elementary students. Many businesses have re-located. She urged for better alternatives for commercial use and perhaps the availability of Redevelopment funds be explored.

Patricia Hoke, 1931 Via Carreta, concurred with all the above speakers. Her main concern was the quality of life. Commercial uses keep residents connected and build community. This plan is not compatible with San Lorenzo. A petition from the ad-hoc group that has formed to oppose the project will be submitted later.

Howard Beckman pointed out that the residents were not in support of preserving the 55-year old buildings but were concerned with losing commercial development opportunities. There is a need for a strategic economic plan for the unincorporated area. His proposal, which will be followed in a formal written form, was that firstly the basic concept of rezoning from commercial to residential use should be considered before any detailed project proposal is considered.

Joanne Norman, property owner at 1287 Via Madera, stated that her property was adjacent to the subject site on the south end. Her concerns included elimination of privacy as three-story buildings will look into her and other rear neighbors' bedrooms and backyard; increase in density, traffic, noise and pollution; Bockman Road is a narrow street; schools are already at maximum capacity; and there are not enough exits out of this area.

Mary McMillan, 17273 Via Melina, said she measured Bockman Road which varies considerably from 40 feet to 28 feet. She further provided road widths and street parking availability at different locations on Bockman Road. A traffic study is needed as this is a heavily impacted street which will have an additional 100 cars with limited or no access for emergency vehicles. She requested that the EIR discuss the traffic problem and a clean air plan in a more definitive method.

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Lita Clapper, 1020 Via Honda, submitted her comments on the speaker card.

Public testimony was closed. Commissioner Kirby said he shared the concerns for traffic and schools which were significant concerns. Impact fees per unit will be inadequate for residents/students living in this project. His main concern was the community impact and he would like to see a mixed use project as the area cannot support a full commercial project, but retain a larger portion of commercial use. Commissioner Hancocks said he would like to see more consideration on the impact on the schools and traffic generated if the new students will be attending outside the area.

Commissioner Loisel said she would like to see a mixed use project with higher commercial use and lower residence counts. The current proposal does not provide adequate square footage to even retain the existing commercial use. Commissioner Carbone suggested inclusion of a day care facility. Commissioner Jacob discussed sustainable neighborhood commercial facilities pointing out that density helps sustains neighborhood commercial uses; financing aspects of mixing the uses; focusing on realistic parking requirements; environmental issues in the concept of public health and safety; and including a traffic study completed during school hours in the EIR.

Mr. Buckley indicated that staff would look at the traffic studies already in files and also look at other traffic related issues raised today, to be included in the EIR. Regarding feasibility and economic reality of developments, feasibility is considered under alternatives but a detailed economic analysis is usually not included in the EIR. Commissioner Jacob felt that it was fair to ask what is sustainable and what is the long term benefit for the community. In response to Commissioner Carbone, Mr. Bazar confirmed that this was a redevelopment area and the San Lorenzo CAC offers recommendations on how to distribute redevelopment funds. The Chair requested that staff check with the school district if school boundaries will be moved in the future to accommodate shifting enrollments; and a comparison of traffic studies between types of commercial and residential uses. Commissioner Kirby suggested perhaps a commercial strip on each side with residential in the middle, and sustainability related to what the project can support in reference to square footage of commercial usage in a mixed use project.

Commissioner Jacob made the motion for a continuance and Commissioner Kirby seconded. Motion passed unanimously; Commissioner Looney was excused.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR'S REPORT: None.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Hancocks reminded staff to check into the air conditioning for the hearing room. Commissioner Kirby announced that he will not be available for the second meeting in September.

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ADJOURNMENT: There being no further business, Commissioner Loisel moved to adjourn the meeting at 8:20 p.m. Commissioner Kirby seconded the motion. The motion was carried 6/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY