

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
NOVEMBER 7, 2005
(APPROVED ON NOVEMBER 21, 2005)

FIELD TRIP:

MEMBERS PRESENT: Commissioners; Frank Imhof, Chair; Glenn Kirby, Vice Chair; and Edith Looney.

MEMBERS EXCUSED: Commissioners Ken Carbone, Richard Hancocks, Mike Jacob and Alane Loisel.

OTHERS PRESENT: Steve Buckley, Assistant Planning Director.

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. **TENTATIVE TRACT MAP, TR-7685 – COOK/HIFAI** - Petition to allow conversion of 27 apartment units into 27 condominium units, in a R-S-D-15 (Suburban Residential, 1,500 square foot Minimum Building Site Area per unit) District, located at 1570 – 165th Unit, south side, approximately 260 feet west of Los Banos Street, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0076-016-01.
2. **TENTATIVE TRACT MAP, TR-7669 – MAYAR** – Petition to subdivide two parcels into six lots and three common area lots, in a R-1-B-E (Single Family Residence, Fairview Plan) District, located at 23358 and 23386 Maud Avenue, east side, approximately 30 feet north of Romagnolo Way, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 417-0210-069-01 and 417-0210-092-00.
3. **2221st ZONING UNIT and TENTATIVE TRACT MAP, TR-7677 – RAGG** – Petition to reclassify one parcel containing approximately 0.46 acres from the R-S-D-25 (Suburban Residence, 2,500 square foot Minimum Site Area per dwelling unit) District to a P-D (Planned Development) District, so as to retain an existing dwelling and construct four new dwellings, and allow subdivision of one parcel into five lots, located at 19959 Redwood Road, west side, approximately 200 feet north of Lorena Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0095-005-02.
4. **VARIANCE, V-11941, MICHAEL STROM/LAMB SURVEYING, INC.,** - Application to allow a one-foot side yard where five feet is required (lot 1), in an R-S-SU (Suburban Residence, Secondary Unit) district, as part of a proposed three lot subdivision, located at 325 Cherry Way, south side, approximately 124 feet east of St. George Street, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 0429-0014-057-00.

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REGULAR MEETING: 6:00 p.m.

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

MEMBERS EXCUSED: Commissioner Ken Carbone.

OTHERS PRESENT: Steven Buckley, Assistant Planning Director; Brian Washington, 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 - October 3 and 17, 2005.**

Commissioner Kirby made the motion to approve October 3rd Minutes as submitted. Commissioner Hancocks seconded. Motion carried unanimously.

Commissioner Kirby made the motion to approve October 17th Minutes and Commissioner Hancocks seconded. Commissioner Jacob abstained. Motion carried 5/0.

2. **ZU-2209, TENTATIVE TRACT MAP, TR-7623 and GPA-135 – THE OLSON COMPANY PROJECT, BOCKMAN ROAD - Public comment on the DEIR** – Petition to allow demotion of the existing commercial structures on approximately 6.4 acre site, and the construction of approximately 99 townhome units and 4,500 square feet of commercial space, located at 1210 to 1415 Bockman Road, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 411-063-017-00, 411-069-001-01 and 411-069-001-02. (To be continued to December 5, 2005).
3. **2216th ZONING UNIT and TENTATIVE PARCEL MAP, PM-8742 – RAMESH and LALIT KUMAR** – Petition to reclassify from the PD-ZU-1487 (Planned Development, 1487th Zoning Unit, allowing on those properties fronting on "A" Street, C-N, Neighborhood Business and C-O,

Administrative Office District uses, certain other uses and R-S-D-25, suburban Residence, 2,500 square feet Minimum Building Site Area) District, located at 779 West A Street, north side, approximately 400 feet west of Royal Avenue, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 432-0020-015-02. (Continued from October 17, 2005; to be continued to December 5, 2005).

Commissioner Kirby made the motion to approve the remainder of the Consent Calendar per staff recommendation. Commissioner Looney seconded. Motion carried unanimously.

REGULAR CALENDAR:

1. **TENTATIVE TRACT MAP, TR-7685 – COOK/HIFAI - Preliminary Plan Review** - Petition to allow conversion of 27 apartment units into 27 condominium units, in a R-S-D-15 (Suburban Residential, 1,500 square foot Minimum Building Site Area per unit) District, located at 1570 – 165th Unit, south side, approximately 260 feet west of Los Banos Street, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0076-016-01.

Mr. Buckley presented the staff report.

Public testimony was called for. Jeff Moore, Greenwood & Moore, Inc., civil engineer/project consultant, distributed copies of plans to the Commission and discussed the two main deficiencies of the project which were private open space and parking. Per his calculations, there would be approximately 500 square foot of open space per unit on the lower side. In reference to the 12 one-bedroom units, the trade off would be converting common areas into private open space. The deficiency will also be mitigated through the quality of proposed landscaping. The probability of occupancy of these one-bedroom units by a single person with one car was high and, as such, Mr. Moore felt that parking would be adequate. The owner is proposing significant improvements including exterior façade and enhanced landscaping. Eileen Dalton, Redevelopment Agency, has indicated that this would be an appropriate use of this property, it will up-grade the neighborhood with an increase in home ownership. Commissioner Looney asked if a driveway could be installed exiting on 166th Avenue. Mr. Moore replied that although possible, it will eliminate some landscaping. But, the plan does propose a walkway with a security gate. Commissioner Kirby agreed that the proposed landscaping and exterior façade upgrades will benefit the area. He recommended increasing private space areas by moving fences where feasible to get closer to the open space requirement. His main concerns included safety and liability to new residents/owners. Mr. Moore replied that both issues were under consideration pointing out that the requirements for the fire separation already exists. Commissioner said he concurred with Redevelopment Agency's recommendations. He urged Mr. Moore to take the opportunity to increase the private open space where possible. Commissioner Loisel also concurred.

Public testimony was closed. Commissioner Jacob, in reference to conditions 17, 18, 19, 20,

requested that Mr. Buckley remind planners of the check list. He would also like to see with the application a marketing analysis report, perhaps from the Apartment Owners Association, on rental space, the availability and cost; and from realtors a report on affordable home ownership. Commissioner Looney said she had liability concerns due to the existence of a swimming pool and asked if there will be a homeowners association. Staff replied yes. Commissioner Jacob added that the guidelines do require a preliminary copy of the CC&Rs and what the dues will be. Commissioner Kirby concurred with Commissioner Looney's liability concerns adding that he appreciated the preliminary plan reviews.

- 2. **2221st ZONING UNIT and TENTATIVE TRACT MAP, TR-7677 – RAGG** – Petition to reclassify one parcel containing approximately 0.46 acres from the R-S-D-25 (Suburban Residence, 2,500 square foot Minimum Site Area per dwelling unit) District to a P-D (Planned Development) District, so as to retain an existing dwelling and construct four new dwellings, and allow subdivision of one parcel into five lots, located at 19959 Redwood Road, west side, approximately 200 feet north of Lorena Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0095-005-02.

Mr. Buckley presented the staff report. Noting that although guest parking is permeable, Commissioner Kirby suggested that perhaps additional permeable surface could be allowed. Commissioner Looney asked for Castro Valley Municipal Advisory Council's action. Staff said that the Council had recommended an approval.

Public testimony was called for. Craig Ragg submitted a photograph of a similar-designed townhouse development on Lorena Circle with the exception that this project would have detached units. There is a need for smaller detached family-homes and Mr. Ragg felt that this project will be well received as the units will be priced within an affordable range. The ranch-style home in front will be retained with a garage addition and last unit will be oriented towards the street. He confirmed that CVMAC had recommended an approval. Commissioner Kirby said he supported the proposal and preferred to retain the single family streetscape. Commissioner Loisel concurred and Commissioner Looney asked if the chain link fence would be removed. Mr. Ragg said that the existing fence will be removed.

Public testimony was closed. Commissioner Kirby made the motion to approve the application per staff recommendation and Commissioner Loisel seconded. Commissioner Jacob, in reference to Condition 44, recommended adding specificity to reduce impact from impervious surfaces. He also asked if there was a policy on mitigation fees for law enforcement. Staff replied no. Commissioner Kirby amended his motion to include that specific emphasis be made to ensure that clean water guidelines be followed for storm water runoff and to increase the amount of impervious surface where possible. Motion was re-seconded by Commissioner Loisel which carried unanimously.



