

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
AUGUST 2, 2004
(APPROVED AUGUST 16, 2004)

The meeting was held at the hour of 1:30 p.m. at the Public Works Auditorium, 399 Elmhurst Street, Hayward, California.

FIELD TRIP: 1:30 p.m.

MEMBERS PRESENT: Commissioners Ario Ysit, Compton Gault and Lena Tam

MEMBERS EXCUSED: Commissioner Mike Jacob, Chair; Frank Imhof, Vice Chair, Glen Kirby, Richard Hancocks

OTHERS PRESENT: Brett Lucas, Planner III

FIELD TRIP: The meeting adjourned to the field and the following property was visited:

1. **CONDITIONAL USE PERMIT, C-7753 and VARIANCE, V-11436 - TRINITY CHURCH** - Application to allow construction of a new church facility (Anglican Church), and approve as a building site one site of approximately 21 acres where 100 acres is the minimum parcel size, in an "A" (Agricultural) District, located on Sunnyslope Avenue, east side, north of I-580, unincorporated Castro Valley area of Alameda County, bearing County Assessor's Designations: 085A-1400-003-02, 085A-1500-001-03, 085A-1400-001-09. **CANCELED**
2. **TENTATIVE TRACT MAP, TR-7536 - YUEN** – Application to convert a five unit multi-family dwelling to a five unit condominium complex, in a R-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area, Dwelling Unit) District, located at 520 and 528 Blossom Way, north side, approximately 485 feet west of Western Boulevard, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 0429-0019-049-00.
3. **ZONING UNIT, ZU-2194th – IBSEN** – Application to consider reclassification from A-CA (Agricultural with Cultivated Agricultural Overlay) District to a P-D (Planned Development) District, to allow a single family residence with a secondary unit, located at 4180 Greenville Road, east side, corner southeast of Tesla Road, unincorporated Livermore area of Alameda County, bearing County Assessor's designation: 099A-1900-001-12.
4. **VARIANCE, V-11853 and SITE DEVELOPMENT REVIEW, S-1918 - SCOTT ROBINSON** – Application to allow an average building height of 38 feet three inches where 30 feet is the maximum allowed, in a R-1-L-B-E (Single Family Residential, Limited Agricultural Uses, Five Acre Minimum Building Site Area, 300 feet Median Lot Width, 30 feet Front Yard, 20 feet Side Yard) District, located on Clover Road, west side, approximately 800 feet south of the intersection with East Avenue, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 425-0230-001-00.



REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Commissioners Ario Ysit, Chair; Compton Gault; Richard Hancocks; Frank Imhof; Mike Jacob, Vice Chair; Glenn Kirby; Lena Tam

MEMBERS EXCUSED:

OTHERS PRESENT: Steven Buckley, Assistant Planning Director; Ronald Gee, Senior Planner; Bruce Jensen, Senior Planner; Rodrigo Orduna, Contract Planner; Eric Chambliss, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately fifteen 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** – April 5, June 21 and July 14, 2004.

Commissioner Tam made the motion to approve April 5 Minutes with corrections and June 21 Minutes as submitted. Commissioner Gault seconded the motion and motion carried 6/0/1. Commissioner Imhof was excused.

2. **MODIFICATION TO THE 1557th ZONING UNIT – ADAMS** – Application (C-N uses and auto repair business subject to Type A service station requirements), to include additional buildings and services according to a 5 year phasing plan, and **CONDITIONAL USE PERMIT, C-8275**, an application to implement the minor modification to the zoning unit, on one site containing approximately 0.30 acres, in a P-D (Planned Development, 1557th Zoning Unit) District, located at 18811 Lake Chabot Road, south side, corner east of Huber Drive, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084B-0502-044-00. (Continued from July 19, 2004; to be continued without discussion to August 16, 2004).

The Chair noted the different continuance dates on the agenda and the staff report. Staff confirmed that the next hearing date was September 20, 2004. Commissioner Tam made the motion to approve the Consent Calendar with the above modification and Commissioner Kirby seconded. Motion carried 6/0/1. Commissioner Imhof was excused.



Commissioner Imhof arrived a few minutes late.

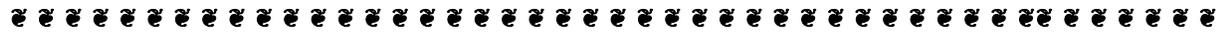
REGULAR CALENDAR:

1. **TENTATIVE TRACT MAP, TR-7536 - YUEN** – Application to convert a five unit multi-family dwelling to a five unit condominium complex, in a R-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area, Dwelling Unit) District, located at 520 and 528 Blossom Way, north side, approximately 485 feet west of Western Boulevard, unincorporated Cherryland area of Alameda County, bearing Assessor’s Parcel Number: 0429-0019-049-00.

Mr. Buckley presented the staff report. One issue related to this application was the location of the utility meters which was not in compliance with the Site Development Review conditions. Condition 19 was relevant.

Public testimony was called for. The Applicant, Mr. Yuen was available with his translator. Commissioner Gault said he was concerned with the walkway between the building and the garage and the fence. Mr. Yuen replied that presently no one lived in the rear and it was a temporary fence which would be removed when construction was complete. Commissioner Ysit suggested installing a cover on the meters since the only place to relocate would be in the rear but will still be in the way. Mr. Buckley agreed that this could be a solution but pointed out that it would reduce the walkway space. Commissioner Kirby stated that it should be removed both to enforce the original condition and for aesthetic reasons also.

Public testimony was closed. Commissioner Hancocks agreed with Commissioner Kirby adding that it was a fairly standard condition. Commissioner Gault made a motion to approve the application with additional conditions to reflect that the red curb be extended to the rear of the sidewalk, the temporary fence is removed and sand pile in the breezeway also be removed and the original condition in reference to the utility meters be followed by removing from the driveway. Commissioner Hancocks seconded the motion. A discussion followed regarding the alternatives available for meter relocation and curb cuts. Commissioner Tam pointed out that there was no condition related to the curb cuts. Mr. Buckley replied that two cuts were approved because of the driveway. Commissioner Gault amended his motion to reflect retention of the two curb cuts. Motion carried 7/0.



2. **CHEVRON PIPELINE RELOCATION AND WATERSHED PROTECTION PROJECT** – Chevron Pipeline Company proposes to construct and operate a new pipeline segment (approximately 7.5 miles long) to be joined to an existing petroleum products pipeline in order to reduce the risk of water supply contamination at the San Antonio Reservoir in the event of a pipeline failure within the reservoir’s watershed. The relocation of the existing pipeline is a condition of the Project applicant’s current right-of-way lease agreement with the San Francisco Public Utilities Commission. The proposed pipeline segment is generally within an existing electrical transmission line easement and would extend for approximately 6 miles through an area north of the San Antonio Reservoir and south of Vallecitos Road (Highway 84). The proposed pipeline segment would separate from the existing pipeline at the northeastern end of the Project site within Sycamore Grove Regional Park and rejoin the existing pipeline approximately 1 mile south of Livermore and approximately 1 mile southwest of the Vallecitos Road (Highway 84)/I-680 Interchange near San Antonio Creek. The area through which the proposed pipeline segment would pass is generally characterized as grasslands and rolling hills, currently used for grazing. Once the proposed pipeline segment has been completed within the alignment ultimately selected, the existing pipeline segment near the San Antonio Reservoir would no longer be used, and would be decommissioned in-place.
(Continued from March 15, May 3, May 17 and July 19, 2004).

Mr. Jensen presented the staff report.

Public testimony was called for. Mike Chrzanowski, Chevron Project Manager, said the relocation was to lower the risk to San Antonio Reservoir with mitigations to any new environmental impacts to less than significant levels. They concur with the recommended conditions. Although all CEQA questions have been adequately addressed in the EIR, they were going to continue discussions with the landowners on any specific concerns including the financial impact on their properties. He requested certification of the EIR. Commissioner Tam asked whether eminent domain or resolutions of necessity will be required in the future regarding access to the private properties. Mr. Chrzanowski replied that they would prefer to negotiate with the property owners.

Mark Palley felt that an inadequate EIR could not be cured with responses to comments, that the pipeline does not need fuller comparisons on the alternatives. This EIR did not do this. This proposal would be tearing up a large area of land, permanently interfering with wildlife habitats, namely salamander. In comparison, retaining the current location or along Route 84 was vastly better and there would be no harm in extending the time frame to explore these alternatives. Legal impediment does not exist that would require Chevron to really look at costs and benefits of keeping the pipeline at the current location or giving adequate time to look at R-84 alternative. Commissioner Tam asked if he felt that the specific mitigation measures were not adequate for the salamanders (eggs). Mr. Palley replied that it was always possible to disrupt the habitats and although alternatives were available, they have not been weighed because of the contract. Since the existing pipeline has been in place for 35 years, there would not be the same problem of settled habitats. Commissioner Hancocks asked if Chevron had a viable alternative to extend the lease. Mr. Palley replied that the County did.

David Houts representing Zone 7, thanked staff for inserting the draft language into the conditions of approval. He requested one modification, the addition of the word ‘significant’ to the last sentence before the word ‘problem’.



Public testimony was closed.

Commissioner Gault made the motion to move staff recommendation and Commissioner Tam seconded. The Chair indicated that the motion was to certify the Final EIR. Commissioner Tam added that she agreed that impacts would occur with the relocation but also understood the need for extra protection. She felt that impacts were addressed and alternatives were analyzed. Commissioner Kirby agreed adding that he sympathized with Foley Ranch. He preferred if the current location could be relocated to Highway, but this did not seem possible. He was concerned that San Francisco Water was shifting some risks onto Alameda County watersheds even though the EIR and the conditions of approval address the concerns. Commissioner Gault said he also has safety concerns but documents from other districts involved assure safeguarding. The Commission voted unanimously on the certification of the EIR.

Commissioner Imhof asked if a condition could be added that when Highway 84 was finalized, the Commission could require Chevron to relocate the pipeline. County Counsel raised the question of conformity to the General Plan which would have to be re-addressed at that time. Commissioner Kirby felt that if relocation plans were delayed and plans for Highway 84 moves forward, perhaps there was a possibility. Commissioner Gault indicated that since there was no time frame for Highway 84, it would be a handicap. He made the motion to approve the Mitigation Monitoring and Reporting Program and Commissioner Tam seconded. The Commission voted unanimously in favor of the motion.

3. **CONDITIONAL USE PERMIT, C-7753 and VARIANCE, V-11436 - TRINITY CHURCH** - Application to allow construction of a new church facility (Anglican Church), and approve as a building site one site of approximately 21 acres where 100 acres is the minimum parcel size, in an "A" (Agricultural) District, located on Sunnyslope Avenue, east side, north of I-580, unincorporated Castro Valley area of Alameda County, bearing County Assessor's Designations: 085A-1400-003-02, 085A-1500-001-03, 085A-1400-001-09. **CANCELED.**
4. **POTENTIAL ORDINANCE UPDATE CONCERNING GARAGE CONVERSIONS** – Proposal by the County Ordinance Review Committee and Planning Department Staff to update the County Zoning Ordinance to restrict conversions of residential garages into habitable and/or storage spaces unless certain on-site conditions are met.

Mr. Gee presented the staff report noting staff recommendation. Commissioner Tam asked if all garage conversions would go through a public hearing process and the number of conversion applications in a year. Mr. Gee replied that it would be a Site Development Review process requiring only a Planning Director's approval and there were approximately 15-20 code violation reports pending.

Public testimony was called for. Kathie Ready thanked staff for all the work. She provided a history of events that led to the formation of the Ordinance Update Committee. Illegal conversions have destroyed neighborhoods, put cars on streets and garbage in front yards. Many cities do not allow conversions without meeting onsite parking requirements. Variances based on handicap issues were different. The Committee unanimously voted against conversions. Commissioner Kirby asked if there was an issue of shorter driveways in San Lorenzo. Ms. Ready replied that it was on some streets. Most families own more than one car and the statement that owners do not park in their garages was not true.

Public testimony was closed. Commissioner Hancocks agreed with Ms. Ready. Most Associations want

reasonable standards. Commissioner Tam appreciated the community work and said her concern was the enforcement of the standards, which was limited. She asked if the community groups could aid with the enforcement. Commissioner Hancock agreed. Mr. Gee answered yes and further pointed out that some home associations have CC&Rs and others have design review.

Commissioner Gault made a motion to move staff recommendation on Option 2 and Commissioner Hancock seconded. While stating that at the adoption of the new procedure, there will be numerous applications to legalize conversions, it would be important to meet building codes, whether new or to be grandfathered in. It was necessary to clarify what a parking space is inside a garage and what constitutes the replacement of a parking space. A replacement parking space has to be certain size and oriented perpendicular to the street and accessible to curb cut. All seven conditions need to be complied with. Clarity was also needed to reflect that a conversion's intent was not to make a secondary unit, an in-law unit, kitchen facilities, a direct connection to the main building was needed and the associations should be on the mailing list. He felt that if all conditions were met, it would not be necessary to have a hearing on each application but be optional. Commissioner Hancock pointed out that the Ordinance currently contains standards for size and location of garages, the zoning of a property would either allow or prohibit secondary units and the associations were already on the mailing list. Mr. Gee agreed. Commissioner Gault re-stated his motion for a continuance to September 7 during which time comments from Commissioner Kirby would be included under Option 2.

A discussion on variance applications followed. Commissioner Kirby asked if there were examples in the Ordinance that states the minimum standards. He preferred to keep the variance option available and if not all seven conditions were met, a public hearing would be held. Mr. Gee pointed out the option also of rezoning. Commissioner Tam discussed Condition 6. Mr. Gee explained that applicants would have to show alternative storage area in a site plan and that zoning enforcement could address outdoor storage.

The Chair requested clarification on the parking issue including encroachment into the required setback; information on the storage issue; the connection from the garage to the main dwelling; and impact on tax assessment.

The Commission voted 7/0 for Option 2 and a continuance to September 7.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR'S REPORT: None.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Gault thanked all for their help during the mailing for the Planning Commissions Association seminar, to be held from November 11-14, 2004 in Pleasanton.

Commissioner Ysitt requested clarification on the memo from the Board of Supervisors regarding 2004 Conflict of Interest Code Biennial Review. Mr. Buckley said he would check into it.

Commissioner Imhof apologized for being late and indicated that he would not be available for the August 16th hearing. He requested that the Commission members wear a collar shirt.

ADJOURNMENT: There being no further business, Commissioner Gault moved to adjourn the meeting at 7:45 p.m. Commissioner Tam seconded the motion. The motion was carried 7/0.



CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY