

MINUTES OF MEETING
ALAMEDA COUNTY PLANNING COMMISSION
NOVEMBER 15, 2004
(APPROVED DECEMBER 20, 2004)

The meeting was held at the hour of 1:30 p.m. at Public Works Auditorium, 399 Elmhurst Street, Hayward, California.

REGULAR MEETING: 1:30 p.m.

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

MEMBERS EXCUSED: None.

OTHERS PRESENT: Chris Bazar, Planning Director; Steven Buckley, Assistant Planning Director; Nilma Singh, Recording Secretary.

There were two people in the audience.

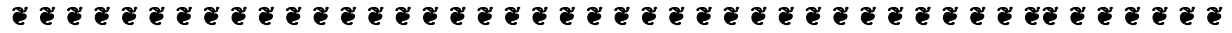
CALL TO ORDER: The Chair called the meeting to order at 1:35 p.m.

ANNOUNCEMENTS BY THE CHAIR: In reference to the Condominium Conversion Guidelines staff report, the Chair suggested discussing the matter under Commission Announcements & Comments.

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** - October 18 and November 1, 2004.
2. **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, 2004; to be continued without discussion to December 6, 2004).

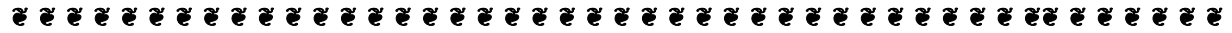
3. **2190th ZONING UNIT - MOHLER** - Application to rezone the subject property to a PD (Planned Development with an Agriculture-Cultivated Agriculture base zone) Zoning District, so as to maintain all the development rights and restrictions in the A-CA district, except that operation of a heliport (personal helicopter landing and take-off from a helipad) only as described herein, is Permitted, on a 122 acre property within an "A-CA" (Agricultural, Cultivated Agriculture) District, located at 7490 Mines Road, east side, 2.2 miles south of Tesla Road, unincorporated south Livermore area of Alameda County, bearing Assessor's Parcel Number: 099A-2420-004-24. (Continued from June 6, July 19, August 16 and October 18, 2004; to be continued without discussion to December 20, 2004).

Commissioner Kirby indicated that he would submit two minor typographical corrections to the Secretary. Commissioner Tam made the motion to approve the Consent Calendar as submitted with the above corrections to the October 18th Minutes. Commissioner Gault seconded the motion, which carried 7/0.

REGULAR CALENDAR:

1. **2193rd ZONING UNIT AND TENTATIVE TRACT MAP, TR-7530, ROBERTS/UTAL** –Petition to reclassify a site comprising approximately 8.25 acres from the R-1-SU-RV and R-1-B-E-SU-RV District to the PD (Planned Development) District, to allow subdivision of three parcels into 38 lots for development of single-family homes, located at 4524 Crow Canyon Place, approximately 500 feet south of Crow Canyon Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084C-1068-001, 084C-1068-007, and 084C-1068-008. (Continued from September 7, October 18 and November 1, 2004).

Mr. Bazar announced that since additional information has been received from the Public Works Agency, staff has recommended a continuance to December 20 to resolve these issues. The Chair noted that the Commission had requested specific information on water issues including watercourse setbacks and agreed on a continuance until such time when this information was available but preferably before the end of 2004. He also recommended concluding all pending applications, including the quarries, by the end of the year. Commissioner Kirby has recommended a re-visit to the site, the adjacent properties and the impact on the riparian area



since the project has been revised. Mr. Bazar suggested December 6th and Commissioner Kirby confirmed that although he will not be available for the meeting, he will be able to attend the field trip. Commissioner Gault requested minutes from the Castro Valley MAC hearing. Commissioner Kirby made the motion to continue the matter to December 20, 2004. Commissioner Imhof seconded the motion, which carried 7/0.

2. **D-157 – VARIANCE IMPLEMENTATION AND EXPIRATION -** Planning Director-initiated request for Planning Commission determination regarding interpretation and reconciliation of Zoning Ordinance provisions related to Variance applications that were approved prior to the adoption of an ordinance amendment requiring implementation within a three year period, and the meaning of “in effect” and “implemented”.

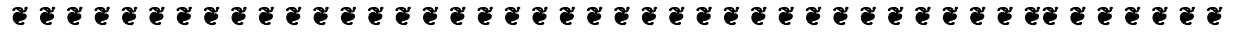
The Chair requested clarification on the continuance recommendation. Mr. Buckley explained that staff was in consultation with County Counsel on the language. In response to a question of the Chair, he explained that the consultation was not related to litigation. Commissioner Kirby made the motion to continue the matter to December 6; Commissioner Gault seconded. Motion carried 7/0.

STAFF COMMENTS & CORRESPONDENCE: Mr. Bazar congratulated the Commission and the CCPCA President, Commissioner Gault, on the success of the recent conference hosted in the Livermore Valley.

CHAIR’S REPORT: The Chair noted the inclusion of the Negative Declaration in their packets on the Mohler application. Mr. Buckley responded that staff wanted the Commission to have the document simultaneously with the other agencies that are reviewing it during the statutory 30-day review period. The item will come to the Planning Commission on December 20.

The Chair pointed out that Commissioners Ysit and Tam’s appointment would expire at the end of this year. He stated a preference that pending items that have been previously heard or had a field trip not be carried over for the new Commissioners.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: The Chair felt that it would be appropriate to have a set time, a Special Order of Business, at the next meeting, after the field trip and prior to the regular meeting, for discussion on the Condominium Conversion Guidelines. A discussion followed on different times, order of the meeting and location. Staff suggested meeting in the 224 W. Winton Avenue Conference Room. Commissioner Tam requested background on the adoption of the Guidelines. Mr. Buckley said the Guidelines had been adopted by the Board of Supervisors in 1979 in response to a trend of conversion of apartments, concern about the loss of rental housing and displacement of renters, and interest in preserving the quality of neighborhoods. There had been another reconsideration by the Planning commission in 1992, but no action to change the Guidelines at that time. Commissioner Ysit reported that the City of Dublin and San Francisco have also been looking at their Guidelines.



In reference to the Conference, Commissioner Gault thanked Planning staff, especially Mr. Bazar and Ms. Sandi Rivera for their contribution. It was a successful conference, particularly the tour of the valley. Commissioner Kirby complimented Commissioner Gault's organizational skills and agreed that the field trip complemented the workshops.

The Chair announced that a visit has been scheduled to view the new meeting room at the Winton Avenue building, and there would be a standing order to adjourn after that tour.

ADJOURNMENT: There being no further business, Commissioner Imhof moved to adjourn the meeting at 2:00 p.m., following the visit to the new center. Commissioner Kirby seconded the motion. The motion was carried 7/0.

CHRIS BAZAR, SECRETARY
COUNTY PLANNING COMMISSION OF ALAMEDA COUNTY