

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JUNE 2, 2008
(Approved June 16, 2008)

FIELD TRIP ~ Cancelled

REGULAR MEETING: 6:00 p.m.

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

MEMBERS EXCUSED: Commissioner Glenn Kirby, Chair.

OTHERS PRESENT: Chris Bazar, Assistant Agency Director; Lopez, Albert, Planning Director; Sandra Rivera, Assistant Planning Director; Liz McElligott, Assistant Planning Director; Jana Beatty, Senior Planner; Bruce Jensen, Senior Planner; Brian Washington, County Counsel's Office; Nilma Singh, Recording Secretary.

There were approximately twenty people in the audience.

CALL TO ORDER: Vice-Chair Carbone called the meeting to order at 6:05 p.m. He announced that in the absence of Chair Kirby, he will be chairing the hearing and that Regular Calendar item # 2 will be heard first.

ANNOUNCEMENTS BY THE CHAIR: Mr. Bazar introduced Mr. Albert Lopez, the new Planning Director and recommended that Consent Calendar item #3 be moved to the Regular Calendar for the purpose of taking public testimony.

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 ~ April 21 and May 5, 2008.

Commissioner Ready made the motion to approve the April 21st Minutes as submitted and Commissioner Loisel seconded. Motion carried unanimously, 6/0.

Commissioner Rhodes said that although he had attended the May 5th hearing, it was not reflected in the minutes. Commissioner Ready made the motion to approve the modified May 5th Minutes and Commissioner Rhodes seconded. Motion carried 5/0 with Commissioner Loisel abstaining.

2. **ALTAMONT MOTORSPORTS PARK – Review of March 2008 Revocation Order Pursuant to Section 17.54.030.** Request from the operators of the Altamont Motorsports Park to increase the noise limit set in the March 25, 2008 order of the Board of Supervisors for a single racing event to take place in September, 2008. The Altamont Motorsports Park is located at 17001 Midway Road, east side, approximately 2,200 feet south of Highway I-580, unincorporated Midway area, Assessor's Parcel Number: 099B-7675-005-07. (To be continued to June 16, 2008). **Staff Planner: Jana Beatty**

3. **CONDITIONAL USE PERMIT, C-4158 - VASCO LANDFILL ~** To consider amendment to Conditional Use Permit, C-4158, Vasco Road Landfill, held by Republic Services, Inc., The proposed revisions consist of minor changes to Conditions Nos. 111.4(a) and 112 of the permit, affecting the approved construction of a potable water pipeline along North Vasco Road to serve a limited number of users between Dalton Road and the Vasco Road Landfill entrance driveway. The potable water line would be constructed and sized to serve a limited number of specified residential units located on previously unserved parcels along Vasco Road near the landfill entrance. The change would consist of a time extension to the pipeline construction start date from July 1, 2008 to July 1, 2009, a difference of one year. The change would be an administrative change for the purposes of project funding. 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 1.5 miles 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. The pipeline itself would be constructed within the public right-of-way along Vasco Road for a distance of approximately 1.5 miles. **Staff Planner: Bruce Jensen. This item was moved to the Regular Calendar.**

Commissioner Jacob made the motion to approve the remainder of the Consent Calendar and Commissioner Loisel seconded. Motion carried unanimously, 6/0.

REGULAR CALENDAR:

1. **ZONING UNIT, ZU-2259, EDEN HOSPITAL SCOPING MEETING ~** Preparation of an Environmental Impact Report for the proposed Sutter Medical Center Replacement Hospital Project at 20103 Lake Chabot Road on Assessor's Parcel Numbers: 084A-0279-001-01, 084A-0279-002, 084A-0279-005-010, 084A-0279-007, 084A-0279-010-00, in the Castro Valley area of unincorporated Alameda County. **Staff Planner: Jana Beatty**

Ms. Beatty presented the staff report and introduced representatives from Eden Hospital: Jesus Armas, project manager; Josh Steinhauer, project attorney; Carl Scheuerman, representative of Sutter; and Crescentia Brown of ESA, CEQA Consultant.

Jesu's Armas, representing Sutter Medical Center, provided a project overview with a powerpoint presentation. He showed a site plan, vicinity and aerial maps, and outlined the current campus area. The hospital is 50 years old and, as such, it needs to be brought up to compliance with the new State seismic requirements. The proposal is to bring the entire project to this Commission by next year, commence construction in 2010 and be in compliance with all the State requirements by 2013.

The Chair thanked Mr. Armas for his presentation. *The Commission had no concerns/questions and no public testimony was submitted.*

- 1. GENERAL PLAN AMENDMENT FOR THE PURPOSE OF TECHNICAL CLARIFICATION; PROPOSED ZONING ORDINANCE AMENDMENTS TO ESTABLISH AN SD – DOWNTOWN SUÑOL DISTRICT; and ZONING UNIT ZU 2260 - PLANNING COMMISSION INITIATED** - Request by the citizens of Suñol to 1) clarify the East County Area Plan as amended by Measure D designation of the downtown portion of Suñol presently shown as Water Management (WM) by adopting a Sunol Downtown designation and applying it to the area; 2) establish a new SD (Downtown Suñol) zoning district; and 3) apply that zoning to parcels in the downtown Suñol area defined as approximately 24.30 acres in 25 parcels currently zoned for residential, commercial, and industrial purposes in the area roughly bounded by Highway 84/Niles Canyon Road, the Niles Canyon Railroad (formerly Southern Pacific) tracks, Bond Street, the Union Pacific (formerly Western Pacific) tracks, and the Arroyo de la Laguna, including the Suñol Glen School, bearing County Assessor's Parcel Numbers 096-0140-002-01, 096-0140-003-03, 096-0140-004-00, 096-0140-007-02, 096-0140-008-00, 096-0140-010-00, 096-0140-011-00, 096-0140-012-00, 096-0140-013-00, 096-0140-015-00, 096-0140-016-01, 096-0140-016-03, 096-0140-017-00, 096-0140-018-00, 096-0140-019-00, 096-0140-020-00, 096-0140-021-02, 096-0140-022-00, 096-0140-023-00, 096-0140-024-00, 096-0140-025-00, 096-0155-001-00, 096-0155-003-02, 096-0155-004-01, 096-0155-005-00. The project would have the approximate intent and effect of restoring ability of downtown Suñol landowners to develop individual properties in a manner consistent with acceptable historic development patterns. **Staff Planner: Liz McElligott**

Ms. Elligott presented the staff report.

Public testimony was called for. Dick Schneider, representing Sierra Club, said he was one of the drafters of Measure D and was not in support of the proposal. The Measure D component in the staff report is in error--falls short on both residential (a total of 28 new

residential units together with 18 existing) and non-residential (no fixed cap on the number of commercial uses). Sierra Club is concerned with the word 'consolidation'. The two options available are to proceed to the Board of Supervisors or revise the proposal. Sierra Club is willing to work with staff with the revision.

Mr. Washington agreed with staff that the proposal falls within Section 23 of Measure D noting that the recommendation, as outlined in Mr. Schneider's memo, could also be an appropriate amendment. Mr. Bazar pointed out that the Sunol community is supportive to staff proposal.

Jim O'Laughlin said he lives in the downtown area at 199 Bond Street. It has been twenty years since the buildings on his property, located at the corner of Bond and Main Streets, were burned down by an arsonist. He has been unable to develop his property to-date. He felt that this proposal is a 'no growth policy.' Existing policy will result in eternal vacant lots. The word 'consolidation' had not been part of any prior discussion but is now used in the staff report. There is no possible consolidation due to the location of his property and the septic requirements. The issue here is whether or not there was an error regarding Measure D--if Downtown Sunol does exist, then there is an error. The community strongly supports Measure D and thought that the downtown area was not included under Measure D although there is no line to confirm. Mr. O'Laughlin said he was extremely frustrated.

Mr. Schneider stated that when Measure D was drafted, issues identified did not include whether downtown area was part of the Water Management designation. He felt that perhaps a cap be put on the commercial uses.

The Chair suggested that the item be moved to the end of the agenda to allow further discussions. Mr. Bazar said he agreed with Mr. O'Laughlin that the consolidation is somewhat a 'phantom' issue. Per County Counsel, under the Subdivision Map, consolidation cannot legally be prohibited. Commissioner Loisel asked if there was a possibility of removing the consolidation issue. Ms. McElligott replied that although addressed in the staff report, it is part of the Neg Dec environmental analysis. Mr. Schneider pointed out that the staff report does not contain any examples. The consolidation issue could be avoided by applying a density requirement.

The matter was continued to allow further discussions on the side.

Matter reconvened after a brief recess at the conclusion of Item #2. Mr. Bazar announced that he would like staff with County Counsel to explore the option of placing a 'cap' and look into CEQA implications. Ms. McElligott explained that this option would include placing a cap on the total number of units, either residential or commercial. However, it will be difficult due to the wide range of sizes, configurations and uses. The Chair thought that the developments will be constrained by the lot sizes and the parking requirements. Staff noted that there are other physical limitations. A discussion ensued regarding parking, lot sizes, limitations, configurations and constraints, placement of a cap, the possibility of an error in map designation and the implication of

Measure D. Mr. Schneider stated that this situation was not related to Measure D. Mr. Lopez stated that using commercial units as a measuring stick would be difficult and Mr. Bazar suggested perhaps a FAR concept.

Commissioner Jacob felt that it would be a mistake to take action on this item when there is no specific language and without community and Sunol Advisory Council input. *He made a motion for a continuance to June 16th. Commissioner Loisel seconded.*

Mr. O'Laughlin reiterated that his issues were not related to Measure D. Although no Sunol resident is against Measure D, none had been aware of its limitations until recently. He agreed that there is a need for further discussion with the community and suggested that if approved today, it should be with on-going discussions with the community and Sierra Club before going to the Board of Supervisors.

Motion for a continuance carried unanimously, 6/0.

2. **CONDITIONAL USE PERMIT, C-4158 - VASCO LANDFILL** ~ To consider amendment to Conditional Use Permit, C-4158, Vasco Road Landfill, held by Republic Services, Inc., The proposed revisions consist of minor changes to Conditions Nos. 111.4(a) and 112 of the permit, affecting the approved construction of a potable water pipeline along North Vasco Road to serve a limited number of users between Dalton Road and the Vasco Road Landfill entrance driveway. The potable water line would be constructed and sized to serve a limited number of specified residential units located on previously unserved parcels along Vasco Road near the landfill entrance. The change would consist of a time extension to the pipeline construction start date from July 1, 2008 to July 1, 2009, a difference of one year. The change would be an administrative change for the purposes of project funding. 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 1.5 miles 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. The pipeline itself would be constructed within the public right-of-way along Vasco Road for a distance of approximately 1.5 miles. **Staff Planner: Bruce Jensen. This item was moved to the Regular Calendar.**

Mr. Jensen presented the staff report noting receipt of letters from City of Livermore in support of an extension and the Law Office of Peter MacDonald on behalf of Ralph Properties, though in support of the extension, requesting the inclusion of two additional properties which were originally left off the list in error.

Public testimony was called for. Scott Gordon, representing Vasco Landfill, urged for an approval of the extension and thought that the Ralph Properties' request for an inclusion should be considered separately so as to not further disrupt the schedule.

Peter MacDonald, representing the Ralph Properties II, clarified that they were in support of the extension and not requesting any modifications to the project or an extension of the pipeline. Due to a clerical error, these two parcels with dwellings, were left off the list even though they have the same criteria as the other parcels.

Nanette Leuschel, representing Ralph Properties II, provided further clarification on the location of the two omitted properties.

Mr. Bazar recommended that the Commission take action on the extension and, if appropriate to add the two additional parcels, the matter would be noticed and placed on the Consent Calendar on the next agenda for action.

Steve Stewart, City of Livermore Planning Division, stated that the City supports the extension and connecting the existing uses to the water line but expressed concerns if the connection request was for beyond the entrance of the two existing homes.

Dick Ward, property owner at 3884 N. Vasco Road, spoke in support of the extension and the inclusion of the two parcels. He agreed that the omission of the two parcels was an error. These two homes have been in existence for over thirty-six years.

Ms. Leuschel thought that the CUP is open and requested action on the inclusion of the two properties. Although open, Mr. Bazar explained that the matter has to be noticed separately.

Public testimony was closed. *Commissioner Loisel made the motion to move staff recommendation and Commissioner Imhof seconded. Motion carried unanimously, 6/0. Commissioner Loisel also requested that the matter of including the two additional properties be agendized for the next meeting.*

The Chair announced a brief recess.

3. **COMMISSION RULES AND PROCEDURES** – Mr. Bazar announced that two minor changes to the By-Laws were recommended by Commissioner Jacob. County Counsel added that the two changes--the provision for election of officers by secret ballot and meeting location will be agendized for action at the next meeting.

STAFF COMMENTS & CORRESPONDENCE: *None*

CHAIRS REPORT: *None*

COMMISSION ANNOUNCEMENT, COMMENTS AND REPORTS: Commissioner Imhof thanked for the meeting with Mr. Lopez, the new Planning Director.

ADJOURNMENT: *There being no further business, Commissioner Ready moved to adjourn the meeting at 7:20 p.m. Commissioner Rhodes seconded the motion. The motion was carried 6/0.*

ALBERT LOPEZ, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY