

**MINUTES OF MEETING  
ALAMEDA COUNTY PLANNING COMMISSION  
SEPTEMBER 17, 2007  
(DRAFT)**

**FIELD TRIP:**

**MEMBERS PRESENT:** Commissioners Glen Kirby, Chair; and Kathie Ready.

**MEMBERS EXCUSED:** Commissioners Ken Carbone, Vice Chair; Richard Hancocks; Frank Imhof; Mike Jacob; and Alane Loisel.

**OTHERS PRESENT:** Jana Beatty

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-7899 and SITE DEVELOPMENT REVIEW, S-2120 – KHAN/BAYFAIR COMMONS, LLC.,** ~ Petition to allow construction of 48 residential condominium units and three commercial condominium units in the ACB-TA (Ashland Cherryland Business District Specific Plan – Transit Access) District, located at 16110 East 14<sup>th</sup> Street, northeast side, approximately 250 feet west of 162<sup>nd</sup> Avenue, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0057-040-02.

**REGULAR MEETING: 6:00 p.m.**

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

**OTHERS PRESENT:** Jana Beatty, Senior Planner; Bruce Jensen, Senior Planner; Brian Washington, County Counsel's Office; and Nilma Singh, Recording Secretary.

There were approximately forty-one people in the audience.

**CALL TO ORDER:** The Chair called the meeting to order at 6:00 p.m.

**ANNOUNCEMENTS BY THE CHAIR:** The Chair, at the request of Commissioner Imhof who had called to say that he would arriving late, moved Regular Calendar item #2 Concrete Slurry Pond, to the end of the agenda.

**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. Nancy Van Huffel, representing San Lorenzo Homes Association, stated that the Hayward

Energy Center had been brought up at their Livability Meeting last week. The Association had not received any notification and since it is a regional issue, she asked if the County has been involved. Per Ms. Cindy Horvath, County Transportation Planner, the matter was referred only to the Airport Land Use Commission. Ms. Van Huffel said that she has contacted and requested Supervisor Lai-Bitker's office for a letter requesting a process delay to allow County staff to review this matter. Her concern included the releasing of 80 tons of pollutants and other implications.

Suzanne Barba, 5787 Highland Road, said she hoped the Commission could address this issue. An action by the California Energy Commission on the Russell City Energy Center has been delayed for two weeks at the request the Federal Aviation Administration. Since this is a very important and huge issue, and has huge implications/impacts, Ms. Barba asked why the County was not involved. Mitigation is being proposed for only 40 tons of pollutants and she raised concerns on the impacts to the neighboring public facilities. She expressed concern with the inadequate public hearings, the proposed height and the lack of community benefits. Ms. Barba also felt that this is a regional issue and the County should be more involved; there are so many questions and the community who will be impacted needs an opportunity to address their concerns, be educated along with this Commission.

Barbara Fields representing CATS, submitted written materials and asked when the Commission had approved the rezoning for the Calpine Energy Center since part of the property is in Alameda County and if the County was planning to declare imminent domain on the properties involved. She requested agendizing the matter in the future.

**CONSENT CALENDAR:**

1. **APPROVAL OF PLANNING COMMISSION MINUTES ~** July 16 and August 6, 2007. August 6<sup>th</sup> Minutes were not available.
2. **TENTATIVE TRACT MAP, TR-7738 – PALOMARES CATTLE COMPANY ~** Petition to allow subdivision of a site into six lots, in an "A" (Agricultural) District, located at 31253 Palomares Road, east side, approximately 3.7 miles south of Palo Verde Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085A-3701-008-00. (Continued from June 18, 2007; to be continued to November 5, 2007).
2. **ZONING UNIT, ZU-2247 and TENTATIVE TRACT MAP, TR-7868 – SANTOS/ISCANDARI ~** Petition to reclassify one lot containing approximately 0.40 acres from the R-S-D-3 (Suburban Residence, 3,000 square feet per Dwelling Unit) District to a P-D (Planned Development) District, located at 19635 Meekland Avenue, southwest side, approximately 125 feet south of Cherry Way, Cherryland area of unincorporated Alameda County, bearing

---

Assessor's Parcel Number: 429-0005-021-00. (To be continued to October 15, 2007).

*Commissioner Loisel made the motion to approve the Consent Calendar including the July 16<sup>th</sup> Minutes and Commissioner Jacob seconded. Motion carried 6/0.*

**REGULAR CALENDAR:**

1. **TENTATIVE TRACT MAP, TR-7899 and SITE DEVELOPMENT REVIEW, S-2120 – KHAN/BAYFAIR COMMONS, LLC.,** ~ Petition to allow construction of 48 residential condominium units and three commercial condominium units in the ACB-TA (Ashland Cherryland Business District Specific Plan – Transit Access) District, located at 16110 East 14<sup>th</sup> Street, northeast side, approximately 250 feet west of 162<sup>nd</sup> Avenue, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0057-040-02.

Ms. Beatty presented the staff report noting a correction to the staff report, page 2, under Planning Consideration, second paragraph which should read "...approximately 4,650 square feet...".

Public testimony was called for. Saeed Khan, Manager of Bayfair Commons, LLC, with a powerpoint presentation, discussed the following highlights: the project is within the Redevelopment guidelines providing complete street-scaping improvements; Mediterranean style; an addition to the neighborhood; the monotonous parking areas have been broken by dividers, landscape with some covered parking and a curved driveway; adequate parking (two spaces for larger units and one for smaller units, and eighteen stack parking spaces is being proposed as an option); adequate private open spaces and common areas which are well inter-connected.

The Chair announced that the Commission had visited the site today and asked if Mr. Khan was willing to continue the street-scaping theme across the project entrance. Mr. Khan replied yes. The Chair pointed out the deficiency in patio/open areas and the compensating common space. Mr. Khan replied that the numbers in the staff report are an average only and the private spaces separately exceed the County requirements. The ground-floor units have both patio and private backyards and all upper units have required open space with balconies.

Thomas Wolfe, Project Architect, explained the three architectural designs. The three commercial buildings share the same architectural design but with different height, detailing and roof treatments, and separate entrances. The residential building is four stories and all units have individual laundries with private balconies. In response to Commissioner Carbone, Mr. Wolfe said that 4,650 square feet of commercial space is being proposed.

Noting that the project provides less than 1% commercial space, Commissioner Ready asked how and when the General Plan is applied during an application process. Staff explained that the Plan is applied on a case-by-case basis. This project provides individuated-designed commercial spaces facing E. 14<sup>th</sup> Street which promotes pedestrian activities. Commissioner Carbone expressed similar concerns adding that this site has potential for a good commercial development. Commissioner Hancocks also concurred with Commissioners Ready and Carbone. He noted that the Draft General Plan designates the site's primary use as General Commercial (page 1, last paragraph). The community's intention/desire is for commercial and job opportunities and not piece-meal development of this street. The Chair felt that the three 1,500 commercial units were just a 'token' of mixed-use and there is a need to consider depth from the curb or the ratio of commercial/residential and viable commercial use.

Public testimony was called for. Ed Gonzales, property owner across the street, agreed that the neighbors do not want residential units but new commercial uses to liven the area. Street parking is an issue for this area.

Mr. Khan stated that staff had directed them towards Transit Access zoning which allows 50 units per acre and this project is below this limit. A similar project had been approved in the past setting a precedent and the intent was not to minimize the commercial component. Although limited to 25 feet building height, the units will have E. 14<sup>th</sup> Street frontage. Commissioner Carbone felt that this project will diminish any chances of commercial viability in future.

Public testimony was closed. Ms. Beatty further explained that the current General Plan lists the property as Medium High Density Residential. Commissioners Hancocks and Ready both thought that the Draft Plan should be considered as the current Plan. County Counsel explained that either the existing Plan or the Draft Plan could be considered.

Commissioner Jacob discussed parking and the tandem-parking option. The issue is the discrepancy between the condominium guidelines and the specific plan. He felt that it was important to focus on the high density area within close proximity of established bus line and BART and not focus on providing excess parking.

Commissioner Hancocks reiterated his concerns regarding the community's desire to create a vibrant commercial environment on E. 14<sup>th</sup> Street but this project makes a very miniscule contribution. He could not make the general welfare finding through the SDR process. There are very few opportunities to expand this community's economy. Commissioner Hancocks pointed out that three Commissioners had worked on the Economic Strategic Plan and one objective adopted by BOS was not to convert commercial properties to residential use. Although this is a good project, the main use is residential. Staff reminded that only the Tract Map is before this Commission for action.

Marita Hawryluk, Redevelopment Agency, said that they have been involved since the early project discussions with staff and the Applicant. Although the Agency is aware of the need for new commercial opportunities along this corridor, they are in favor of the

project. An economic development study was completed last area for this area. Although properties had been identified along E. 14<sup>th</sup> Street that were more likely to be developed into larger commercial sites, this site was not chosen. The Chair expressed his concerns regarding the viability of the commercial corridor. A discussion followed regarding the definition of 'mixed use'.

Robert Holeman, a Hillcrest Knolls resident, stated that the surrounding areas including Hillcrest Knolls will support the commercial uses. An approval for this project will set a precedent. His other concerns included parking and an increase in traffic.

In rebuttal, Mr. Khan stated that this project has been in the process for about a year and from the initial process, he had been advised that the zoning is Transit Access. He was surprised that there is a different zoning and that other considerations that need to be addressed.

Public testimony was re-closed. Commissioner Carbone pointed out that this site is not within walking distance from BART and asked if more parking could be required until a transit solution is developed. Additional vehicles will impact the surrounding properties. This project could be more appropriate at another location on E. 14<sup>th</sup> Street.

*Commissioner Hancocks reiterated his inability to make the public welfare finding in the affirmative and made the motion to deny the Tract Map. Commissioner Carbone seconded the motion. Commissioner Jacob felt that this is a good mixed use project, takes a limited amount of street frontage, provides some commercial opportunities but makes the most of it; and the commercial usage will not get developed to a larger square footage because it would require more parking and subsidy from housing to make the site viable. The commercial component is an after-thought. He will support a high density project with a transit-based access within ½ a mile from a BART station. Commissioner Ready said that although this is a good project, there is not enough commercial. The commercial owners will not be able to afford to live in the residential units. She would have supported a project with 40% commercial and 60% residential. This is a commercial corridor but not a transit-access corridor. Commissioner Loisel concurred with Commissioner Jacob but pointed out that this is not what the community wants. The Chair said he supports depth to the commercial corridor and would like to see a more viable commercial component and a supportive residential component. He would also like Redevelopment to have a larger vision for this area. He asked if the Applicant would be supportive of a continuance to re-design the project. Commissioner Hancocks pointed out that the public, who were present for other applications, felt compelled to speak against the project.*

*Commissioner Jacob made a substitute motion for a continuance to a future date, to be determined by staff. The Chair seconded. Motion failed due to a 3/3 tie vote with Commissioners Carbone, Hancocks and Ready dissenting.*

*Motion for a denial carried 5/1 with Commissioner Jacob dissenting.*

2. **CONSIDERATION OF REGULATION OF GROUND CONCRETE SLURRY POND OPERATIONS IN THE UNINCORPORATED AREA OF ALAMEDA COUNTY ~** Consideration of the appropriateness of, and the regulation of, activities involving the construction and operation of settling ponds for ground concrete slurry, derived from the highway grinding activities performed by contractors under the authorization of Caltrans or other agency. The Board of Supervisors has remanded the matter back to the Planning Commission for additional testimony and consideration. **(This item was moved to the end of the agenda)**
  
3. **CONSIDERATION TO AMEND TITLE 17 OF THE ALAMEDA COUNTY ORDINANCE CODE, THE GENERAL REQUIREMENTS SECTION OF THE ZONING ORDINANCE OF ALAMEDA COUNTY ~** The proposed amendments would include prohibition of installation of any billboard or advertising sign in the unincorporated area of Alameda County except for those billboards which legally exist, for which a valid permit has been issued and has not expired, and or are installed pursuant to an agreement relocating presenting existing, legal billboards.

Marita Hawryluk, Redevelopment Agency, presented the staff report, described the background adding that the goal is to identify how to address reduction of the high number of billboards that exist in the urban area of unincorporated Alameda County. After the Commission's review of the amended ordinance, the next step in the process will be the review and adoption of the amended ordinance by the Board of Supervisors. Commissioner Jacob asked the following: the current market value of the existing billboards; whether or not a fund exists to provide for the buy out of existing billboard contracts; if there were any staff recommendations as to who would be the responsible party to address the Administrative Appeal Procedure; what will be the process to decide which billboards to remove or relocate; and verification of the origination of the values outlined in Section D, paragraph 2 of the proposed amended Ordinance. Ms. Hawryluk replied that the evaluation of billboards and the negotiation discussions with the billboard companies will occur after the Ordinance is amended. Ms Hawryluk also replied that a billboard buy out fund has not yet been established, but that if there was a need for such a fund, most likely the funding source would be redevelopment tax increment as the existing billboards all reside within the County's redevelopment project areas. Ms Hawryluk replied that the Administrative Appeal process had not been finalized and Mr. Washington added that the appeals would most likely be filed with the Clerk of the Board. Regarding the process to decide which billboards to remove or relocate, Ms. Hawryluk noted that colored photographs of all billboards were included in the Commission package which included notation of the removal prioritization ranking, determined by the local Redevelopment Citizen Advisory Committee's for each community. County Counsel indicated that he would re-check and confirm D.2.

Commissioner Ready requested clarification on C. Substitution of Messages, noted the date of the Draft Ordinance, pointed out that San Lorenzo billboard #4 although previously was permitted to only display a non-profit ad, currently no longer displays a non-profit ad and that the date on the proposed Draft Ordinance was listed as July 2006. Ms Hawryluk commented that staff will look into the non-profit ad status for the (San Lorenzo billboard #4) and that the date of the Draft should read July 2007. Commissioner Loisel requested an explanation regarding the prioritization indicated to remove 50% of existing billboards for the Ashland billboards vs. an individual numeric prioritization that was completed for all of the other communities. Ms Hawryluk indicated that due to the overwhelming number of billboards located within the Ashland community (37 or 50% of all of the billboards within the unincorporated area) that the Ashland community reported that they had no preference for any specific billboard to be removed, but that they would be content with removal of at least 50% of the existing billboards

The Chair commented that it may be important to define billboards, and perhaps limitations that would include single display message and he also favored a discussion on 'exclusion' along with the 'nonconforming' status. Commissioner Hancocks commented that staff should pursue review of limitations on size and or type (e.g., illuminated and or electronic billboards). Ms. Hawryluk replied that currently there is no limit to the type and style of billboards and that this will be addressed during the negotiations with the billboard companies. Discussions will not occur with the billboard companies until the amended Ordinance is approved. Ms Hawryluk indicated that the recommendations to review further definition and or limitations regarding billboard format will be forwarded to the working group that is addressing the billboard issues (BOS, County Counsel Community Development Agency, and General Services Agency). The Chair's concern was that sign companies may attempt to use nonconforming grandfather status to convert their signs and, as such, he recommended a mechanism for an exchange of a billboard to another format, perhaps an electric format, but not a 1:1 exchange. Commissioner Jacob recommended the following: that the ordinance include language to reflect that the relocation of an existing sign shall at minimum yield the same type of sign 1:1; have an identified source for funding for billboard buyouts; endorse the priorities adopted by the communities; and to recommend BOS to formally oppose the legislation he referenced regarding billboards currently being reviewed in Sacramento. Commissioner Carbone recommended that relocation be based on value.

The Chair indicated that the Commission would like an update regarding these matters.

Public testimony was called for. Michael Colbruno, representing Clear Channel Outdoor, Oakland, provided information on his company's experience with billboard relocation and billboard valuation and that although he has not been involved in a situation where funds were utilized, he has seen estimates for potential expenses to be in the multi-million dollar range. Mr. Colbruno reported that the billboard relocation and consolidation negotiations for the city of Oakland resulted in reducing over 76 billboards into 4 locations. Mr. Colbruno provided additional information regarding Commissioner Jacob's question regarding state legislation and reported that Caltrans and the State are

currently working on luminosity standards to control brightness. Mr. Colbruno also commented on the usefulness of electronic signs and sited an example of the Amber Alert system and that the police, the sheriffs and homeland security agencies have publicly supported these types of signs for this use. Commissioner Jacob asked if Clear Channel would be in opposition to this ordinance which would be used to control local standards and his opinion on the appeal process on determination of fair market values. Mr. Colbruno replied no and regarding appeals, Mr. Colbruno added that no appeals have resulted in his company's previous negotiation and relocation activities, so he was unable to provide comment on the appeal process.

Commissioner Imhof arrived.

4. **EDEN AND CASTRO VALLEY AREA PLANS; GENERAL PLAN BOUNDARY IN THE HILLCREST KNOLLS ~**  
Consideration of whether Hillcrest Knolls should continue to be addressed in the Eden Area General Plan or be moved to the Castro Valley General Plan Area.

