

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**OCTOBER 20, 2003**  
**(APPROVED JANUARY 20, 2004)**

The meeting was held at the hour of 1:30 p.m. at 224 W. Winton Avenue, Room 160, Hayward, California.

**REGULAR MEETING: 1:30 p.m.**

**MEMBERS PRESENT:** Commissioners Ario Ysit, Chair; Compton Gault; Frank Imhof; Mike Jacob, Vice Chair; Glenn Kirby; Audrey LePell

**MEMBERS EXCUSED:** Commissioner Lena Tam

**OTHERS PRESENT:** Bruce Jensen, Senior Planner, Maria Palmeri, Recording Secretary

There were approximately 2 people in the audience.

**CALL TO ORDER:**

The Chair called the meeting to order at 1:30 p.m.

**ANNOUNCEMENTS BY THE CHAIR:** The Chair informed the other Commission members that the Planning Department has recycling guides available in the office.

**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.

Mr. Jeff Miller with Alameda Creek Alliance asked the committee members if he could be on the agenda for the next meeting. He stated that he would like the committee to hear his concerns with the Apperson Quarry renewal. Mr. Miller stated that the Planning Department potentially needs to do a Supplemental EIR before extending the conditional use permit for this quarry. He said that in correspondence exchange with the Planning Department he was informed that the County is not under obligation by CEQA laws to have a new EIR for this project. He stated that since the last EIR was written there has been some new species that are in potential danger such as the California Tiger Salamander and the nesting Golden Eagles. These are fully protected species and these issues need to be addressed by the Planning Department. The last EIR was written 19 years ago, new biological information has developed since then and it needs to be considered by the Planning Department. Past mitigation measures are no longer adequate for the

protection of these new conditions at the site. He stated that he would like to be on the agenda to discuss if the county has fulfilled all CEQA obligations.

The Chair advised Mr. Miller that he may contact the Board of Supervisors and request that this item be agendaized. He stated that he was advised by the Planning Director that this item could not be on the agenda. Commissioner LePell stated that she does not think the Chair is correct on his information. She stated that Mr. Miller can request that the commission put this item on the agenda and the commission will have to make that decision. Mr. Miller stated that he does not want to wait any longer since there has been ongoing grading at the site and these issues need to be addressed. Mr. Jensen stated that once the lead agency, which in this case is the Planning Department, is finished with the EIR they have complied with the CEQA regulations. Other agencies can require a new EIRs if they feel that there are species at the site that were not covered in the previous EIR. There will be a periodic review coming up on this site and this process will allow the Planning Department to take an extensive look at the state of the quarry and the previously approved Surface Mining Permit and the conditions of approval. This will be a public process where other agencies and the public can have input on issues of concern. There is not a date set for this meeting but hopefully it will take place sometime in the beginning of next year. All agencies and interested parties will be notified of this meeting. Commissioner Imhof asked how long an EIR is good for. Mr. Jensen answered essentially forever.

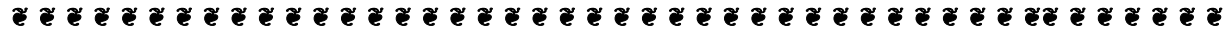
**CONSENT CALENDAR:**

1. **APPROVAL OF PLANNING COMMISSION MINUTES** - October 6, 2003. The approval of minutes for the October 6, 2003 meeting will be continued to the November 3, 2003 meeting.
2. **MODIFICATION OF THE 1923<sup>RD</sup> ZONING UNIT AND CONDITIONAL USE PERMIT, C-8108, AND TENTATIVE MAP, TRACT 6869 – LEIDER/OAK TERRACE DEVELOPMENT –** Petition for modification of the 1923<sup>rd</sup> Zoning Unit, with the relocation of the access road and modification of the lotting pattern, on one site containing approximately 58.96 acres, in a PD (Planned Development) District, located at Oak Terrace, east side, approximately 0.2 miles east of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing County Assessor’s designation: 085A-6000-002-03. (To be continued without discussion to November 3, 2003.)

Item 3 was moved to the Consent Calendar (see below) Commissioner Gault moved to approve the Consent Calendar as recommended by staff. Commissioner Kirby seconded the motion. The motion was carried 6/0

**REGULAR CALENDAR:**

3. **2177<sup>TH</sup> ZONING UNIT – RAMIREZ** – Petition to reclassify from an R-



1 (Single Family Residence) District to a PD (Planned Development) District to allow construction of an addition to a converted, detached garage as a second dwelling, on one site containing approximately 0.13 acres, located at 1178 Grove Way, north side approximately 50 feet southwest of Ocean View Drive, unincorporated Cherryland area of Alameda County, bearing County Assessor's designation: 0414-0081-067-00. (Continued from September 15, 2003.)

This item was moved to the Consent calendar and continued without discussion to November 3, 2003.

4. **2182<sup>ND</sup> ZONING UNIT – ZAWIDSKI** – Petition to reclassify from a PD (Planned Development) District (2068<sup>th</sup> Zoning Unit) to a PD (Planned Development) District, allowing secondary unit on the site containing approximately 1.95 acres, located at 10707 Reuss Road, south side corner east of Tesla Road, unincorporated Livermore area of Alameda County, bearing County Assessor's designation: 099A-2110-0012-03.

Mr. Benjamin Grant presented the staff report. The proposed project is to rezone the subject property to allow construction of a new secondary dwelling. The main dwelling is currently under construction, and a workshop and a barn are approved for the property. The proposed secondary unit would replace the approved "workshop" structure toward the front of the property, approximately 180 feet from Reuss Road. The subject property includes ample room for off-street parking accessible to the driveway and screened from view by the dwellings and other structures. The proposed secondary unit is less than half the maximum size allowed under the secondary unit policy, and located approximately 90 feet from the principal dwelling. The main dwelling, although further removed from the road, is a commanding presence on the property by virtue of its scale and elevated location. Access to both units will be provided by the same driveway off of Reuss Road. The proposed unit is replacing an approved structure on the same building envelope as the principal dwelling. At the time the principal residence was approved, the applicant sought and received approval for water and septic systems adequate for the eventual addition of a secondary unit. The Alameda County Fire Department reviewed and approved plans for the secondary unit along with those for principal dwelling. The proposed rezoning meets all of the goals of the East County Specific Plan for South Livermore.

The applicant and owner of the property, Mr. Joseph Zawidski, stated that he is building a house and hopes to have his son move into the secondary unit. The property is surrounded by vineyards. Commissioner LePell asked if the applicant owns all of the 20 acres. Mr. Zawidski stated that he only owns two acres and that he is surrounded by other parcels owned by a vineyard. Commissioner LePell asked county staff if his property complies with the agricultural zoning for that area. Mr. Jensen stated that initially Mr. Zawidski proposed consolidating with other owners. The application would have created several larger parcels with smaller pieces for viticulture. This application allows one single owner to operate the vineyard and gives Mr. Zawidski a variance to allow his construction. In the context of the South Livermore Valley Area Plan, it is preferable to have one buildable lot and 92 acres of vineyards than four 20 acre

buildable parcels. Commissioner LePell asked Mr. Jensen what would stop the other owners from doing the same thing and building a house on their parcel. Mr. Grant and Mr. Jensen explained that there is a conservation easement on the other parcels which would prevent that from happening. Commissioner LePell asked that what Mr. Jensen just mentioned be included in the staff report.

Commissioner Imhof asked if there is a law that was recently passed that would have allowed Mr. Zawidski to build a secondary unit without any permits. Mr. Jensen explained that in the areas that were allowed to build a secondary unit with a conditional use permit, it is no longer necessary to obtain a CUP. The property owners now only need a building permit. Commissioner Imhof stated that the applicant could build one secondary unit up to 1200 square feet. Mr. Jensen stated that yes he could but he only asked for a unit measuring 638 square feet. In the future if he wants to add to the unit he will have to apply for a rezoning of the property.

Commissioner Gault recommended approval of the application and Commissioner Kirby seconded. The motion carried 6/0.

**STAFF COMMENTS & CORRESPONDENCE:**

Mr. Bruce Jensen updated the commission on the status of the SMP-16. At the October 16, 2003, Planning Commission meeting the periodic review for SMP-16 was presented and the commission suggested some changes to the conditions of approval, including landscaping, lighting, and financial assurances. Staff prepared those changes and submitted to the commission for their final approval, so far three commissioners have responded to the changes that staff made. Staff reminded the commission that staff has to have the final draft from the commissioners before finalizing the resolution.

**CHAIR'S REPORT:** None

**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:** Commissioner LePell announced that Ms. Holly Janvier will be transferring out to the Livermore office. She has been a Secretary for this commission for a long time and Commissioner LePell asked that the commission pass a resolution thanking her for her work and dedication to the Planning Commission. Mr. Jensen stated that the building is not ready yet and will not be done for a few months. The commission did not make a motion for a resolution.

The commissioners asked about the status of the remodeling of the meeting room. Mr. Jensen answered that he did not know the status but would find out and inform the commission at the next meeting.

**ADJOURNMENT:**

There being no further business Commissioner LePell moved to adjourn the meeting at 2:30 p.m. Commissioner Imhoff seconded the motion. The motion was carried 6/0.

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