

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
SEPTEMBER 2, 2004
(APPROVED SEPTEMBER 20, 2004)

The meeting was held at the hour of 7:00 p.m. at City of Pleasanton, City Council Chambers, 200 Old Bernal Avenue, Pleasanton, California.

SPECIAL MEETING: 7:00 p.m.

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

OTHERS PRESENT: J. Sorensen, Agency Director, Chris Bazar, Planning Director, Bruce Jensen; Senior Planner; Eric Chambliss, County Counsel's Office; Nilma Singh, Recording Secretary

There were approximately forty-two people in the audience.

CALL TO ORDER:

The Chair called the meeting to order at 7:00 p.m.

ANNOUNCEMENTS BY THE CHAIR: Chair Jacob noted that the next Commission meeting is scheduled for Tuesday, September 7th. The Field Trip will include a visit to the recent Hayward Hills fire area. He also announced the rulemaking on California Tiger Salamander by the US Fish and Wildlife Service.

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** – August 16, 2004. Commissioner Tam made the motion to approve the August 16th Minutes as submitted and Commissioner Kirby seconded. Motion carried 7/0.

REGULAR CALENDAR:

1. **RMC PACIFIC MATERIALS/GRANITE CONSTRUCTION COMPANY** – To consider the matter of the asphalt batch plant recently constructed and operated by Granite Construction Company, located on the site of (and operated as accessory to) the existing Eliot Quarry operated by RMC Pacific Materials (Permittee), regulated under Alameda County Quarry Permit Q-1 and Surface Mining Permit and Reclamation Plan SMP-23. This asphalt batch plant is located on the Q-1/SMP-23 site in the Livermore-Amador Valley in unincorporated Alameda County, approximately 0.6 mile south of Stanley Boulevard, approximately 500 feet southeast of Shadow Cliffs Regional Recreation Area, and 1,800 feet northeast of the existing northwest-southeast portion of Vineyard Avenue in the City of Pleasanton.

Mr. Jensen presented the staff report. The Chair asked if it would be appropriate to discuss the course of action for a periodic review of the surface mining application. Mr. Jensen replied yes.

Public testimony was called for. Geoff Boraston said he appreciated the open dialogue and submitted his written testimony. He further provided background information to supplement the staff report. There were other similar facilities in the neighborhood. This location was most appropriate due to the high demand as they provide services to local communities/projects, Alameda County, Cal Trans and City of Pleasanton. They were leasing three acres from RMC.

Daryl Mullins, property owner at 3428 Smoketree Commons, said his main concern as noise. He asked if the Commission could require installation of noise monitors, to be used when complaints are made.

Kris Weaver representing Pleasanton Unified School District indicated that if the school and the facility continued operation at their locations, they would have to do more than just notify the parents. Plans for the school have been in place for a long time and he was upset why the facility was approved without any notification. The District was not against the operation but the location. Odor has been a problem further than 1000 feet.

Laura Danielson said she lived at 2349 Romano Circle which was less than two miles from the plant. She has contacted Bay Area Air Quality. The school was her concern also adding that perhaps the odor was not harmful but was distracting. She also suggested relocation to another area on the property.

Meribeth Detweiler, 553 Santel Court, said she had similar concerns regarding the close proximity of the plant to the school.

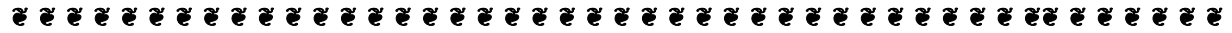
Brian Arkin, 3740 Newton Way, said that during his tenure as a Planning Commissioner, he had worked on the Specific Plan for the vineyard area and at no time, he had heard of any plans of this plant. If it had been know, the Plan would have been different. He asked if the correct procedure had been followed and if City of Pleasanton Planning Department should have been notified. Mr. Arkin urged for a revocation.

Chair Jacob requested copies of the Specific Plan.

Cindy McGovern said she was on the school Board and her concern was with the children. No thought had been given to the affects on children. She felt that public comments were very important and in this case an approval had been granted without any public comments. She was not against the plant but requested relocation to another area on the property.

Julie Tiesta stated that she lives about two miles away at 3494 Torlano Court, and she frequently has had the odor problem. She discussed the air pollution and financial aspect of the facility and the proposed school and complained that the public process was not followed for the original approval. She had researched the quarry plant before locating to the area but this was different with a great health hazard. The plant would be about 750 feet from the school playground which was not acceptable. Ms. Tiesta urged revocation and relocation.

Russell Schmidt, said his property, 18 Gray Eagle Court, was about a mile away. Last Saturday, which was Spare the Air Day, he could smell the odor. Odor in a residential area was totally not appropriate. Although he appreciated the mitigation measures, he requested that rubberized asphalt not be processed before the second mitigation phase or cease any process. He also complained of the lack of public comments before the initial approval. In response to Commissioner Imhof, he indicated that it was about 8:30 am on Saturday morning and about 9:15 am this morning.



John Elsnas, 1821 Cortez Court, stated that he would like the County, City and the Applicants to resolve without any litigation.

Steve Brozosky, 1700 Vineyard Avenue, submitted photographs in opposition and using the overhead, explained that he was directly impacted. No permits have been issued for processing rubberized asphalt but a new use that did not go through public comments. Under Q-1, only the RMC asphalt plant could continue operation as permitted. This was not an appropriate location and could not be masked by trees. He suggested moving closer to Stanley Boulevard adding that if it had gone through the proper process, the plant would not have passed the CEQA review. The plant was making odor but not removing it.

Ann Fox, property owner at 2866 Garden Creek Circle, member of the Pleasanton Commission and School District, stated that she was speaking as an individual. She urged for a shut down and further discussed the affects on children, environmental health affects, air pollution, cancerous chemical, new Senate Bill 352. Ms. Fox also complained that the plant was installed without public comments. She urged a revocation and did not agree relocating towards Stanley Boulevard since additional residential homes will be built on this side in the future and other elementary schools. She also suggested helping the Applicant find a more suitable site that would not affect the childrens' health.

John Saidi, 2979 Chardonary, said his property backs into Vineyard Avenue, said his concern was the chemical emissions in the air. In addition, masking the odor was not acceptable and this location was not appropriate. There was a need to look at the history and the potential impact in general and to the children. Although many concerns have technical mitigations, there would be health concerns. Mr. Saidi also recommended relocation.

Jim Sheidenberger, Manager of RMC Real Estate, explained that many members of the company were also active members of the community. Three years ago, RMC entered a long term lease with the Applicant for the south end of the property.

Kay Ayala, 4515 Gatetree Circle, Vice Mayor of Pleasanton, provided history of the area, including the reason for the Specific Plan adding that she had submitted a letter in opposition urging revocation of the permit. This area is the entryway to the southern vineyard area and the plant was not an asset to the vineyard region. She reminded the Commission that they represented the community and recommended a site visit. Ms. Ayala also urged revocation.

Jeff Nesor, property owner at 837 Clara Lane which was about a mile away, complained that when the air is still and odor is strong, he cannot open his windows while the proposed school will only be 700 feet away. He urged closing the facility until all mitigations measures were in place or revocation.

Nelson Fialho, property owner at 123 Main Street, City Manager, stated that the plant should either be relocated or removed for the following five reasons: 1) it creates a negative impact and many letters, emails have been received in opposition; 2) the proposed Neal school will be less than 700 feet from the facility; 3) incompatible with the Vineyard Specific Plan; 4) investment impact since a considerable amount of money has been spent for the school; and 5) public review process was not engaged including a CEQA process.

Sandra Lemmons, representing the school district, said that there had been no mention of an asphalt plant during the CEQA process for the school although RMC had been one of the developers during negotiations. Her concern was the closeness to the school and one resolution would be installation of

odor mitigation measures. Another would be to relocate, which would be aesthetically beneficial also. She urged for reconsideration.

Mary Roberts, 1766 Vineyard Avenue, said she had been a Planning Commissioner for six years. She had submitted a letter of complaint in September, 2002, with odor concerns. She was also concerned how an asphalt plant was allowed to operate under an old Neg Dec, at a different area with a different use and why a full EIR was not required. Although the plant was providing a useful commodity, Ms. Roberts supported a relocation, perhaps closer to Stanley Boulevard. This was not a good site, was very high and visible and aesthetically inappropriate. She urged the Commission to remove the plant and accept City and community input.

Kurt Kummer, 4456 Clovewood Lane, said he was not affected in any way but said he would not want it in his neighborhood.

Larry McReynolds, property owner at 2389 East Ruby Hill Drive, complained of a beeping sound that was heard 24 hours and which has grown louder.

Robert Stevenson, new property owner at 2410 Pomino Way, said he was shocked to see a asphalt plant so close to a proposed middle school.

Bill Hanna, Regional Manager of Associated General Contractors of California, 1390 Willow Pass Road, Concord, said he supported the granite company. He urged for a resolution with the community to resolve the issues/concerns.

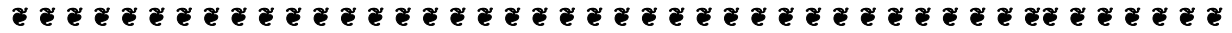
Tomi Van de Brooke, Land Use Director, California Alliance for Jobs, thought that this dilemma was not unique. The facility provides asphalt for local areas and there was a need to retain the plant in this area. He also pointed out that the property has had industrial uses for the last fifty years. The Specific Plan does not recognize land uses in the area and protects these uses. He urged for the Commission to find a way for the City to allow the plant to remain at this site. He also pointed out that on Saturday Vineyard Avenue was being paved and the plant was not in operation. There was a need to distinguish between other smells. Mr. Van de Brooke felt that the County, City and the neighbors could work together and urged all to accommodate growth.

Chris Gray, representative from Supervisor Haggerty's office, thanked all for their participation adding that the community has being requesting a public hearing for a long time.

Commissioner Ysit asked why the plant had been located in this area. Mr. Boraston explained that the location had been discussed with the landowner and although the property was large, there was very limited free space and thought it would be difficult to find another location which was significantly better. Mitigation measures have been identified that will satisfy the community. Commissioner Ysit asked that the no additional money be invested until a decision has been made. He recommended a dialogue between the Applicant, City and County. Mr. Boraston indicated that their Land Use Attorney was available and would be submitting closing remarks.

Andrea Matarazzo, Attorney, pointed out that the plan was legally permitted as the appropriate process had been followed. The Applicant would like to be a productive member of the community. She pointed out that the rubber asphalt use is not a new use, but an accessory use to mining.

The Chair announced that the matter will be continued to October and the Commission will have a closed session to consider the legal issues.



Commissioner Hancocks asked if the Specific Plan was a joint plan between the City and the County. Mr. Bazar replied it was City's and the County had the East County Area Plan. Mr. Sorensen added that the Applicant had been advised that no new building permit would be issued until the concerns were fully mitigated. The Chair indicated that this issue will also have to be explored.

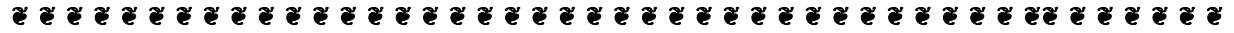
Commissioner Gault asked the representative if they had discussed the Specific Plan with RMC since they were aware of the plan. He also asked if they were willing to consider another location. Mr. Boraston said that they had not been involved in the discussions and they were willing to look at all options.

Mr. Sheidenberger pointed out that the plant was located on a 400 acre parcel. Large machineries due create dust, noise, vibrations which results in complaints. Mr. Jensen indicated that the Q-1 was approved in 1957 and the revision of 1977 did not include any language for a specific location. Mr. Sorensen thought the plant/machinery could have moved. Commissioner Tam said she was concerned that the plant has been a surprise for the community. She asked if there were other re-locating options. Mr. Sheidenberger replied that most of the areas on the property contain sand and gravel which needs to be protected and also the reclaimed areas. In response to Commissioner Gault, indicated that most discussions would occur with the Operations Division. Commissioner Gault said his concern was that RMC had been aware of the plan who now has a tenant who was in conflict but no discussions had occurred. Commissioner Ysit asked if the current location was a reclaimed area. Mr. Sheidenberger replied yes.

The Chair asked Mr. Fialho if comments had been received on the Vulcan operation. Mr. Fialho replied no, adding that their objective has been to create a gateway to the wine country and an asphalt plan is not compatible. The Vulcan site was situated further away from the residential area. A discussion followed regarding the Specific Plan. Mr. Fialho added that the South Livermore Specific Plan may not show precisely the location of the school but other plans do. The Chair requested justification for non-compatible uses within the jurisdictional line.

Although there are jurisdictional differences, Commissioner Kirby thought that RMC should have been more forthcoming. He asked what other types of operations would be compatible to the asphalt and mining. Mr. Boraston added that City of Pleasanton has co-existed with other quarrying plants and a quarry was not an incompatible use in a residential area. Commissioner Tam pointed out that Condition 24 mentions a concrete plant which would not have been as noisy or would it have created a smell.

Public testimony was closed. Commissioner Imhof made a motion that there be a joint meeting between the Commission, City, Granite, School District, staff and some homeowners to discuss mitigation measures for the next scheduled public hearing. Commissioner Kirby seconded the motion. The Chair appointed Commissioners Ysit and Imhof to be part of the Committee. Commissioner Imhof recommended a site visit for the next hearing. The Chair added that the site visit would have to be announced and would also include the Vulcan property. Mr. Bazar recommended a site visit on the day rubber asphalt processing would be in operation. The Chair summarized the following: testimonies were submitted from the community; letters and emails were received by staff; only one mitigation measure was heard today, installation of the noise measurement equipment; no odor control system and health impacts. He would also like to see the current law on chemical measures. Commissioner Tam said she would like to get a summary on the Committee's findings and information on an alternative location with the October 18th staff report. Commissioner Kirby requested clarification that the use is ancillary to the mining use. The Chair also noted that the option of a periodic review for SMP-23 was not included in the staff report.



Commissioner Tam re-stated her motion for a continuance to October 18, 2004. Commissioner Kirby seconded the motion. The Commission voted unanimously in favor of the motion.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR'S REPORT: None.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

ADJOURNMENT: There being no further business, Commissioner Gault moved to adjourn the meeting at 9:35 p.m. Commissioner Tam seconded the motion. The motion was carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY