

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
JULY 18, 2005
(APPROVED AUGUST 15, 2005)

FIELD TRIP: 10:00 A.M.

The Commission convened at 224 W. Winton Avenue, Room 111, Hayward, California, at the hour of 10:00 a.m., and adjourned to the field to visit the following properties:

MEMBERS PRESENT: Commissioners Mike Jacob, Chair; Glenn Kirby; Alane Loisel and Edith Looney.

MEMBERS EXCUSED: Richard Hancocks and Frank Imhof.

OTHERS PRESENT: Steve Buckley, Assistant Planning Director.

1. **ZONING UNIT, ZU-2202 – HOPSON** – Petition to reclassify from the R-1 (Single Family Residence) and R-1-B-E (Single Family Residence, 1 acre per 1976th Zoning Unit) to the R-1-B-E (as specified) to divide the site into four lots with the existing dwelling to remain, located at 22750 Valley View Drive, east side, approximately 850 feet north of Kelly Street, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 0417-0140-028-00 and 0417-0151-001-00.
2. **ZONING UNIT, ZU-2203 – VALDES** – Petition to reclassify from the R-S-SU (Suburban Residence, Secondary Unit) District to a P-D (Planned Development) District, to allow construction of a new triplex and retain two existing dwellings, located at 374 Medford Avenue, north side, approximately 412 feet west of Western Boulevard, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 413-0039-024-00.
3. **ZONING UNIT, ZU-2204 and AGRICULTURAL SITE DEVELOPMENT REVIEW, S-1978 – BRAUN/THOMPSON** – Petition to reclassify from the A (Agricultural) District to a P-D (Planned Development) District with an Agricultural District base-zone, and allowing one secondary dwelling unit, on one site approximately 3.21 acres, located at 8855 Pleasanton-Sunol Road, west side, approximately 1.8 miles north of the intersection with Highway 84, Sunol area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 0096-0320-003-00.

REGULAR MEETING: 1:30 p.m.

The Commission convened at 224 W. Winton Avenue, Public Hearing Room, Hayward, California, at the hour of 1:30 p.m.

MEMBERS PRESENT: Commissioners Ken Carbone; Richard Hancocks; Frank Imhof; Vice Chair; Mike Jacob, Chair; Glenn Kirby; Alane Loisel and Edith Looney.

MEMBERS EXCUSED: None.

OTHERS PRESENT: Chris Bazar, Planning Director, Steven Buckley, Assistant Planning Director; Bruce Jensen, Senior Planner; Brian Washington, County Counsel's Office; Yvonne Grundy, Recording Secretary.

There were approximately 18 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 welcomed new Commissioners Alane Loisel and Ken Carbone, and thanked them for their commitment to serve on the Planning Commission.

ELECTION OF OFFICERS:

Commissioner Looney nominated Commissioner Glenn Kirby for the office of Vice Chair. Chair Mike Jacob seconded the motion. Motion carried 7/0.

Commissioner Kirby nominated Commissioner Frank Imhof for Chair. Commissioner Jacob seconded the motion. Motion carried 7/0.

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** – Chair Jacob motioned to approve the Minutes of May 16 and June 20, 2005 with submitted corrections. Commissioner Kirby seconded the motion. Motion carried 5/0. Commissioners Loisel and Carbone abstained.
2. **ZONING UNIT, ZU-2199 and TENTATIVE TRACT MAP, TR-7584 – NEWPORT AVALON INVESTORS, LLC** – Petition to reclassify from a PD (Planned Development) District to another PD (Planned Development) District, to allow the subdivision of one site into 10 parcels, located at 255 Happy Valley road, south side, approximately 125 feet east of Pleasanton-Sunol Road, Pleasanton area of unincorporated Alameda County, bearing County Assessor's designation: 0949-0010-001-07. (Continued from December 20, 2004, February 7 and May 2, 2005, Continue to October 10, 2005).

3. **ZONING UNIT, ZU-2202 – HOPSON** – Petition to reclassify from the R-1 (Single Family Residence) and R-1-B-E (Single Family Residence, 1 acre per 1976th Zoning Unit) to the R-1-B-E (as specified) to divide the site into four lots with the existing dwelling to remain, located at 22750 Valley View Drive, east side, approximately 850 feet north of Kelly Street, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 0417-0140-028-00 and 0417-0151-001-00.
4. **ZONING UNIT, ZU-2204 and AGRICULTURAL SITE DEVELOPMENT REVIEW, S-1978 – BRAUN/THOMPSON** – Petition to reclassify from the 'A' (Agricultural) District to a P-D (Planned Development) District with an Agricultural District base-zone, and allowing one secondary dwelling unit, on one site approximately 3.21 acres, located at 8855 Pleasanton-Sunol Road, west side, approximately 1.8 miles north of the intersection with Highway 84, Sunol area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 0096-0320-003-00.
5. **ZONING UNIT, ZU-2207 and TENTATIVE TRACT MAP, TR-7614, UTAL** – Petition to reclassify three parcels containing approximately 1.17 acres from the P-D (Planned Development, 1779th Zoning Unit) to a P-D (Planned Development) District, allowing subdivision into 10 parcels intended for single-family dwellings, located at 18911 and 18919 Lake Chabot Road, approximately 234 feet northeast of Keith Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084B-0502-045, 084B-0502-055 and 084B-0502-046. (Continued from June 20, 2005; continue to August 1, 2005).
6. **ZONING UNIT, ZU-2209; TENTATIVE TRACT MAP, TR-7623; GENERAL PLAN AMENDMENT, GPA-135 – OLSON COMPANY** Petition to amend the Eden Area General Plan by redesignating from Suburban and Low Density Residential to Medium and High Density Residential, and amend the General Ordinance Code of the County of Alameda, California, by reclassifying from the C-1 (Retail Commercial) District to the PD (Planned Development) District, and to subdivide the property to develop 99 townhouse residential units and 4,500 square feet of retail, on one site made up of 3.87 acres on the northern side of Bockman Road with a general address of 1233 Bockman Road, and 2.54 acres on the southern side of Bockman Road with a general address of 1210 and 1294 Bockman Road, San Lorenzo area of unincorporated Alameda County, Assessor's Parcel Numbers: 411-063-017-00, 411-069-001-01, 411-069-001-02; as shown on the map labeled Exhibit "A", July 1, 2005, on file with this Commission at 224 W. Winton Avenue, Suite 111, Hayward, California. (To be continued without discussion to August 1, 2005).

7. **ZONING UNIT, ZU-2210 – GIL** – Petition to reclassify from the A-CA (Agricultural, Cultivated Agricultural Overlay) District to a PD (Planned Development) District, to allow construction of a 1,200 square foot secondary dwelling unit, on one site containing five acres, located at 9293 Tesla Road, south side, approximately 0.33 miles northwest of Reuss Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099A-2003-005-00. (To be continued without discussion to August 1, 2005).
8. **ZONING UNIT, ZU-2211 – ELLIS** – Petition to reclassify from the A-CA (Agricultural, Cultivated Agricultural Overlay) District to the PD (Planned Development) District, to allow construction of a 1,200 square foot secondary unit, on one site containing approximately 4.92 acres, located at 7301 Mines Road, west side, approximately 60 feet north of Del Valle Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Number: 099A-2420-004-20. (To be continued without discussion to August 1, 2005).
9. **TENTATIVE TRACT MAP, TR-6864, ONE STOP DESIGN, INC.** – Petition to subdivide one parcel into five lots, located between 25129 and 25165 Second Street, south side, approximately 903 feet west of Winfeldt Road, Fairview area of unincorporated Alameda County, bearing County Assessor's designation: 0425-01450-006-00. (Continue to August 15, 2005)
10. **LA VISTA QUARRY PERMIT EXTENSION PROJECT - SURFACE MINING PERMIT SMP-41, DUMBARTON QUARRY ASSOCIATES, INC.** - Petition to extend the period of operation at the La Vista Quarry by twenty (20) years beyond the termination date of the existing permit, to the year 2028, and modify the mining and reclamation plan to include further excavation below and into the base of the floor of the existing quarry site, including continued mining, production and sale of aggregate, recycling of construction materials, and production and sale of asphaltic concrete. The existing asphalt concrete plant would also be modernized and upgraded, and operations could be conducted up to 24 hours per day. The project site is located on the western slope of the hills east of the City of Hayward, approximately 700 feet east of the intersection of Mission Boulevard and Tennyson Road, in the unincorporated area of Alameda County. (Continued from October 4, December 6 and 20, 2004, March 7, April 4, May 2 and 16, 2005; to be continued without discussion to August 15, 2005).

Commissioner Jacob made the motion to accept the Consent Calendar with submitted corrections to the Minutes. Commissioner Kirby seconded the motion. Motion passed 5/0. Commissioners Loisel and Carbone abstained.

REGULAR CALENDAR:

1. **ZONING UNIT, ZU-2203 – VALDES** – Petition to reclassify from the R-S-SU (Suburban Residence, Secondary Unit) District to a P-D (Planned Development) District, to allow construction of a new triplex and retain two existing dwellings, located at 374 Medford Avenue, north side, approximately 412 feet west of Western Boulevard, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 413-0039-024-00.

Mr. Buckley gave an overview of the project. Three attached dwelling units are proposed to be added to the western, rear portion of the property, while two of the existing dwellings will be retained at the front of the property. A driveway will be added down the center of the property. New parking will be added as well. The storage sheds along the southern property line will be demolished. The parcel is located within an urban infill area, and the proposed density is in line with others parcels in the area. The General Plan allows 6.7 units per acre or more. The setbacks are larger than required and transportation is within walking distance. Commissioner Hancocks stated that he disagreed with some of the comments in the staff report. More specifically the area between Hampton Road and Medford Avenue is low to medium density. The balance of Cherryland is high density. Commissioner Kirby agreed that the General Plan representation regarding density was vague as to what was allowed before PD Zoning, and as to if there is a zoning demarcation on one side of Hampton Road. An additional question for staff was the number of parking spaces allotted for the project. Staff responded that the original number allotted was six but now there are ten spaces proposed. Public testimony was opened.

Erica Campisi, representing the Cherryland Association pointed out that the lot was only one third of an acre. No play area for children or guest parking is designated for the project. The Association was concerned since most families have more than one vehicle. Parking is already a problem on Medford Road. The Cherryland Association asked the Commission to deny the application.

A representative then spoke on behalf of the applicant, Mr. Valdes. Mr. Valdes was made aware there were zoning issues when he was contacted by Alameda County Code Enforcement. A building that was originally utilized as a two car garage is currently being used as a home. That specific structure is slated to be demolished along with some additional sheds. His goal is to resolve all violations on the property. The project is designed to provide housing for their adult sons who are married and just starting out. He would like the three new units to be two stories, and felt the density was equal to town homes in the area. The landscaping in the front of the property will not change. He referenced a landscaping plan and indicated where additional vegetation would be planted around the perimeter, walkway and rear. Parking will be located in the rear, and each unit will have a patio. Public testimony was closed.

The Commissioners had the following comments:

- Commissioner Loisel asked staff if the old units on the property would be brought up to code.

- Commissioner Looney commented that she visited the property and observed that the entire front area was paved with concrete, and suggested that the applicant consider removing some of the cement and replacing it with greenery.
- Commissioner Kirby asked if any of the parking would be covered (garage or carport) since the current detached garage would be torn down.
- Commissioner Looney asked if the square footage for each unit could be reduced.

Staff confirmed that once all of the work is complete each unit would be up to code. The Alameda County Zoning Ordinance does not require that parking spaces be covered. Square footage per unit could possibly be reduced. The map contained in the General Plan is difficult to discern. Low density would constitute a range from 3,500 to 6,000 square feet per unit. For example, 3,500 square feet can fit four units on the site.

Commissioner Hancocks motioned to reduce the number of units to four maximum. Commissioner Looney seconded the motion. Mr. Buckley interjected that a reduction in units would require the applicant to file a new site plan. He asked the Commission their opinion on the best placement for the driveway. Commissioner Jacob suggested the proposed additional bedroom to be added to the home on the east side of the property be re-designed. The fact that there is only one stairwell could be problematic in the event of an emergency. The open design of the wrought iron fence at the front of the property does not cause a sight distance issue, however it exceeds the four foot height limit. He would like to see the fence removed completely. Commissioner Kirby said he could also support the motion of four units maximum, and that five would not be appropriate. One solution could be the addition of a triplex and the removal of one existing unit. The applicant should submit a modified site plan. Staff should also confirm if the fence on the property is located within the County Right of Way. The vote was called for. All were in favor of a modified rezoning of a PD with four units maximum on the property. Motion carried 7/0, with direction to return to the Commission with a revised site plan.

2. **CONDITIONAL USE PERMIT, C-4158, REPUBLIC SERVICES – VASCO ROAD LANDFILL - AMENDMENT** – Application to extend the term of the Conditional Use Permit for this facility (“Permit”) from 2008 to December 31, 2022; and to formalize permission to continue to conduct waste diversion and materials recycling operations that have been ongoing for a number of years on the site. 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 mile 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. (Continued from March 7 and 21, April 18 and May 16, 2005).

Senior Planner, Bruce Jensen reminded the Commission that the material contained in Exhibit F, Draft Monitoring Program was the same as what the Commission approved during the permit review period last year. Conditions remain the same and there are no substantive changes. One

letter has just been received in opposition to the renewal from Mr. Terry Rooney. He is concerned about dust, noise, odor and a reduction in property values in the area. He would like the renewal to be halted until all issues are resolved. Possible future legal action was eluded to but not directly stated. The site is 425 acres. The acreage devoted to the foot print of the land fill operation is 246. The site has been in use since the 1960's. No expansion is currently proposed. Based on the applicant's record the applicant requests that the permit expire in 2022. Recycling as a use has been granted by the County Health Department. The East County Plan does allow recycling as a use per a modification of Measure D in the Year 2000. The applicant seeks formal land use approval through the CUP Renewal process. The project has been evaluated through an initial study for biology, water quality, traffic flow and seismology among other considerations. Mitigation measures are identified in the mitigated negative declaration.

Comments received regarding the application fell into three main categories:

- The project should be subject to waste fees
- The public has been critical of the past approval process
- What is the ongoing environmental impact of the use

The project will be subject to fees. Processes have been put in place, such as the review process undergone last year that have resolved outstanding issues. Staff has continued to work with the public to identify issues up front, ensuring that they are addressed. No environmental issues have been discovered in addition to what is already known and are comprehensively addressed in the Mitigated Negative Declaration. Additional administrative suggestions proposed are:

- Hire a qualified traffic controller to design a new entry to the site
- Increase traffic control operator presence on Vasco Road to three days per week
- Implement an annual fire safety control review overseen by the Alameda County Fire Department

Staff asked the Planning Commission to carefully consider three substantial areas regarding the application: water, community monitor and fees.

Mr. Ward, a property owner next to the land fill suggested that a separate Municipal water line be installed for use specifically by residents in the area. The residents would pay monthly use fees. The County, the City of Livermore or any other suitable entity would be responsible for building and maintenance. Staff encouraged the Commission to seriously consider the proposal. This would be a justifiable use of Host Community Fees. A method to achieve such a goal which employs an increase of fees over a period of time is outlined in Condition #112, Exhibit E of the Draft Resolution. The present form is a draft, and approval would be required from neighboring Cities and Counties to implement the Condition.

The Sierra Club recommends the assignment of a Community Monitor who would make inspections and monitor the land fill. The Altamont Landfill currently uses a monitor at their

site. Planning staff believes the rigorous monitoring requirements set forth are sufficient but will remain neutral, since a number of people would like a Community Monitor. If a Community Monitor is installed the program at the Altamont Landfill can be used a model.

The third matter is the imposition of fees. Waste Management Incorporated is the landfill operator. In the Year 2000 after final certification of the EIR with a full set of mitigation measures, opponents still had concerns. Through negotiation of a settlement agreement several conditions were added. Two, Host Community Funds were created that support recycling education, community improvement and open space preservation. The fees have built in escalation over time to account for inflation. The City of Livermore will receive traffic mitigation fees as a result of traffic impact. Alameda County and Tri Valley also receive impact fees. Staff recommends adopting fees with only minor changes in the draft language. Draft Resolution Condition #111 would begin at the fee rate calculated by the accelerator instead of the basic \$1.25. This allows Vasco Landfill to be at the same rate per ton rate as the Altamont Landfill. Since the stretch of roadway is short, staff suggests the traffic fee be divided equitably between the City and County since there will be no impact in addition to what is present. Another option is retain separate fees. Condition #109 contains draft proposals for both. The Commission can consider a combination and/or adaptation of both. Staff asked the Commission to take public testimony, consider the staff report and the three matters outlined above. In the absence of information to the contrary, approve the Draft Resolution, Mitigated Negative Declaration and proposed Monitoring Program. All subject to necessary revision.

Commissioner Hancocks asked if the domestic water supply would also support fire flow requirements. Staff clarified that it would be a limited amount of water for residents of the immediate area only and possible limited use at the land fill. This was of concern to Commissioner Hancocks.

The Commission added that residents had submitted letters voicing their concern about the depletion of their well water. The pipe line would be a mitigation measure. Mitigation Measure, #63 proposes Conditions. Staff confirmed there are approximately six local residents. The proposed pipeline will only service residents that currently live in the area and the land fill. No future pipeline expansion will take place. No information has been put forth to indicate that any substantial connection exists between ground water depletion and contamination as a result of water use at the landfill. The general area as a whole needs a landfill. The residents are a significant sub set of the Host Community. They could benefit from increased portions of the Host Community fees to offset land use issues as a whole. Commissioner Imhof said the Commission felt more comfortable that the residents would not benefit by an unfair portion of fees (public funding) since they are next to the landfill. It appears there is a nexus. Planning Director, Mr. Chris Bazar commented that the Open Space fee is wholly separate from the Host Community fee. Staff is proposing that the portion to be carved out from the City of Livermore makes sense. The Commission asked if some action from the City of Livermore would be required. Mr. Bazar confirmed that the Commission's action today could not fully accomplish the goal. The City of Livermore has strong policies and has not been enthusiastic in the past about new water service outside the City boundaries. Steve Stewart from the City of Livermore is present and will speak today.

Commissioner Jacob asked staff in reference to the language in Condition #109 why staff believed the same calculation method used by the Altamont Landfill would be an equitable split of the Community Traffic Mitigation fees. Staff said you would assume that all conditions within both applications were exactly matched and both landfills have the same impacts of traffic etc. The Vasco Road Landfill affects a smaller portion of roadway. The road quickly leads to the City Limits of Livermore. The money could be used in a more helpful way by the City. A half and half split may not be appropriate but the parties can determine what they deem reasonable. Commissioner Jacob asked staff in reference to past action taken regarding the re-alignment of Vasco Road if the County could potentially be responsible for maintaining a road used almost exclusively by Vasco Land Fill. Perhaps the County may not want to keep such a large portion of funds for Old Vasco Road. Staff reminded the Commission that if and when Vasco Road is re-aligned there would still be costs. An intersection would be added to bring cars from Old Vasco Road onto Vasco Road. Commissioner Jacob asked staff what would be the best use of County dollars in this case. Staff responded that the amount of total funds is nominal, about \$28,000. This amount will increase over time with inflation. The best use of the funds would be for the City of Livermore to have their own Traffic Impact fees. The difference between the two options would amount to approximately, \$14,000.00 thousand dollars.

Commissioner Looney asked staff for more information regarding the Community Monitor and fees. Staff pointed out that the general concept of a Community Monitor is that they be present at the site to monitor. This is over and above what is required by the State and County. Mr. Bazar added that the Community Monitor is the only area where there is a significant difference between the Altamont Landfill Permit and the Vasco Permit language. Staff believes a monitor is not as critical on the Vasco site because other monitoring methods will be in place. Commissioner Imhof asked if an area specific water line was installed would it be possible for a line with recycled water to be run in the same trench. Karen Borrmann from Alameda County Public Works was present and stated that it would be possible. The trench would be slightly wider and the work done concurrently. Staff said there is a possibility the line may be run from a site off of Interstate 580 which would be closer than running it from the city limits. Commissioner Imhof confirmed there homes near the Brushy Peak Park area so some opportunities were available. Public testimony was opened.

Mr. Richard Ward spoke to the Commission. His home is at 3884 North Vasco Road, 50 yards south of the entrance to the landfill. The neighborhood is the most affected part of the Host Community. The residents must hear truck brakes and squealing tires from day to day. The most serious concern is water safety. He has lived in the area for 32 years. He and the other residents are looking for sense of comfort. The water line would provide that. He thanked staff for their assistance in incorporating the language into the staff report. He also thanked his neighbor Mr. King and Chris Gray of Scott Haggerty's Office. The operators of the landfill have also been accessible. He has discussed all issues openly with them and many have been resolved with mitigation measures. A City water tank exists in the area just north of Dalton Road. He believes the capacity is about 10 million gallons. A pump station may be required. His residence is probably the highest in elevation. He felt it was an appropriate use of the Community Host Fees and asked the Commission to support the water line concept. Sufficient

information was not available to determine if water levels have been affected. Data is only available for the past 10 years, and in his opinion was inconclusive. Commissioner Loony asked Mr. Ward if he was familiar with Mr. Rooney's letter and how serious issues like odor, dust and water problems were. Mr. Ward said the odors over the years have been significant but they come and go in cycles depending on operational activity and the location of dumping. The current site manager, Mr. Muto is trying to work with the neighbors, creating berms and using different chemical solutions to reduce odors. Mr. Ward has kept a log for the past 7 months. The past 2 months have been odor free. Another source of odor of which Mr. Muto has no control is the smell of the empty trucks. They are not washed and when they pass properties the odors are bad. Dust blows from the trucks, litter falls from as well. We are trying to be good neighbors. We have an agreement with current management that we bring issues directly to them. Thus far they have been the best team, and we hope to get all issues fully resolved.

Scott Gordon the representative for Republic said what is before the Commission today is an extension of the use. The CEQA process looked at the life of the site and based on the anticipated volume estimated site life is to the Year 2022. During the periodic review last May, Conditions were approved. We are in agreement with the current Staff Recommendations. In respect to fees based on the proposal to extend the landfill life, Republic will accept their imposition. The landfill will let the County and City of Livermore decide on the division of fees. Mr. Gordon has met with the Sierra Club. The Vasco landfill is a different operation than the Altamont Landfill. There is no evidence that the current monitoring process is not working. Adding a monitor would increase the costs by approximately \$75,000.00 thousand dollars. He did not feel a monitor was appropriate for the Vasco site. In response to Mr. Rooney's letter he wanted to add some perspective. Mr. Ward is actually the closest neighbor to the site. He has known him for 15 years. They do not always agree but have come a long way in resolving issues. Mr. Ward is a barometer as to what issues are at the site and most have been resolved. He said staff had done an excellent job and asked the Commission for approval of a permit extension. Commissioner Imhof said in a letter submitted states that Mr. Rooney tried to make contact with Mr. Gordon and no response was received. Mr. Gordon said he would make every effort to contact and retain an open dialog with anyone that had questions.

Steve Stewart from the City of Livermore Planning Department, thanked staff and to the land fill for being in agreement to the imposition of fees. To make it as clear as possible he requests that the actual language from the Altamont Landfill Settlement Agreement be added Condition #111.4 rather than referring to the Language. Condition #112, regarding an extension of the municipal water supply, the Livermore City Council would have sole discretion to extend water to the site. The expenditure of Host Community Impact Account would be dispersed as spelled in the Settlement Agreement. The initial 10 million dollars will be used for a Performing Arts Center in the City of Livermore. The Board of Supervisors will have final approval as to where the rest of the money will be spent. Zone 7 is currently working on a project not mentioned in the staff report. This or the sites mentioned earlier are probably more practical than trenching and disturbing environmental habitat. The Commission asked Mr. Stewart what his position was on Mr. Ward's proposal. The City is not opposed however the City Council has the final authority. One criteria that would permit them extend water beyond jurisdictional boundaries is a finding must be made that is an emergency situation. This may qualify since the residents are

next to a landfill. The Commission asked Mr. Stewart what his position was on Condition #109. He responded the first provision seemed equitable. The Commission asked if the City would be willing to set aside a portion of the initial 10 million for a water pipeline. Mr. Stewart said the Settlement Agreement language did not allow for that provision. The initial 10 million must go to the design of the Performing Arts Center. The Livermore City Council can recommend to the Board of Supervisors that a portion of the balance of funds can be set aside. The Board would then have to make a decision. The Planning Director injected that the recommendation for the Vasco Landfill does not include identical language. Commission Imhof asked that given the fact that the Vasco Road Landfill is significantly smaller if a scaled percentage of fees might be considered in this application. Staff said the language in the Conditions within the staff report first state over all how fees are divided in the Altamont Landfill Permit. The twenty five cent and dollar fees are broken out in each of the three categories: Community Host fees which is a general category, the Open Space Preservation category which has a significant amount of fees allocated and the balance to the Recycling Education category. Our language states money shall be allocated according to the same set of principals used in the Altamont Permit. The language is very general and does not have specific details. The Chair asked if the City of Livermore would have the same approval authority to decide what proportion the Vasco Landfill Host Community fees go to the Arts Center or other projects. The Planning Director responded that the City of Livermore will have authority to do certain things but staff can provide guidance as to fee disperse. In general from a staff perspective the broad structure and dichotomy would be kept in place. In reference to the proposed water line, staff feels it would be appropriate for the funds to come from the Host Community fees. Public testimony was closed.

Commissioner Kirby said he agreed that the proposed pipeline project should come from the Host Community fee, and not the Open Space fee. The Open Space fee should be kept for the acquisition of land. The proportionality in terms of allocation should match the Altamont Landfill. Not necessarily the exact same allocation in terms of dollars for specific projects but the Open Space Preservation, Community Host and Recycling Education pots should be the same in proportionality. Commissioner Jacob asked if the fees proposed in Conditions #111.1 and 111.2 are imposed would Condition#111.4 then required modification. The language states that funds should be distributed as set forth in the Settlement Agreement. A language modification may be required to adopt Condition #111.2 Commissioner Jacob asked staff how much money could potentially be generated for the Host Community Fee per year. Staff responded that using the \$1.25 per ton calculation and estimating the landfill takes in approximately one half million tons per year, the amount would roughly be \$600,000 thousand dollars per year. Commissioner Jacob asked County Counsel if language in Condition #111.4 could be amended to make recognition of an earmark in Section #111.2. The Commissioner then referred to the issue raised by the Sierra Club in terms of a Community Monitor requirement. Exhibit B, Section I.44 refers to the Settlement Agreement, which states staff should present comparable Permit Conditions. The Host Community Fund should bring in a half million dollars this would be a means for the Land Fill to pay for a Community Monitor. He asked Staff if this use would be appropriate. The Planning Director said it has been the staff position separate monitoring conditions built into the Conditions were adequate. The pool of funds will not be as large as the one generated by the Altamont. Staff would like the get the best in terms of amenities for the community and funds for open space. A Community monitor may not be the

best use of those limited funds. Commissioner Jacob said a full time Community Monitor may not be necessary. A separate fund could be set aside for a monitor. If we are required to treat this permit the same as the Altamont Permit. An account could be established to hold funds for a monitor. We could cap it at certain amount. The landfills are not the same but shall be treated the same in terms of the proportionality of fee distribution. The entities should be treated the same way. Mr. Bazar confirmed that arrangement could be set up. County Counsel confirmed that it could be done. Condition #111.4 can be revised to overcome the "shall" language. City of Livermore Staff responded that Community Monitors are not funded by the Host Community Fund. To be identical the funds would have to come from a separate provision. This would create two exceptions to the Settlement Agreement. I don't know if that would be possible. Commissioner Looney asked if the cost can be shared between the Altamont and Vasco Landfills rather than each being burden separately. The Planning Director believed it could be structured that way. The City of Livermore staffs a committee that selected a firm called Tech Law. Commissioner Looney asked if Condition #111.4 could be modified. If the Commission decided to add a Community Monitor to the Vasco Landfill Agreement could the costs be shared with the Altamont Landfill, Conditions could be amended to reflect incremental contributions from each to be determined. The Planning Director said staff could assist in that process. Commissioner Carbone thought using the same company to monitor both sites was the best method. Observations made at both sites could be compared, a good way to achieve added value. Commissioner Kirby said if an agreement with the City of Livermore can be reached the best way to approach the shared cost split would be based on the volume of each land fill.

Commissioner Jacob moved to adopt the staff recommendation with: The adoption of Condition #109. An amendment to Condition #111.4 to incorporate language contained in Condition #112 therein. Condition #112 shall be amended to create a new Condition 112.1 which will include current language. Condition 112.2 shall be added to accommodate for a Community Monitor which shall be paid for out of the Host Community Fund as determined by agreement with Alameda County, The City of Livermore and the Applicant. Commissioner Kirby seconded the motion.

Commission Imhof asked for an amendment that would include the addition of a pipeline to carry recycled water be added to Condition#112. The Chair amended the motion to include a pipeline for recycled water. Commissioner Kirby concurred. Mr. Bazar asked for clarification if the amendment will include the language from the Altamont Landfill Settlement Agreement as referred to in Condition #111.4. If that is the case the amended language will state as modified after December 1999.

Commission Jacob said he will accept further amendment if it is clear that funds distributed from fees as set forth in #111.1 and #111.2 are distributed first as provided in Sections #112.1 and #112.2. Mr. Bazar asked for further clarification. Was it the sense of the commission that the proportionality concept Commissioner Kirby expressed, to be included as part of this concept. Commissioner Jacob said only if it would not impact the dollar amount of fees being collected. Mr. Bazar confirmed it would only affect the expenditure of Host Community Fees and the funds to which they will be allocated. Commissioner Kirby seconded the motion. All Commissioners were in favor. Motion carried 7/0.

3. **VARIANCE, V-11920, ADELA & PABLO VALLADARES** – Application to:
1) construct a new single family dwelling and maintain an existing 10 foot wide driveway where 12 feet is required; and 2) a zero foot setback from the driveway to dwelling wall where 10 feet is required in a R-S-SU (Suburban Residence with a Secondary Unit) District, located at 20556 Cambridge Avenue, east side, approximately 174 feet south of Hampton Road, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0414-0041-051-00.

Mr. Buckley informed the Commission that the Variance application was before them because of a tie vote at the West County Board of Zoning Adjustments. The BZA was split as to if special circumstances applied, and if granting the variance would be special privilege. The variance application only applies to the driveway width and setback. Staff has provided seven Conditions of Approval. All new dwellings would be required to obtain the necessary permits. The property is 67 feet wide with an existing single story home on the property. The side yard is nine feet and the home sits towards the front portion of the lot. Commissioner Loisel asked if the Fire Department thought rear access was sufficient. Staff explained that Fire Department staff had given approval subject to Conditions, including sprinklers. Hoses are primarily used and would be able to reach all sections of the lot. Public testimony was opened.

Mr. Joshua Rodriguez, a representative spoke for Mr. Valladares. Mr. Rodriguez said the home was built prior to current zoning. A new site plan has been submitted for the project. It reflects that the driveway is actually 12 feet wide. The exception is a small area where the chimney is located. The plan also details where additional greenery will be added to the rear of the parcel. If the Commission requires the family to remove the chimney they will comply, however they actively use it and would like to keep it. Commissioner Loisel commented that she visited the site and it appeared that the driveway was 10 feet wide in its entirety. Staff clarified that the pavement would need to be widened for it to be flush, and that once extended, the entire driveway would be 12 or 11 feet. Commissioner Loisel felt that the proposed rear unit would then be accessible, and it did not seem reasonable to remove a chimney that had been in the same location for 40 years. A difference of 10 to 11 inches was not dramatic enough to have an impact. Commissioner Kirby identified two issues. Although he did not visit the site, one issue is the County standard of driveway width. The other the issue was the 10-foot setback requirement from the driveway to the building wall under the R-S District zoning. In regard to setbacks, they are a safety feature which allows space between the property line and structures on a property. He was not as flexible in terms of the chimney, but there is access. The addition of a dwelling unit would improve the property but he urged that the Commission hold to the 12 foot width standard. Commissioner Hancocks stated that the location of the structure on the lot may be a special circumstance, however many lots in Cherryland had similar size and proportions. There is nothing unique about the property. Legally this would not constitute a special circumstance and so he did not believe the applicant or Commission could make the findings. Commissioner Carbone concurred with the other Commissioners statements. He added that the secondary dwelling should be able to support full fire department access. Commissioner Kirby agreed in principle that use of a side yard as a driveway could benefit further development consistent with the Zoning Ordinance. He is slightly less conservative and

felt a narrow lot that could not be developed could be a special circumstance. Commissioner Jacob concurred with Commissioner Kirby.

Commissioner Jacob made a motion to adopt the staff recommendation of approval with modification to Condition #1. The driveway must be a minimum of 11-feet, 10-inches wide. If the aforementioned Condition cannot be met the removal of the chimney on the existing dwelling must be removed prior to construction of a second dwelling. Commissioner Loisel seconded the motion. Motion carried 6/1. Commissioner Hancocks was opposed to approval of the application.

STAFF COMMENTS & CORRESPONDENCE: Commissioner Looney will be out of town and will not be at the August 1, 2005 Meeting.

CHAIR'S REPORT: The Commission's Committee to address landscaping on Stanley Boulevard, near the quarry and aggregate processing plant will consist of Commissioners Loisel and Imhof.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: None

ADJOURNMENT: There being no further business, Commissioner Jacob moved to adjourn the meeting at 3:50 p.m. Chair Imhof seconded the motion. The motion carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY