

**MINUTES OF MEETING**  
**ALAMEDA COUNTY PLANNING COMMISSION**  
**OCTOBER 6, 2003**  
**(APPROVED JANUARY 20, 2004)**

The meeting was held at the hour of 6:00 p.m. at 224 W. Winton Avenue, Room 160, Hayward, California.

**FIELD TRIP: 1:30 p.m.**

**MEMBERS PRESENT:** Commissioners Compton Gault; Frank Imhof; Glenn Kirby; Audrey LePell; Lena Tam

**MEMBERS EXCUSED:** Commissioners Ario Ysit, Chair; Mike Jacob, Vice Chair

**OTHERS PRESENT:** Bruce Jensen, Senior Planner; Brett Lucas, Planner II

**FIELD TRIP:** The meeting adjourned to the field and the following properties were visited:

1. **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.
2. **SMP-16, VULCAN MATERIALS COMPANY, ALAMEDA COUNTY, FIVE YEAR REVIEW** - This report addresses the required Five Year Review for the Vulcan Materials Company, regulated under Alameda County Quarry Permit Q-2 and Surface Mining Permit and Reclamation Plan SMP-16, located on approximately 1,069 acres (permitted area) of land between the Cities of Pleasanton and Livermore, California, south of Interstate 580 in the Livermore-Amador Valley, extending from the Livermore Airport vicinity on the north to Stanley Boulevard on the south, with a small parcel of land south of Stanley Boulevard known as the Nienburg Parcel, and from boundaries shared with the former Kaiser Sand and Gravel and RMC Lonestar Companies on the west to Isabel Avenue on the east, Assessor's Parcel Numbers 99-200-1, 99B-3750-7-7 and -2, -3661-1-3, and 946-1350-5 and -6 (refer to Figure 1 and Figure 2 of this report).
3. **VARIANCE, V-11771 – ADAMS** - Application to allow the construction of a single-story addition to an existing two-story single-family residence providing a 16 foot 6 inch front yard where 20 feet is required in the "R-1-B-E-CSU-RV" (Single Family Residence, 7000 MBSA, Conditional Second Unit, Recreational

Vehicle Regulations) District, located at 18517 Greenridge Court, northwest side, approximately 228 feet southwest of Greenridge Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 085-1613-008-00.

4. **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.

**REGULAR MEETING: 6:00 p.m.**

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

**MEMBERS EXCUSED:** Commissioner Ario Ysit, Chair

**OTHERS PRESENT:** Bruce Jensen, Assistant Planning Director; Brett Lucas, Planner II; Eric Chambliss, County Counsel's Office; Holly Janvier, Recording Secretary

There were approximately nine people in the audience.

**CALL TO ORDER:**

The meeting was called to order at 6:10 p.m. by Commissioner LePell, acting as Chair, after being elected to do so by the other four members of the Commission, until Commissioner Jacob arrived.

**ANNOUNCEMENTS BY THE CHAIR:** There were none.

**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** – July 22, August 25, and September 15, 2003

Commissioner Jacob made a correction to the August 25, minutes. Commissioners Kirby and Tam made a correction to the September 15, minutes. Commissioner Kirby moved to approve the minutes as corrected. Commissioner Tam seconded the motion. The motion was carried 5/0/1, with Commissioner Gault abstaining on the July 22, and August 25 minutes, 6/0 for the September 15, minutes.

2. **2181<sup>st</sup> ZONING UNIT AND TENTATIVE MAP, TRACT 7473 – PAYVAR** – Petition to reclassify from the R-S-D-3 (Suburban Residence, 2,500 square foot m.b.s.a.) District to a PD (Planned Development) District allowing twelve residential units, and to subdivide one site containing approximately 32,476 square feet (0.72 acres) into twelve lots, located at 15703 Liberty Street, south side, approximately 290 feet east of Tanager Avenue, unincorporated Ashland (San Leandro) area of Alameda County, bearing County Assessor's designation: 0080-0046-008-02. (Continued without discussion indefinitely.)

Commissioner Kirby moved to approve the remainder of the Consent Calendar per staff recommendation. Commissioner Gault seconded the motion. The motion was carried 6/0.

**REGULAR CALENDAR:**

3. **SMP-16, VULCAN MATERIALS COMPANY, ALAMEDA COUNTY, FIVE YEAR REVIEW** - This report addresses the required Five Year Review for the Vulcan Materials Company, regulated under Alameda County Quarry Permit Q-2 and Surface Mining Permit and Reclamation Plan SMP-16, located on approximately 1,069 acres (permitted area) of land between the Cities of Pleasanton and Livermore, California, south of Interstate 580 in the Livermore-Amador Valley, extending from the Livermore Airport vicinity on the north to Stanley Boulevard on the south, with a small parcel of land south of Stanley Boulevard known as the Nienburg Parcel, and from boundaries shared with the former Kaiser Sand and Gravel and RMC Lonestar Companies on the west to Isabel Avenue on the east, Assessor's Parcels Numbers 99-200-1, 99B-3750-7-7 and -2, -3661-1-3, and 946-1350-5 and -6 (refer to Figure 1 and Figure 2 of this report).

Mr. Lucas presented the staff report. Mr. Jensen added that he had passed out an addenda to the report to the Commissioners. It included a chart, some corrections to typos and some changed language. There was also a revised draft resolution and draft conditions. Commissioner Tam asked for clarification of a letter sent by staff on slides. Mr. Jensen said that letter was for another Surface Mining Permit (SMP), and he had given the Commission a copy to inform them of a problem on another SMP. It was just a coincidence that they were discussing an SMP that evening.

Commissioner LePell asked about Condition 21. She asked if 80 feet was an adequate setback or should they look at 100-feet as that would be the new criteria soon. Mr. Jensen said this was a 50-year old Condition. It was to protect the road from sliding. He felt the berm on the site was adequate to protect the creek. Commissioner LePell asked when interchange work would be done. Mr. Jensen said that would depend on the City of Dublin. Commissioner LePell asked that a time for payments to be made should be specified in the Conditions of Approval. She felt the County Arborist should be consulted on which trees should be planted. Commissioner LePell felt that in Condition 50, the limit of 1825 tons per hour seemed high. Mr. Jensen said that if one looked at it per day, it seemed more reasonable. Commissioner Kirby said the implementation of conditions was his concern. He felt the conditions were general and should have some sort of performance base; a time when they should be accomplished. Mr. Jensen said they tried to do that in areas that were easier. Commissioner Kirby felt they could set more limits on completion times. Public testimony was called for.

Doug Reynolds of Vulcan Materials came forward for questions. Commissioner Jacob asked if there was a separate time line to address the interchange issue. Mr. Reynolds said the Lin Family was funding an interchange that was to be started soon. Vulcan would dedicate land when they receive guarantees that they will be able to access the road with their trucks. He felt the City and County were waiting on issues with Staples Ranch before accepting the dedication.

Commissioner Kirby asked if Vulcan's fair share monies would be paid soon. David Preiss, legal counsel for Vulcan, said the County, Dublin and Livermore are all involved too. They have yet to come to the table to deal with this. Vulcan gave the land and moved the arroyo. Currently Pleasanton is deciding whether to extend Stoneridge Drive out to El Charro. Livermore is slow in moving along with their part as well. He stated that as far as their part of paying, the conditions don't say when they will pay. The study needed to be done before they could pay their fair share, and that is the Cities' and County's responsibility. He added that they hadn't heard about the new 100-foot setback for creeks and streams, but felt it should be considered when they come in for a reclamation modification.

Commissioner Tam asked about landscaping. There was a specific timeline for installation of landscaping, within two years. Mr. Jensen said they had a schematic plan, and would meet with the cities, park district and Zone 7 to meet the requirements of these agencies. He said Union Pacific has a right-of-way, and PG & E had a utility easement. The Railroad is keeping their options open and it seems these areas are off limits. Commissioner Gault said he understood that a landscape plan was submitted before this, on May 15, which was never completed. Now he was hearing there were all these hold ups. Mr. Jensen said there was a plan submitted in 1995. It had Palm Trees down the median. Public Works objected to it. Commissioner Gault said the

Commissioner's intentions were good and he questioned why an alternative plan had not been submitted when the first one failed to happen. He said there needed to be a definite timeline, and within a short period of time. Mr. Preiss said he agreed. They would like to get something planted. They just don't want to be in default when the City or County holds things up. Commissioner Gault said he agreed, but felt something could be planted to make the area more attractive.

Commissioner Tam asked if the lack of progress could be overcome by letting the applicant work directly with the Planning Director and leave out the other entities. Mr. Jensen said the entities were not the problem. The only place they could plant was the median, in the right-of-way. They can't plant on the Railroad property. Mr. Imhof said the applicants could offset the road. He felt that a certain amount of landscaping could be required to be done each year. Mr. Preiss said finding a location they could plant was the problem. Public testimony was closed.

Commissioner LePell said everyone had good intentions. There was an intended cooperation in Conditions 26 and 27. She felt within the next six weeks, they needed to have a meeting and report back to the Commission on the progress. Mr. Reynolds said he would like to share the burden. They submit plans, and they are rejected. They would like to have a task force and participate in it. Mr. Imhof suggested they could do the landscaping in stages. Mr. Preiss said he thought they wanted to screen the whole area. Mr. Jensen said the intent was a buffer to screen the entire commercial area on the North side. The Railroad would not cooperate so the plant would remain visible. He added that the median should be dressed up and said that request was from Supervisor Haggerty. Commissioner Kirby felt the commercial area should be screened, particularly where the plant is. He didn't feel the median was a waste of time. He felt the applicant would at some point have to make room behind their fence to plant, even if it was a portion of their site. He suggested a conceptual plan be done to start. Mr. Preiss said that if they plant on their property, they only want to be accountable to the County, not the other entities. Commissioner Kirby agreed with that. Commissioner Tam agreed. She said the applicants had a first rate operation. The Commission looked at this every five years. She said she understood the problems that have occurred, but they need some progress. Commissioner LePell said decorative fencing could be used. There are many ways to landscape.

Commissioner Jacob said he would like to get something moving on the site. Mr. Jensen said there had just been a lot of work done, and that is the hold up. Commissioner Kirby said the Commission would like landscaping installed, which would screen the site, within a reasonable amount of time. He said he would modify Condition 27 to give them six months to get a plan in. Commissioner LePell said she felt the commission would support the project with the change in Condition 27. Commissioner LePell moved approval with Condition 27 changed to reflect Commissioner Kirby's suggestion. There was no second. It was decided to discuss other changes first.

Commissioner Kirby said the slopes would have to be looked at in anticipation of the reclamation plan, and any recreational use. Mr. Jensen said there was no plan for recreation. It was going to be a chain of lakes. Commissioner Kirby said if there wasn't a recreational use that would be fine. He said he would be concerned if there were trails with these slopes. They reviewed and discussed the conditions.

Commissioner Jacob asked why only two copies of exhibits are submitted. He asked that in the future, one set of maps be submitted for each Commissioner.

The following wording was added to the conditions:

“The Permittee shall submit to the Planning Director, for his approval, a landscape improvement plan for the purpose of onsite visual screening of processing equipment and stockpiles as seen from Stanley Boulevard. Prior to the Planning Director's approval of the plan, the Planning Director shall present the plan to the Planning Commission for its review and comment. The plan shall concentrate on the strip of land that lies along the southern boundary of the property owned by Vulcan, immediately north of the boundary with the right-of-way owned by Union Pacific Railroad, although the plan should not discard other opportunities for landscape screening if appropriate locations lie elsewhere on the Vulcan-owned property. The plan should include a report with a description of the feasibility of establishing screening landscape at appropriate locations, based on water requirements and availability, available space, relationship with the railroad use, hardiness of plant materials and ability to withstand nearby heavy equipment traffic, and the presence of other physical improvements such as structures and equipment and other physical improvements such as roadways, drainage ditches, pipes, and utility lines and conduits. The plan and accompanying report shall be submitted no later than April 4, 2004 (180 days after approval of this condition).

As an alternative to the plan and report described in 26(A), the Permittee shall participate in, in consultation and cooperation with Alameda County, the East Bay Regional Park District, other agencies and other quarry Permittees using or adjacent to the Stanley Boulevard Corridor, complete landscaping and visual attenuation treatment of industrial or artificial views along Stanley Boulevard and Isabel Avenue. To this end, the Permittee shall submit to the Planning Director a report, prepared by a licensed landscape architect, discussing opportunities and constraints for visual improvements along the Stanley Boulevard and Isabel Avenue corridors, the goal of which is to make the visual corridor along the specified roadways more attractive and to attenuate views of the lands disturbed by quarry operations and processing. Planning Staff shall report to the Planning Commission on these opportunities as soon thereafter as is practical. After submittal of this report and direction from the Planning Commission, the Permittee shall submit for approval a draft Precise Landscaping and Visual Treatment Plan (PLVTP). The PLVTP shall include, but shall not be limited to, details of possible landscaping of the Stanley Boulevard and Isabel Avenue corridors, including areas of various view degradation, the degree to which landscaping and visual treatment would be necessary for restoration or attenuation of undesirable views, appropriate vegetation/tree types, locations of plantings and other installed visual features, integration of installed features with the existing bicycle path and viewshed of the roadways, accommodation of right-of-way for potential roadway and intersection improvements on Isabel Avenue, and fencing. Trees to be specified by the PLVTP shall be of sufficient size to give the impression of a mature stand able to provide significant screening upon planting. This may include a mixture of large specimen trees down to nursery stock. All trees specified should be

chosen for rapid growth, suitability and hardiness. The proposals shall be developed in coordination with Zone 7, the East Bay Regional Park District, and the cities of Livermore and Pleasanton. The Planning Director shall refer the draft PLVTP to the aforementioned agencies for their review and comments, after which the Permittee shall coordinate efforts with Planning Staff to incorporate the agency comments into the PLVTP and resubmit the PLVTP and final proposals to the Planning Commission for final approval. The PLVTP shall be consistent with requirements of the Specific Plan for the Livermore-Amador Valley Quarry Area Reclamation, and with requirements of Zone 7 and the Cities of Pleasanton and Livermore.

At the mutual agreement of the Planning Commission and the Permittee, a hybrid plan that combines the better elements of the two approaches described above for greatest effect may be considered and adopted by the Planning Commission.

The Permittee shall begin to install landscape and view attenuation features within 120 days of approval of the plan specified under Condition 26. Substantial components of this activity, including grading, trail alignment (if necessary), fencing and revegetation, including specifically planting of trees and other significant vegetation, shall be completed by the Permittee within two years of PLVTP approval. The two-year period shall not include extended periods of severe weather or constraining environmental incidents beyond the control of the Permittee. The period may be extended at the discretion of the Planning Director during the second year of the two-year period at the request of the Permittee for adequate cause.

The Permittee shall share the cost of development of the landscape and visual improvement plan required by Condition No. 26, and the costs of installation of the landscape features themselves as required by Condition No. 27, proportionally with the Permittee for Surface Mining Permit SMP-23 and Quarry Permit Q-1. The costs shall be apportioned among the Permittees in proportion to the lineal distance that each Permittee's operation or property occupies along the frontages nearest Stanley Boulevard and/or Isabel Avenue. Frontage along the Arroyo Mocho, railroad rights-of-way, or lands owned by the State or municipalities for expansion of Isabel Avenue, as well as the Stanley Boulevard median strip, qualifies as frontage for the purposes of this condition.”

Commissioner LePell moved approval with the changes in conditions indicated above  
Commissioner Kirby seconded the motion. The motion was carried 6/0, with Commissioner Ysitt excused. Commissioner Gault commented on the good upkeep of the site.

**THE PLANNING COMMISSION HEARD THE FOLLOWING ITEM SITTING AS A BOARD OF ZONING ADJUSTMENTS**

4. **VARIANCE, V-11771 – ADAMS** - Application to allow the construction of a single-story addition to an existing two-story single-family residence providing a 16 foot 6 inch front yard where 20 feet is required in the “R-1-B-E-CSU-RV” (Single Family Residence, 7000 MBSA, Conditional Second Unit, Recreational Vehicle Regulations) District, located at 18517 Greenridge Court, northwest side, approximately 228 feet southwest of Greenridge Road, unincorporated Castro Valley area of Alameda County,

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bearing County Assessor's designation: 085-1613-008-00.

Mr. Jensen presented the staff report. Mr. Imhof asked what the measurement would be between the face of curb and the new front of the house. Mr. Jensen said 26 feet 6 inches. Public testimony was called for.

The applicants came forward for questions. Commissioner LePell asked what the intent of the addition was. Mr. Adams said it was to add a family room and increase the square footage of the home. Commissioner LePell asked why they didn't add a second story to the front of the house. Ms. Adams said there was already a second story in the rear. Commissioner Kirby said the Building Inspection Department would make a lot of costly requirements to add a third story.

Robert Harley, a neighbor, spoke in support of the application. He said the applicants had met with the other neighbors to gain approval.

Steve Savage, the engineer, said he had worked with the applicants on the plan. Commissioner LePell asked if the garage would have a 27-foot setback. Mr. Savage said it would, with the sidewalk included.

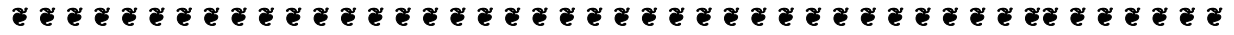
Richard Hancocks said he was speaking because he had concern about how the County reviewed and approves variances. He said certain requirements have been relaxed for aesthetics. He asked what the special circumstances were on the site. The only thing he could find was that it would be more expensive to build to the rear, but that didn't seem to matter. The chosen design was not a reason to grant a variance. Only deficiency in the land allowed for granting special circumstances. He said there was a right-of-way in the front of the property. It was noted on the map as a utility easement, but was really the right-of-way. Commissioner LePell asked if this could be used as part of the setback. Mr. Hancocks said that it couldn't. Commissioner LePell asked where the setback would start. Mr. Hancocks said it started behind the right-of-way. Commissioner Tam asked Mr. Jensen and Mr. Chambliss if that was all true. Mr. Jensen replied that it was all true. Commissioner Imhof asked if the property sloped in the rear. Mr. Hancocks said that it did, but all of the lots did, so this site has nothing different to allow it special privilege.

Commissioner Gault moved to make the findings per staff recommendation. Commissioner Kirby said he agreed that the findings could be made and seconded the motion. He added that any other design would have impacted the neighborhood. Commissioner LePell said she would vote against approval, because the 20-foot setback needed to be respected, and that the addition should be somewhere else on the site. Commissioner Tam said she would support the project. She felt the rules should be for the people in the neighborhood. The motion was carried 5/1, with Commissioner LePell voting no.

**STAFF COMMENTS & CORRESPONDENCE:** There were none.

**CHAIR'S REPORT:** There was none.





**COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:** There were none.

**ADJOURNMENT:**

There being no further business Commissioner Tam moved to adjourn the meeting at 8:20 p.m. Commissioner Kirby seconded the motion. The motion was carried 6/0, with Commissioner Ysit excused.

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