Ms. Horvath presented the staff report adding that she had received a telephone call today from a Castro Valley resident who had concerns of relocating Hillcrest Knolls into the Castro Valley General Plan and the exclusion of the Castro Valley residents from the survey. The Chair requested confirmation that all residents who would be affected had been notified and staff replied yes.

Public testimony was called for. Robert Holeman, 2280 Upland Road, said he owns eleven properties in the Hillcrest Knolls area. He felt that the aim was to incorporate this area sometimes in the future which would increase taxes, redundant services, allow more development and increase density. He did not think any of the Hillcrest Knolls residents was in support of relocation which would affect their quality of life.

Dawn Clark, President of Hillcrest Knolls Association, described the location of Hillcrest Knolls. Several Association meetings were held along with a public forum on August 23<sup>rd</sup>. The driving issue has been the GSA Communication parcel which is in the CV General Plan. Another reason for the support for relocation is the specific language in CV Plan for conserving and preserving the hillside areas. Opposition has been based on the 'snooty factor' and the influence of CV Municipal Advisory Council. She submitted petitions in support of relocation to the CV Plan. She felt that the result of the survey is consistent with the voting behavior of this area.

Commissioner Ready asked if Hillcrest Knolls, when included in the CV Plan, will have representation on the CVMAC and if CVMAC will be advisory within the supervisorial district or within the General Plan area. Commissioner Hancocks replied that it is based on the Ordinance which reflects District 4. County Counsel confirmed that if Hillcrest Knolls is relocated in the CV General Plan, it will be included, with approval by a BOS Resolution, under the jurisdiction of CVMAC. The Planning Director, upon his return, is planning to address the representation issue with the Council. Commissioner Ready felt

since the issue of representation has not been finalized, a decision could not be made on the boundary issue.

Commissioner Hancocks pointed out neither of the Plans will influence the development of the GSA property.

Public testimony was closed. Commissioner Hancocks expressed his concern with the level of apathy--554 households surveyed and only 69 stated a preference for the relocation. He pointed out that the CV Plan contains policies and guidelines for new development and very little new development is expected for this area as it is built out except for the GSA parcel. The Chair noted the lack of a strong desire or a strong identity preference and the low survey participation. He also did not see the need for a change. Commissioner Loisel concurred. Commissioner Jacob pointed out that the line does not change anything. *He made the motion to maintain the existing boundary in the Eden Area General Plan and Commissioner Loisel seconded. Motion carried unanimously.*

2. **CONSIDERATION OF REGULATION OF GROUND CONCRETE SLURRY POND OPERATIONS IN THE UNINCORPORATED AREA OF ALAMEDA COUNTY ~**  
Consideration of the appropriateness of, and the regulation of, activities involving the construction and operation of settling ponds for ground concrete slurry, derived from the highway grinding activities performed by contractors under the authorization of Caltrans or other agency. The Board of Supervisors has remanded the matter back to the Planning Commission for additional testimony and consideration. **(This item was moved to the end of the agenda)**

Mr. Jensen presented the staff report. Commissioner Hancocks requested clarification on the Board of Supervisor's action. He felt that Caltrans was looking only at the unincorporated areas for the disposal of the slurry waste and not the large industrial areas. Staff explained that Caltrans would prefer the sites be closer to the grinding projects due to costs and safety reasons. Commissioner Carbone pointed out the other impacts are not being mitigated.

Public testimony was called for. Allison Batteate, 5600 Collier Canyon Road, recommended upholding Resolution #712 approved in March and adding Heavy Industrial and Agricultural Districts as areas where such facilities could be located. She would have liked the water testing done in October and by a neutral party; the Collier Canyon site cleaning immediately and reclaimed appropriately; and the Ordinance clarified. Although the BOS had sent this matter back to the Planning Commission because of the new information, she has not seen this information.

Mark Bradford, 6199 Collier Canyon Road, stated that the testing area does not contain native soil but has been filled in. He further agreed with Ms. Batteate's testimony adding

---

that Caltrans has had the opportunity to provide all information. Much time and effort has already been spent and now the matter is back in front of the Commission.

Robert Aldenhuisen, an employee of CEMEX (Ready-Mix Concrete & Aggregate), said that they have decided not to accept the concrete slurry material anymore because it does not meet their permit requirements. CEMEX also has a need for a disposal solution since their facility generates a large amount of cement waste. Although the Central Valley Water Board considers the return of the concrete fines close to the water table as an issue, within their industry, it is not considered such.

The Chair said that he was also disappointed that this matter is back before the Commission, especially since a Caltrans representative had been available at the Commission meetings.

Bob Finney, representing Caltrans District 4, Director of Construction Bay Area, explained that there are differences between the materials. For large profile grinding, it is economical and ecological to do what the contractor had done in the Collier Canyon case. There are only a few sites who will take the liquid. Mr. Finney further described large profile grinding process. Caltrans supports Option #5. Commissioner Carbone asked if the slurry ponds are located only the unincorporated areas. Mr. Finney thought that most ponds are on agricultural land, some are located on the Caltrans right-of-way and felt that there is a need to discuss suitable sites.

The Chair agreed that location is the issue and travel distance is the key. The new information is the emphasis of building an infrastructure and the need to accommodate. Commissioner Ready said that her biggest concern is the impact on the County roads. Commissioner Hancocks asked if similar discussions are taking place with other jurisdictions. Mr. Finney replied no. Commissioner Carbone reiterated his concerns of have the unincorporated areas as dumping ground.

Russell Snyder, Regional Manager, Associated General Contractors of California (AGC), submitted his written testimony and stated that they feel the potential restrictions would be overly restrictive. AGC concurs with Caltrans' support for Option #5. Commissioner Hancocks if he was lobbying other city jurisdictions for use of industrial areas as dumping grounds since the unincorporated areas do not have any large areas for these types of operations. Mr. Snyder replied that this is the first time this issue has been brought up and recycling this material is cost-effective. They are having renewed discussions with Caltrans on this issue.

Bob Blach pointed out that the quarries and landfills have truck routes and felt that there is a follow-up responsibility. Recommendations were not complied with and there is a related health hazard. He further requested clarification on the BOS process. Mr. Jensen explained that two different appeals were heard by the BOS and only the Ordinance issue was referred back to this Commission.

Public testimony was closed. The Chair felt that Option #5 was adequate as is and would consider that County and Caltrans would look at some discrete sites for suitability. Commissioner Hancocks agreed adding that the Commission had more than due deliberation on this issue, held numerous hearings, the extent of research done collectively and individually and Caltrans has had another opportunity to express their concerns. *He made the motion to affirm the previous recommendation and Commissioner Ready seconded.* Commissioner Jacob thought it not necessary to include Caltrans' concern about specifying slurry material to be hauled to a site primarily in Alameda County. He recommended deleting A. The Chair agreed and reiterated the need for discreet sites and suggested a zoning overlay. Commissioner Carbone said he would like distant sites, to force the cities and communities to participate. Commissioner Loisel pointed out that the Commission had voted unanimously on specific sites such as mining, agricultural and landfills. Commissioner Jacob requested clarification and location of H-1 zoned areas. Mr. Jensen explained that Measure D has changed these areas to Agricultural Districts. Commissioner Jacob requested that the motion be amended to permit staff to confer with Caltrans about other possible discreet sites for slurry processing activities and delete A. *Commissioner Hancocks agreed and re-stated his amended motion and Commissioner Ready seconded. Motion carried unanimously.*

At the request of Commissioner Imhof, Mr. Jensen explained the abatement order and the process. Regarding the abatement order, County Counsel explained that BOS had looked at the Shaw Environmental Report and requested Environmental Health to do a peer review of the information provided. He reminded the Commission of Brown Act issues since this is not an agendized item.

**STAFF COMMENTS & CORRESPONDENCE:** *None.*

**CHAIRS REPORT:** The Chair reminded the Commissioners of the up-coming CCPCA State Conference.

**COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS:** Commissioner Jacob requested that the Energy Center matter be agendized for the next meeting. The Chair agreed adding that if the LAFCO action for annexation has not been formerly completed, the matter should be agendized and City of Hayward notified of this action. County Counsel confirmed that annexation is complete but he had not been aware that a portion of the project is unincorporated. In response, the Chair requested that City of Hayward be notified that the Commission would like to exercise land use jurisdiction.

**ADJOURNMENT:** There being no further business, Commissioner Jacob moved to adjourn the meeting at 9:40 p.m. Commissioner Loisel seconded the motion. The motion was carried 7/0

---

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