3. **VARIANCE, V-11941 - MICHAEL STROM/LAMB SURVEYING, INC.,** - Application to allow a one-foot side yard where five feet is required (lot 1), in an R-S-SU (Suburban Residence, Secondary Unit) district, as part of a proposed three lot subdivision, located at 325 Cherry Way, south side, approximately 124 feet east of St. George Street, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 0429-0014-057-00.

Mr. Buckley presented the staff report. Commissioner Looney asked if other properties in the area had been granted similar side yard variances. Staff explained that many developments pre-date zoning standards and, as such, would be considered legal non-conforming standards. Commissioner Hancock felt that this would be a comparison to other sub-standard properties. Since this request is a significant deviation from the requirement, he was not in support. Commissioner Kirby, noting that this is an existing condition, suggested a setback overlay on the driveway with an agreement to use by the other units. Commissioner Jacob asked how to quantify easement and setbacks. Staff explained different street right-of-ways.

Public testimony was called for. Mick Lamb, project surveyor, pointed out the following: the existing driveway is 13 feet from the property line with the narrowest portion along the house; property is a flag lot with 5,000 square feet net; turning around the dwelling would allow Cherry Way as frontage with a decent house footprint; the Board of Zoning Adjustments referred the matter to this Commission due to lack of quorum; a similar project located across the street; and that this project would be a benefit to the area. Mr. Lamb submitted photographs and copies of letters in support from three adjacent long-term neighbors.

Erica Campisi, President of Cherryland Homeowners Association, stated that the Association was against any exceptions to the required setbacks and, as such, urged a denial.

Public testimony was closed. Commissioner Kirby, although concerned with utilizing the variance process, felt that this project was comparable to the neighborhood. But, in this case, a denial would be denying what other properties enjoy. Hence, he was in support. Commissioner Hancock said his main concern was that cars on the driveway would be only one foot away from the dwelling wall. Commissioner Kirby made the motion to approve and Commissioner Looney seconded. Motion carried 5/1 with Commissioner Hancock dissenting.



STAFF COMMENTS & CORRESPONDENCE: Mr. Buckley stated that he had included copies of various referrals in the Commission packets. Commissioner Jacob appreciated the copies but was concerned that some of the comment period had expired. He felt that the Commission could submit comments on some of the referrals. Commissioner Kirby agreed. Mr. Buckley suggested a sub-committee

CHAIR'S REPORT: The Chair stated that he has asked Commissioner Jacob to request a copy of the powerpoint presentation on fire control from CCPCA for the Commission's review.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: Commissioner Hancock stated that there is a lot of concern/discussion on the future economic development of the unincorporated areas and how the future projects/studies pending with the Planning Department and Redevelopment Agency will impact future land uses. He requested that a discussion on a moratorium on the conversion of commercial properties to residential uses be agendaized for the next meeting. He also discussed 'Urgency Ordinance' as defined by the State. Mr. Buckley suggested that perhaps staff could put together a timeline on planning applications, studies and issues related on moratorium for the Commission. Commissioner Jacob recommended an outside expert on type of land uses are appropriate and economically viable for commercial sites, type of financial on commercial sites, traffic load on both commercial and residential areas. He also felt that moratoriums should not be taken lightly. Commissioner Kirby agreed adding that perhaps staff could provide an explanation on State laws on how a moratorium works and the process for an urgency ordinance and its definition. His concerns were that a mixed use is not economically viable; any allowance should be to enhance the underlying zoning and not to replace it; and to maintain streetscape in commercial zone with some residential uses in the mix. Commissioner Hancock added that the unincorporated area has shown a steady increase in population and a steady decline in commercial areas resulting in a loss of revenue. There is a strategic plan through the Redevelopment Agency to obtain direction and/or a guide on how to use the Plan for economic development, a guide on how to amend the specific plans for land use. In the meantime, he also did not want to see development that would become nonconforming in the future. Commissioner Looney asked how this would affect the upcoming and current plans, for example the Bockman Road project.

Mr. Buckley indicated that staff will prepare a report for the next meeting.

ADJOURNMENT: There being no further business, Commissioner Hancock moved to adjourn the meeting at 7:25 p.m. Commissioner Kirby seconded the motion. The motion was carried 6/0.





CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY