

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
APRIL 20, 2009
(Approved May 4, 2009)

MIXED-USE STUDY SESSION: 12:00 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone, Chair; Mike Jacob, Vice-Chair; Glenn Kirby; Kathie Ready and Richard Rhodes.

MEMBERS EXCUSED: Commissioners Imhof and Loisel.

OTHERS PRESENT: Albert Lopez, Planning Director; Rodrigo Orduña, Senior Planner; Howard Lee, Planner; Bill Lambert, Redevelopment Agency; Ingrid Moller and Erica Campisi, Cherryland Community Association.

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone, Chair; Mike Jacob, Vice-Chair; Glenn Kirby; Kathie Ready and Richard Rhodes.

MEMBERS EXCUSED: Commissioners Alane Loisel and Frank Imhof.

OTHERS PRESENT: Albert Lopez, Planning Director; Rodrigo Orduña, Senior Planner; Bruce Jensen, Senior Planner; Brian Washington, County Counsel's Office; Marita Hawryluk and Joe Flores, Redevelopment Agency; and Nilma Singh, Recording Secretary.

There were approximately thirteen people in the audience.

CALL TO ORDER: The Chair called the meeting to order at 1:30 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 COMMISSION MINUTES** ~ March 2 and April 6, 2009.

Commissioner Ready made the motion to approve both March 2nd and April 6th Minutes as submitted and Commissioner Rhodes seconded. Motion carried unanimously, 5/0. Commissioners Imhof and Loisel were excused.

REGULAR CALENDAR:

1. **GENERAL PLAN CONFORMANCE REPORT, GPC2008-00071 ~**
To consider a determination of General Plan Conformance request by Redevelopment Agency under Government Code Section 65402 to purchase a parcel 39,750 square feet (0.91 acres) identified by County Assessor's Parcel Number 413-0035-010-00, located at 278 Hampton Road, Cherryland area of unincorporated Alameda County.
Staff Planner: Howard Lee

Mr. Orduña presented the staff report.

Joe Flores, Redevelopment Agency, explained the intended use -- a low density in-fill project or a community center. In response to Commissioner Ready, Ms. Hawryluk said that although the matter has not been formally heard by the Cherryland Community Association, the Association is aware of the proposal and a community center is one of their top priorities. She further outlined the public outreach process. Commissioner Kirby said he was pleased that the agency is looking at individual parcels adding that if the CAC is not supportive, the Agency is not bound by this action to develop the property. *He made the motion to move staff recommendation and Commissioner Rhodes seconded. Motion carried unanimously, 5/0. Commissioners Imhof and Loisel were excused.*

2. **GENERAL PLAN CONFORMANCE REPORT, GPC2009-00042 ~**
To consider a determination of General Plan Conformance request by Redevelopment Agency under Government Code Section 65402 to purchase a parcel 85,813 square feet (1.97 acres) identified by County Assessor's Parcel Number 413-0083-065-00, located at 18651 Via Toledo, San Lorenzo area of unincorporated Alameda County.
Staff Planner: Howard Lee

Mr. Orduña presented the staff report and read a comment letter from Howard Beckman dated April 20, 2009 into the record. Mr. Beckman has expressed concern that the staff report has cited the Draft Eden General Plan which has not been approved and is not a valid referenced Plan. Mr. Orduña noted that staff has cited both the existing valid land use designations and for the purpose of contextual understanding of the potential development, staff has cited the Draft General Plan. The Commission's decision will be based on the existing General Plan land use designations. Commissioner Kirby noted that these decisions only allow the Agency to acquire these sites and does not bind them to any use. He was in support of the acquisition.

Joe Flores, representing Redevelopment Agency, stated that this matter will be presented to the CAC on May 13, 2009 for public input.

Public testimony was called for. William Gonzales, property owner across the street, stated that he and other neighbors were not aware of this proposal. He asked for public input process as he would like to be involved. Ms. Hawryluk explained that due to negotiations with the current property owner for potential purchase of the land, the Agency does not have public meetings on the potential acquisition until there is a tentative agreement in place. Since tentative purchase agreements have been made, public input process has begun with Planning Commission and CAC. The Chair recommended that Mr. Gonzales meet with Ms. Hawryluk; Mr. Gonzales be added to the Redevelopment CAC mailing list, and other neighbors/property owners be also notified.

Public testimony was closed. *Commissioner Kirby made the motion to move staff recommendation and Commissioner Rhodes seconded. Motion carried unanimously, 5/0. Commissioners Imhof and Loisel were excused.*

3. **FIVE YEAR PERIODIC REVIEWS, SURFACE MINING PERMITS SMP-24, SMP-32 AND SMP-33** ~ Required periodic reviews for three surface mining permits held by Leigh-Hanson Aggregates collectively for its mining operation in the Sunol Valley, on lands approximately 480 acres, owned by Leigh-Hanson and City of San Francisco.
Staff Planner: Bruce Jensen

Mr. Jensen presented the staff report and introduced Kevin Colin, Consultant, Lamphier-Gregory adding that an updated version of the resolution has been distributed to the Commission. Mr. Colin, with a powerpoint presentation, showed maps of the site, active mining areas, support and processing areas, and a reclamation diagram; and discussed the water management and agriculture, period review parameters (long and short permits); comments received (from Sunol CAC, State Office of Mine Reclamation, County Water District) and staff recommendation.

Public testimony was called for. Bill Butler, Vice-President/General Manger for Hanson Aggregates, said he was available for questions. Commissioner Kirby noted that although all three permits were functioning as one operation, one permit has 90 conditions while the other two have 50 conditions. Mr. Jensen explained that SMP 24 and 33 were not as controversial as SMP 32 but had been in existence much longer and undergone a fundamental different process. SMP 32 was a larger newer quarry closer to the town of Sunol which required additional detailed conditions/mitigations, i.e. noise; berms for air quality and visual; and vineyards. Commissioner Jacob asked if there is a standard weed abatement program.

Mr. Butler introduced Eric Riddiough, Mining Engineer Supervisor, who replied yes, there is a weed abatement program. It is part of an agreement with SF PUC for routine mowing of weeds, surrounding landscape features; bi-annual discing of the raised planting areas; and dry hay farming. In reference to SMP 32, the mitigation measure of future vineyards at the northeast corner of I-680, Commissioner Jacob noted that it was agreed to put off this issue for five years, to be discussed with Sunol CAC in the context of the next 5-year review. Mr. Butler agreed, adding that there were several issues involved--timing was a factor since there will be no mining in the 15-acre vineyard, there

is no immediate need for re-location for this 5-year review; and the mitigation factor for that condition. That condition was specifically applied to be a mitigation measure under CEQA for an agricultural mitigation measure. He confirmed their commitment to all mitigations and conditions.

Public testimony was closed. Commissioner Jacob requested clarification on the inclusion of two landowners sharing the rights as reflected in the Draft Resolution (“...Hanson Aggregates and the City of San Francisco; and...”). Mr. Jensen explained that Mission Valley is no longer the ‘Permittee’ but Hanson Aggregates; and together with City of SF own parcels covered under SMP 24. The Permittee is responsible for the requirements of the mining permit and reclamation plan.

Commissioner Ready made the motion to move staff recommendation for an approval and Commissioner Kirby seconded. Motion carried unanimously, 5/0, with Commissioners Imhof and Loisel excused.

STAFF COMMENTS & CORRESPONDENCE: Mr. Orduña stated that, in response to the Commission at the last hearing regarding the Sunol downtown residential project, staff had checked with the Building Official who has confirmed that although an elevator is not required, the duplexes do need to comply with the CA Building Code for access. A neighbor has appealed the Commission’s decision based on other issues--Fire Department’s determination of not requiring a fire hydrant and location of the leach field. The matter will be heard by the BOS on May 12th, 2009.

CHAIRS REPORT: *None*

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: *None*

ADJOURNMENT: *There being no further business, Commissioner Jacob moved to adjourn the meeting at 2:20 p.m. Commissioner Rhodes seconded the motion. The motion was carried 5/0.*

ALBERT LOPEZ, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY