

EXHIBIT "A"

RESOLUTION NO. 12-14 - AT MEETING HELD JULY 16, 2012

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF ALAMEDA
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE REVISED SMP-
30 SUNOL VALLEY AGGREGATE QUARRY PROJECT;
MAKING FINDINGS CONCERNING MITIGATION MEASURES AND PROJECT
ALTERNATIVES;
ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; AND
APPROVING, WITH CONDITIONS, THE PROPOSED REVISED SMP-30 SURFACE
MINING PERMIT**

**Introduced by Commissioner Imhof
Seconded by Commissioner Loisel**

WHEREAS the Alameda County Planning Commission, in 1992, approved the application of Santa Clara Sand and Gravel Company (a predecessor to Oliver de Silva, Inc.), for a Surface Mining Permit and Reclamation Plan, designated as Alameda County Surface Mining Permit SMP-30, for sand and gravel operations on a site occupying parcels located south of I-680 and west of Calaveras Road in unincorporated Alameda County near the Town of Sunol, comprising a total of approximately 323 acres of land owned by the San Francisco Public Utilities Commission (SFPUC); and

WHEREAS, pursuant to applicable provisions of the Surface Mining and Reclamation Act of 1975 (Pub. Res. Code §§2710-2795) (SMARA) and the County's plans, policies and ordinances for surface mines in Alameda County, Oliver de Silva, Inc., as the current leaseholder of this property, has vested rights to mine the approximately 323 acres covered by County SMP-30 as originally granted in 1992; and

WHEREAS the State of California Mining and Geology Board, pursuant to authority granted under SMARA, has designated the SMP-30 site and additional adjacent property as containing aggregate and mineral deposits of regional significance; and

WHEREAS, on August 30, 2011, Oliver de Silva, Inc. submitted to the Alameda County Community Development Agency an application for a revision to the Mining and Reclamation Plan for SMP-30 to expand the existing quarry by increasing the area under permit by approximately 58 acres and deepening the depth of excavation, to extend the expiration date of the mining permit to 30 years after approval of the modification, and to add additional ancillary uses at the site including an asphalt batch plant and a concrete plant ("Project"), which application was determined to be complete in accordance with the Alameda County Surface Mining Ordinance, Chapter 6.80 of the Alameda County Ordinance Code (ACSMO); and

WHEREAS the County of Alameda ("County") is the lead agency for preparing the environmental review for the Project pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, on October 25, 2011, the County issued a combined Notice of Preparation of an Environmental Impact Report (“EIR) for the Revised SMP-30 Sunol Valley Aggregate Quarry Project (“Project”) / Notice of Public Scoping Meeting, which was mailed to all Responsible and affected agencies pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, on November 15, 2011 a public scoping session was held in the community of Sunol at the Sunol Glen Elementary School, during which comments were received by the County and taken into account during the preparation of the Draft EIR, and

WHEREAS the County prepared the *Draft Environmental Impact Report for the Revised SMP-30 Sunol Valley Aggregate Quarry Project* (“Draft EIR”) in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq.; and

WHEREAS, on April 2, 2012, the County provided notice regarding the availability of the Draft and distributed copies of the Draft EIR to public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies and sought the comments of such persons and agencies pursuant to Public Resources Code Section 21092; and

WHEREAS notice inviting comments on the Draft EIR was given in compliance with CEQA Guidelines Section 15085; and

WHEREAS, on May 16, 2012 the County held a public hearing on the Draft EIR before the Sunol Citizens’ Advisory Committee; and

WHEREAS, on May 17, 2012 the 45-day public comment period for the Draft EIR ended; and

WHEREAS written and oral comments to the Draft EIR have been received and responses to those comments prepared in the form of the *Final Environmental Impact Report for the Revised SMP-30 Sunol Valley Aggregate Quarry Project* (“Final EIR”), prepared pursuant to CEQA Guidelines Section 15089. The Draft EIR and Final EIR are referred to herein collectively as the “EIR”; and

WHEREAS, on July 2, 2012, the County circulated the proposed responses to comments to public agencies and interested private organizations and persons submitting comments on the Draft EIR pursuant to Public Resources Code Section 21092.5; and

WHEREAS, prior to approving this resolution and recommending action on the Project, the Planning Commission independently reviewed and analyzed the EIR and considered the information contained therein and all comments, written and oral, received prior to and during the public hearing on the EIR; and

WHEREAS the Planning Commission considered the EIR prepared for the Project, staff reports pertaining to the EIR, and all evidence received at duly noticed public hearings. All of these documents and evidence are herein incorporated by reference into this Resolution; and

WHEREAS the EIR identifies certain significant and potentially significant adverse environmental impacts and recommends certain mitigation measures regarding such effects; and

WHEREAS the County is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures and feasible project alternatives that can substantially lessen or avoid any significant environmental effects; and

WHEREAS this Commission finds that that changes or alterations have been required in, or incorporated into the Project which would avoid or mitigate to the maximum extent feasible and to less than significant levels those potential significant environmental effects of the Project as identified in the EIR; and

WHEREAS the EIR identified the Project as the environmentally superior alternative; and

WHEREAS the EIR reflects the County's independent judgment and analysis of the potential for environmental impacts and constitute the Environmental Impact Report Project; and

WHEREAS notice of public hearing was given as required by law, and the Alameda County Planning Commission held a public hearing on the EIR and the Project on July 16, 2012 at 224 West Winton Avenue, Hayward, California; and

WHEREAS the comments and testimony submitted in writing and at the public hearing, the analysis by County staff, and other items in the public record have been considered by the Commission prior to the actions by this Commission as set forth in this Resolution; and

WHEREAS prior to the actions by this Commission set forth in this Resolution, this Commission reviewed and considered the proposed Project, the EIR and all comments thereon and responses to such comments, and the proposed Mitigation Monitoring and Reporting Program prepared by the County's environmental consultant for the environmental mitigation measures, in accordance with the provisions of CEQA and the County's environmental review guidelines; and

WHEREAS this Commission finds that that changes or alterations have been required in, or incorporated into, the Project which would avoid or mitigate to the maximum extent feasible and to less than significant levels the potential significant environmental effects of the Project as identified in the EIR; and

WHEREAS this Commission further finds that the proposed Revisions to the Sunol Valley Aggregate Quarry Project, Revised SMP-30 are in the public interest for the reasons that it

maximizes recovery of aggregate and mineral deposits of regional significance, enables co-locating of concrete and asphalt processing facilities near the source of raw aggregate materials with certain resulting environmental benefits, and serves to implement reclamation of the Project site in a manner which achieves maximum water storage potential for the SFPUC; and

WHEREAS this Commission further finds that, based upon this Commission's review of the proposed Project, the EIR, the staff analysis and other items in the public record and other findings set forth in this Resolution, the Revised SMP-30 Project is consistent and complies with and conforms to the requirements of:

1. SMARA Sections 2772 and 2773 and other applicable provisions of SMARA; and
2. California Code of Regulations, Title 14, Division 2, Chapter 8, subchapter 1, Sections 3500-3505, 3700-3713, and other applicable State regulations; and
3. Applicable policies of the Alameda County General Plan and the East County Area Plan; and
4. The Alameda County Zoning Ordinance and Surface Mining Ordinance; and
6. The protection of the public health, safety and welfare; and

WHEREAS this Commission further finds that the land and/or resources to be reclaimed pursuant to the Revised SMP-30 Surface Mining Permit will be restored to a condition that is compatible with, and blends in with the surrounding natural environment, topography and other resources as such environment, topography and resources are planned to exist upon the completion of mining on and off of the Project site; and

WHEREAS this Commission further finds that the amended Reclamation Plan pursuant to Revised SMP-30 will restore the mined lands to a usable condition that is readily adaptable for watershed management, water storage and recreational trails consistent with the Alameda County General Plan, the East County Area Plan, the SFPUC Alameda Watershed Management Plan and as specified in the Reclamation Plan for Revised SMP-30; and

WHEREAS this Commission further finds that a written response to the State Department of Conservation's letter dated May 10, 2012, which response describes the disposition of the major issues raised by that Department, has been included within the staff analysis for this Project and the staff analysis has been provided to that Department; and

WHEREAS this Commission further finds that certain conditions of approval are necessary for maintenance of the public health and safety and are a necessary prerequisite to safe and orderly continuing quarry and associated ancillary and reclamation activities on the Project site;

NOW, THEREFORE:

BE IT RESOLVED that this Planning Commission does hereby certify that the EIR has been completed in accordance with CEQA, has been presented to and reviewed by this Planning Commission prior to the Commission's decision on the Project, and reflects the County's independent judgment and analysis; and does hereby adopt the proposed Mitigation Monitoring and Reporting Program (MMRP) as the valid environmental review for this Project; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby approve the Revised SMP-30 Surface Mining Permit Mining and Reclamation Plan as proposed in Oliver de Silva's Application for the Project dated August 30, 2011 and as amended as of July 16, 2012, subject to the conditions of approval hereinafter set forth, which include the incorporation of environmental mitigation measures as identified in the EIR and responses to comments on the EIR; and

BE IT FURTHER RESOLVED that the facts, findings and other information set forth in the recitals portion of this Resolution, the Application, the Draft EIR, the responses to the comments as contained in the Final EIR, and the staff analysis for this Project are hereby incorporated herein by this reference and adopted by this Planning Commission as findings in support of its actions set forth in this Resolution; and

BE IT FURTHER RESOLVED that the above stated Conditions of Approval to the Revised SMP-30 Surface Mining Permit, which includes certain existing Conditions of Approval for SMP-30 as previously approved by the Planning Commission in 1992 and which are not modified hereby, are set forth in **Exhibit A** to this Resolution; and

BE IT FURTHER RESOLVED that the approved Mitigation Monitoring and Reporting Program for this Project is set forth in **Exhibit B** to this Resolution; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby direct County staff to promptly file an appropriate Notice of Determination with the County Clerk.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Imhof, Jacob, Loisel, Ratto, Ready, Rhodes,

NOE: None

EXCUSED: None

ABSENT: None

ABSTAINED: None

Chris Bazar, Community Development Director, and
Albert Lopez, Secretary to the County Planning Commission of Alameda County

EXHIBIT A

**ALAMEDA COUNTY PLANNING COMMISSION
RESOLUTION 12-14, JULY 16, 2012
COMPLETE CONDITIONS OF APPROVAL FOR REVISED SMP-30**

[See Attached]

EXHIBIT B

**ALAMEDA COUNTY PLANNING COMMISSION
RESOLUTION 12-14, JULY 16, 2012
MITIGATION MONITORING AND REPORTING PROGRAM FOR REVISED SMP-30**

[See Attached]



ALAMEDA COUNTY CDA
PLANNING DEPARTMENT

STAFF REPORT

TO: Planning Commission

HEARING DATE: July 16, 2012

GENERAL INFORMATION

APPROVAL REQUESTED: Certification of the Environmental Impact Report and approval of Revised Surface Mining Permit and Reclamation Plan No. 30 (revised SMP-30)

OWNER/APPLICANT: Oliver de Silva, Inc. (Leaseholder/Applicant); San Francisco Public Utilities Commission (Land Owner)

PROPOSAL: Revisions to the currently effective SMP-30 Surface Mining Permit and Reclamation Plan for the Sunol Valley Aggregate Quarry as previously approved by the Alameda County Planning Commission in 1992

LOCATION AND SIZE OF PARCEL: Approximately 381 acres located at 6527 Calaveras Road, approximately one mile south of I-680 in the Sunol Valley portion of unincorporated southern Alameda County. Portions of Assessor's Parcels Numbers 096-0080-008 and APN 096-0375-011-05 (See Figure 1)

ZONING: "A-100" (Agricultural - 100 Acre Minimum District)

GENERAL PLAN DESIGNATION: Water Management (East County Area Plan). Mines and Quarries are permitted as a permitted use in A-100 Districts.

ENVIRONMENTAL REVIEW: Environmental Impact Report (EIR) required

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review this Staff analysis and the EIR for the proposed Project, consider the information presented by Staff and the applicant, and accept testimony from interested members of the public. Barring any substantial new information presented that would require additional analysis or restrictions, Staff recommends that the Planning Commission:

1. Certify by Resolution (**Exhibit A**) that the EIR has been completed in compliance with CEQA; make finding pursuant to CEQA Guidelines Section 15091 regarding the CEQA process and disposition of mitigation measures required to avoid or substantially lessen environmental effects (**Exhibit B**); and adopt the Mitigation Monitoring and Reporting Program for the Project as required pursuant to CEQA Guidelines, Section 15097 (**Exhibit C**).

Following certification of the EIR, Staff recommends that the Planning Commission:

2. Approve by Resolution (also set forth in **Exhibit A**) the Revised SMP-30 Surface Mining Permit, making finding that the Project is in conformance with the requirements of the County Surface

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**Introduced by Commissioner Imhof
Seconded by Commissioner Loisel**

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WHEREAS, pursuant to applicable provisions of the Surface Mining and Reclamation Act of 1975 (Pub. Res. Code §§2710-2795) (SMARA) and the County's plans, policies and ordinances for surface mines in Alameda County, Oliver de Silva, Inc., as the current leaseholder of this property, has vested rights to mine the approximately 323 acres covered by County SMP-30 as originally granted in 1992; and

WHEREAS the State of California Mining and Geology Board, pursuant to authority granted under SMARA, has designated the SMP-30 site and additional adjacent property as containing aggregate and mineral deposits of regional significance; and

WHEREAS, on August 30, 2011, Oliver de Silva, Inc. submitted to the Alameda County Community Development Agency an application for a revision to the Mining and Reclamation Plan for SMP-30 to expand the existing quarry by increasing the area under permit by approximately 58 acres and deepening the depth of excavation, to extend the expiration date of the mining permit to 30 years after approval of the modification, and to add additional ancillary uses at the site including an asphalt batch plant and a concrete plant ("Project"), which application was determined to be complete in accordance with the Alameda County Surface Mining Ordinance, Chapter 6.80 of the Alameda County Ordinance Code (ACSMO); and

WHEREAS the County of Alameda ("County") is the lead agency for preparing the environmental review for the Project pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, on October 25, 2011, the County issued a combined Notice of Preparation of an Environmental Impact Report (“EIR) for the Revised SMP-30 Sunol Valley Aggregate Quarry Project (“Project”) / Notice of Public Scoping Meeting, which was mailed to all Responsible and affected agencies pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, on November 15, 2011 a public scoping session was held in the community of Sunol at the Sunol Glen Elementary School, during which comments were received by the County and taken into account during the preparation of the Draft EIR, and

WHEREAS the County prepared the *Draft Environmental Impact Report for the Revised SMP-30 Sunol Valley Aggregate Quarry Project* (“Draft EIR”) in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq.; and

WHEREAS, on April 2, 2012, the County provided notice regarding the availability of the Draft and distributed copies of the Draft EIR to public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies and sought the comments of such persons and agencies pursuant to Public Resources Code Section 21092; and

WHEREAS notice inviting comments on the Draft EIR was given in compliance with CEQA Guidelines Section 15085; and

WHEREAS, on May 16, 2012 the County held a public hearing on the Draft EIR before the Sunol Citizens’ Advisory Committee; and

WHEREAS, on May 17, 2012 the 45-day public comment period for the Draft EIR ended; and

WHEREAS written and oral comments to the Draft EIR have been received and responses to those comments prepared in the form of the *Final Environmental Impact Report for the Revised SMP-30 Sunol Valley Aggregate Quarry Project* (“Final EIR”), prepared pursuant to CEQA Guidelines Section 15089. The Draft EIR and Final EIR are referred to herein collectively as the “EIR”; and

WHEREAS, on July 2, 2012, the County circulated the proposed responses to comments to public agencies and interested private organizations and persons submitting comments on the Draft EIR pursuant to Public Resources Code Section 21092.5; and

WHEREAS, prior to approving this resolution and recommending action on the Project, the Planning Commission independently reviewed and analyzed the EIR and considered the information contained therein and all comments, written and oral, received prior to and during the public hearing on the EIR; and

WHEREAS the Planning Commission considered the EIR prepared for the Project, staff reports pertaining to the EIR, and all evidence received at duly noticed public hearings. All of these documents and evidence are herein incorporated by reference into this Resolution; and

WHEREAS the EIR identifies certain significant and potentially significant adverse environmental impacts and recommends certain mitigation measures regarding such effects; and

WHEREAS the County is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures and feasible project alternatives that can substantially lessen or avoid any significant environmental effects; and

WHEREAS this Commission finds that that changes or alterations have been required in, or incorporated into the Project which would avoid or mitigate to the maximum extent feasible and to less than significant levels those potential significant environmental effects of the Project as identified in the EIR; and

WHEREAS the EIR identified the Project as the environmentally superior alternative; and

WHEREAS the EIR reflects the County's independent judgment and analysis of the potential for environmental impacts and constitute the Environmental Impact Report Project; and

WHEREAS notice of public hearing was given as required by law, and the Alameda County Planning Commission held a public hearing on the EIR and the Project on July 16, 2012 at 224 West Winton Avenue, Hayward, California; and

WHEREAS the comments and testimony submitted in writing and at the public hearing, the analysis by County staff, and other items in the public record have been considered by the Commission prior to the actions by this Commission as set forth in this Resolution; and

WHEREAS prior to the actions by this Commission set forth in this Resolution, this Commission reviewed and considered the proposed Project, the EIR and all comments thereon and responses to such comments, and the proposed Mitigation Monitoring and Reporting Program prepared by the County's environmental consultant for the environmental mitigation measures, in accordance with the provisions of CEQA and the County's environmental review guidelines; and

WHEREAS this Commission finds that that changes or alterations have been required in, or incorporated into, the Project which would avoid or mitigate to the maximum extent feasible and to less than significant levels the potential significant environmental effects of the Project as identified in the EIR; and

WHEREAS this Commission further finds that the proposed Revisions to the Sunol Valley Aggregate Quarry Project, Revised SMP-30 are in the public interest for the reasons that it

maximizes recovery of aggregate and mineral deposits of regional significance, enables co-locating of concrete and asphalt processing facilities near the source of raw aggregate materials with certain resulting environmental benefits, and serves to implement reclamation of the Project site in a manner which achieves maximum water storage potential for the SFPUC; and

WHEREAS this Commission further finds that, based upon this Commission's review of the proposed Project, the EIR, the staff analysis and other items in the public record and other findings set forth in this Resolution, the Revised SMP-30 Project is consistent and complies with and conforms to the requirements of:

1. SMARA Sections 2772 and 2773 and other applicable provisions of SMARA; and
2. California Code of Regulations, Title 14, Division 2, Chapter 8, subchapter 1, Sections 3500-3505, 3700-3713, and other applicable State regulations; and
3. Applicable policies of the Alameda County General Plan and the East County Area Plan; and
4. The Alameda County Zoning Ordinance and Surface Mining Ordinance; and
6. The protection of the public health, safety and welfare; and

WHEREAS this Commission further finds that the land and/or resources to be reclaimed pursuant to the Revised SMP-30 Surface Mining Permit will be restored to a condition that is compatible with, and blends in with the surrounding natural environment, topography and other resources as such environment, topography and resources are planned to exist upon the completion of mining on and off of the Project site; and

WHEREAS this Commission further finds that the amended Reclamation Plan pursuant to Revised SMP-30 will restore the mined lands to a usable condition that is readily adaptable for watershed management, water storage and recreational trails consistent with the Alameda County General Plan, the East County Area Plan, the SFPUC Alameda Watershed Management Plan and as specified in the Reclamation Plan for Revised SMP-30; and

WHEREAS this Commission further finds that a written response to the State Department of Conservation's letter dated May 10, 2012, which response describes the disposition of the major issues raised by that Department, has been included within the staff analysis for this Project and the staff analysis has been provided to that Department; and

WHEREAS this Commission further finds that certain conditions of approval are necessary for maintenance of the public health and safety and are a necessary prerequisite to safe and orderly continuing quarry and associated ancillary and reclamation activities on the Project site;

NOW, THEREFORE:

BE IT RESOLVED that this Planning Commission does hereby certify that the EIR has been completed in accordance with CEQA, has been presented to and reviewed by this Planning Commission prior to the Commission's decision on the Project, and reflects the County's independent judgment and analysis; and does hereby adopt the proposed Mitigation Monitoring and Reporting Program (MMRP) as the valid environmental review for this Project; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby approve the Revised SMP-30 Surface Mining Permit Mining and Reclamation Plan as proposed in Oliver de Silva's Application for the Project dated August 30, 2011 and as amended as of July 16, 2012, subject to the conditions of approval hereinafter set forth, which include the incorporation of environmental mitigation measures as identified in the EIR and responses to comments on the EIR; and

BE IT FURTHER RESOLVED that the facts, findings and other information set forth in the recitals portion of this Resolution, the Application, the Draft EIR, the responses to the comments as contained in the Final EIR, and the staff analysis for this Project are hereby incorporated herein by this reference and adopted by this Planning Commission as findings in support of its actions set forth in this Resolution; and

BE IT FURTHER RESOLVED that the above stated Conditions of Approval to the Revised SMP-30 Surface Mining Permit, which includes certain existing Conditions of Approval for SMP-30 as previously approved by the Planning Commission in 1992 and which are not modified hereby, are set forth in **Exhibit A** to this Resolution; and

BE IT FURTHER RESOLVED that the approved Mitigation Monitoring and Reporting Program for this Project is set forth in **Exhibit B** to this Resolution; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby direct County staff to promptly file an appropriate Notice of Determination with the County Clerk.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Imhof, Jacob, Loisel, Ratto, Ready, Rhodes,

NOE: None

EXCUSED: None

ABSENT: None

ABSTAINED: None

Chris Bazar, Community Development Director, and
Albert Lopez, Secretary to the County Planning Commission of Alameda County

EXHIBIT A

**ALAMEDA COUNTY PLANNING COMMISSION
RESOLUTION 12-14, JULY 16, 2012
COMPLETE CONDITIONS OF APPROVAL FOR REVISED SMP-30**

[See Attached]

EXHIBIT B

**ALAMEDA COUNTY PLANNING COMMISSION
RESOLUTION 12-14, JULY 16, 2012
MITIGATION MONITORING AND REPORTING PROGRAM FOR REVISED SMP-30**

[See Attached]

Mining Ordinance (**Exhibit D**), subject to amended SMP-30 Conditions of Approval (**Exhibits E and F**).

SUNOL CITIZENS' ADVISORY COMMITTEE RECOMMENDATIONS

On Wednesday, June 27 the Sunol Citizens' Advisory Committee held a public hearing to discuss the proposed Project and its EIR. Representatives from Save Our Sunol and the Center for Biological Diversity attended the hearing and expressed their support in favor of the Project. Following a brief comment period, the Committee voted 3-0 (with 2 members absent) to recommend that Planning Commission certify the EIR and approve the proposed Revised SMP-30 Project.

SURFACE MINING PERMIT AND RECLAMATION PLAN SMP-30 - Oliver de Silva, Inc. proposes revisions to the currently effective SMP-30 Surface Mining permit as approved by the Alameda County Planning Commission in 1992. These proposed revisions would expand the existing quarry by increasing the area under permit by approximately 58 acres and deepening the depth of excavation, would extend the expiration date of the mining permit to 30 years after approval, would allow for an increase in annual production capacity to up to 3,000,000 tons total exportable material, and would enable addition of new ancillary uses at the site including an asphalt batch plant and a concrete plant. The applicant is requesting approval of a revised Surface Mining permit including revisions to the currently effective Mining Plan and Reclamation Plan. The subject property is located within two separate Alameda County Assessor's parcels; portions of APN 096-0080-008 and APN 096-0375-011-05, within unincorporated Alameda County near the Town of Sunol. Each Planning Commissioner has received a copy of the application binder for this revised permit.

PROJECT REVIEW PROCESS - Under the Alameda County Surface Mining Ordinance (ACSMO), the Planning Commission is the designated decision-making body responsible for consideration of proposed Surface Mining permits (SMP) and Reclamation Plans. Prior to approval of an SMP application, the Planning Commission must review any environmental documentation prepared. An Environmental Impact Report (EIR) for this project has been completed and must be certified by the Planning Commission prior to making a determination on the Project. The Planning Commission may then consider approval or modification to the proposed Revised SMP-30 permit. Each Planning Commissioner has received a copy of the Draft and Final EIR, together comprising the EIR for this Project.

PERTINENT FACTS

Project Location: The approximately 381-acre Project site is located at 6527 Calaveras Road, approximately one mile south of I-680 in the Sunol Valley portion of unincorporated southern Alameda County. The site is bounded by San Antonio Creek to the north, Alameda Creek to the west and Calaveras Road to the east. To the immediate north across San Antonio Creek and to the immediate west across Alameda Creek is the Lehigh-Hanson Quarry. The Project site consists of a currently active quarry operating on 323 acres, and a proposed expansion area of approximately 58 acres. Please refer to **Figure 1** for vicinity and location of the Project.

History: The majority of the Project site (approximately 278 acres) has been mined continuously for sand and gravel since 1958. The original Surface Mining Permit applicable to the site was SMP-22, which permitted mining to a depth of 125 feet. In 1986 the Planning Commission approved SMP-26 for this site, superseding SMP-22 by increasing the allowed mining depth to 140 feet and extending the expiration date to 2021. SMP-26 was further amended in 1987 to allow a 7-acre material stockpile south of the entrance. In 1992, the Planning Commission then approved SMP-30, which allowed for a 45-acre mining expansion on the northeastern corner of the property near Calaveras Road. An Expanded Initial Study and Mitigated Negative Declaration for the SMP-30 expansion was reviewed and approved by the Planning Commission on October 19, 1992.

The current quarry is that operation permitted pursuant to SMP-30 as approved by Alameda County in 1992. SMP-30 authorizes mining of sand and gravel within 323 acres to a depth of up to 140 feet. Quarrying operations are permitted through June 1, 2021 or upon completion of reclamation. The currently active quarry is a sand-and-gravel mining operation comprised of active excavation areas, maintenance and operations buildings, silt/holding basins, processing facilities and other outdoor equipment and materials storage areas. The existing plant is actively sorting and producing various aggregate materials, and these products are hauled to locations throughout the Bay Area and used in various construction processes.

The quarry is located within a portion of the Alameda Watershed owned by the San Francisco Public Utilities Commission (SFPUC) and has been leased by the SFPUC to several quarry operators for more than 50 years. In 2010, the SFPUC executed a lease agreement with Oliver de Silva, Inc. to operate the currently active quarry. As the leaseholder and operator, Oliver de Silva, Inc. has applied to Alameda County for a Revised SMP-30 mining permit (see Project Description, below). Subject to approval by Alameda County and lease approvals by the SFPUC, the lease will be amended to include an additional approximately 58-acre area along the southeast boundary of the current SMP-30 site.

PROJECT DESCRIPTION

Sand and aggregate extraction, crushing and sorting will generally continue in the same manner as occurs today. However, the Revised SMP-30 permit (the Project) proposes to deepen the permitted excavation depth from 140 below ground surface to at least 225 feet and potentially to a maximum depth of 400 feet below ground surface. At the currently permitted depth and area, the quarry is estimated to have a remaining yield of approximately 12 million tons of aggregate. With the 58 additional surface acres and increased depth, sand and gravel production from the quarry could increase upwards of approximately 60 million tons of saleable aggregate.

Currently, all sand and gravel materials produced from the quarry are hauled to off-site locations, either for use in construction projects or to be used in production of Portland cement concrete and asphalt. The proposed Project proposes to add an on-site asphalt concrete plant and a ready-mix concrete plant. The proposed new asphalt batch plant will use aggregate materials from the quarry, mix them with asphalt cement, and heat the mix in the batch plant for production of asphalt. The asphalt will be hauled to various construction sites throughout the region via truck. The proposed new concrete plant will use aggregate materials from the quarry and mix them with water, Portland cement and other chemicals to produce ready-mix concrete. The concrete will then be delivered to construction sites in truck mixers.

The annual yield of construction aggregate, asphalt and concrete produced at the site will continue to be highly dependent upon market demand. However, with the changes proposed under the Project, it is possible that the quarry may increase its annual volume of extracted materials from prior regularly recurring peak production rates of approximately 1.1 million tons per year, to nearly 3 million tons per year. This would include up to 1 million tons to be used in the production of asphalt, up to 0.5 million tons to be used in the production of concrete, and up to 1.5 million tons of saleable raw aggregate.

Phase I: Upon approval of the Project, existing water transmission lines and overhead power lines will be relocated in order to fully and safely access the expanded quarry pit, and a slurry cutoff wall will be installed along portion of Alameda Creek and San Antonio Creek to prevent creek in-flow into the quarry pit and basins. The current quarry pit and the 58-acre expansion site will be excavated to a minimum depth of 225 feet, with a potential maximum depth of 400 feet. Side slopes will be maintained at a 2:1 ratio. Plant operations such as washing, crushing and sorting of sand and aggregates will continue, and the plant operations will be expanded to accommodate the proposed asphalt and concrete batch plants and other ancillary structures. On-site circulation throughout the plant will be improved to better accommodate truck circulation. Ingress into the site will be maintained at the existing driveway off of Calaveras Road, but eventually a new "south gate" exit will be installed at a location further south along Calaveras Road as an exit-only.

Phase II: Once the existing quarry pit and the 58-acre expansion area have been excavated to full depth, Phase II of the Project will be initiated. Material wastes generated at the processing plant will be placed back into the south end of the quarry pit as engineered fill, creating a bench within the quarry that will be approximately 50 feet below ground surface. All of the plant equipment will be relocated onto this new bench, and the north end of the quarry pit will be expanded to excavate the former plant site.

Phase III – Reclamation: The approved 1992 SMP-30 Reclamation Plan will be amended to incorporate current reclamation standards pursuant to state law. Reclamation will allow use of the site for SFPUC water storage, watershed management and potential recreation (trails). At completion, the expanded quarry pit is expected to result in approximately 23,000 acre feet of water storage. Additional storage could be provided by mining deeper than 225 feet, as may be feasible. Existing bare soils within the site will be revegetated to control erosion.

Other site enhancements that will occur but not directly related to reclamation. The SFPUC intends to construct landform berms along the project-side of Calaveras Road, and these berms will be planted with native species to minimize visual impacts. The stream banks along reaches of Alameda Creek and San Antonio Creek adjacent to the Project site will be re-vegetated, and a future public access trail through the Project area, as may be desired by the East Bay Regional Park District, will be accommodated.

Attached to this staff analysis is a set of drawings (**Figures 2, 3 and 4**) showing the Mining and Reclamation Plan as proposed during each of these three phases.

SMP-30 Conservation Plan - Subject to Project approval by Alameda County and lease approvals by the SFPUC, the Project applicant has entered into a private agreement (*the Conservation Plan for Sunol Quarry SMP-30 Site*) to undertake conservation measures and enhance habitat for special status species in the vicinity of the Project site. These measures include restoring both banks of Alameda Creek and both banks of San Antonio Creek adjacent to the Project site with native vegetation, contributing funds

towards the SFPUC's efforts to restore a more natural stream function in Alameda Creek, accommodating possible future public access trails through the area, funding a study of the geomorphology of Alameda Creek to determine the need for stabilization and reconfiguration of the creek, financially supporting preparation of the Sunol Valley Restoration Plan, and financially supporting Alameda County Flood Control District and Alameda County Water District projects intended to help restore steelhead trout to Alameda Creek. Compliance with and implementation of the terms of this private agreement have been made conditions of Project approval.

Sunol Community Improvement Fund - The Project applicant has also agreed to make financial contributions to a Community Improvement Fund established by the County for the benefit of Sunol. The purpose of the Community Improvement Fund will be to fund projects initiated by the community that will enrich and enhance the environment for the residents of Sunol. The Sunol Citizens' Advisory Committee (SCAC) will oversee the application process, evaluate proposals for funding and make recommendations to the County for funding. Compliance with this private agreement has also been made a condition of Project approval.

PLANNING CONSIDERATIONS

General Plan Conformance: The East County Area Plan (ECAP) as has been amended in 2000 by Measure D serves as the applicable General Plan for this portion of the County.

Permitted Uses: ECAP's Land Use Diagram shows the Project site designated for "Water Management" land uses, which provides for sand and gravel quarries, reclaimed quarry lakes, watershed lands, arroyos and similar and compatible uses. The existing and proposed use of the Project site as a sand and gravel quarry with similar and compatible land uses, and ultimate reclamation of the quarry pit as a lake for water storage, is consistent with the General Plan land use designation.

Accessory Uses: Sand and gravel quarries are allowed a range of uses including sand and gravel processing, associated manufacturing and recycling uses requiring proximity to quarries, reclamation pits, and public use areas. The proposed Project includes accessory and associated manufacturing uses that benefit from proximity to the quarry, including the proposed asphalt batch plant and ready-mix concrete batch plant. The Project also proposes to use a portion of the site that is located under the SFPUC main transmission lines for storage of non-accessory construction materials. Outdoor storage of such material is not a permitted use within the underlying "A" Agriculture zoning district, and would only be permitted upon specific approval of this Project's revised Surface Mining Permit.

Limitations on New Quarries: ECAP policy provides that, except to the extent required by State law, no new quarry or other open-pit mine may be approved by the County outside the Urban Growth Boundary, unless approved by the voters. Excavation not adjacent to an existing quarry site and not on the same or an adjoining parcel shall be regarded as a new quarry. The Project site is located outside of the Urban Growth Boundary, but is not a new quarry. All proposed excavations pursuant to the Project would occur as an expansion of an existing quarry and the proposed asphalt and concrete batch plants are located within the boundaries of the existing permitted quarry. The SMP-30 quarry is an existing quarry, and the proposed changes at the site pursuant to the Project would occur on the same and on adjoining parcels.

Zoning: The zoning for the Project site, which predates the land use designation under ECAP, is "A-Agriculture," in which both mining and reclamation are permitted uses under the Alameda County Surface Mining Ordinance.

Relationship to Nearby Land Uses: There are a variety of land use types in the surrounding area. To the north across San Antonio Creek and to the west across Alameda Creek is the separate Lehigh-Hanson Quarry. This is an active sand and gravel mining operation. The proposed Project is a similar land use which has been operating compatibly with its neighboring quarry for decades, and there is no aspect of the Project that would be incompatible with the adjacent quarry.

Open SFPUC Watershed lands bound the site across Calaveras Road to the east and south. The San Antonio Reservoir is approximately 4,000 feet east of the Project site, and EBRPD's Sunol Regional Wilderness is approximately 2 miles to the south. The proposed Project's expansion of quarry operations would present no greater land use incompatibilities with these surrounding open space lands than currently exist.

The SFPUC maintains a chlorination facility and the Sunol Valley Water Treatment Plant to the immediate south of the site, and has many other current and/or planned projects and on-going land management activities in the vicinity. The environmental reviews conducted for SFPUC's planned facilities did not indicate any land use incompatibilities with the current SMP-30 quarry operations, and the proposed Project would not introduce any new land use incompatibilities.

A private ranch and residence is located to the south of the Project site, there are two SFPUC watershed keeper residences near the site, and two other private residences are located on the Lehigh-Hanson quarry property on Athenour Way in the vicinity of the Project site. Aside from issues of noise, air quality and aesthetics (all addressed in detail in this EIR), the Project would not be incompatible with these nearby residential uses.

The Town of Sunol is approximately two miles northwest of the Project site. The Project site has been an operating quarry for over 50 years and the expansions of quarry operations and accessory uses would not present any new land use incompatibilities with this nearby community.

ENVIRONMENTAL REVIEW

Initial Study / NOP - Following the Project applicant's submittal of their application for consideration of revisions to SMP-30, the County's EIR consultant (Lamphier-Gregory) prepared an Initial Study and, based on the conclusions of that Initial Study, the County staff determined that an EIR would be required. A Notice of Preparation was issued on October 25, 2011 to indicate that Alameda County would serve as lead agency to prepare this EIR, and requested that public agencies and the general public provide written comments on the scope of the EIR. A public scoping hearing was held at a noticed public meeting at the Sunol Glen Elementary School in Sunol on November 15, 2011. Public comments on the scope of the EIR were accepted at the scoping meeting. The Initial Study was circulated for a 30-day public review period, which ended on November 23, 2011. In addition to the comments received at the scoping meeting, the County received a total of 5 letters from public agencies and the public on the scope of the EIR. All comments received by the County on the NOP were taken into account during the preparation of the Draft EIR.

Draft EIR - The Draft Environmental Impact Report (Draft EIR) was prepared for the Project is an informational document containing environmental analysis for public review and for County decision-makers to use in their consideration of approvals related to the proposed Revised SMP-30 Surface Mining permit. The Draft EIR informed County staff, the Planning Commission, other interested agencies and the general public of the proposed Project and the potential environmental consequences of the Project; mitigation measures recommended to lessen or avoid potential significant adverse impacts, and a reasonable range of feasible alternatives to the Project.

The Draft EIR concluded that there are a total of 16 potentially significant environmental effects that could occur as a result of Project implementation, but that mitigation measures recommended in the Draft EIR were capable of reducing these impacts to less than significant levels. The Draft EIR concluded that the Project would not result in any significant and unavoidable impacts that could not be avoided or reduced to a less than significant level through required compliance with existing regulations, with follow-through of Project design measures as proposed, and/or with implementation of additional mitigation measures as recommended.

Three alternatives were also analyzed in the Draft EIR. These alternatives were included to meet the CEQA requirement for describing a range of reasonable alternatives to the Project that would feasibly attain most of the basic objectives of the Project, but would avoid or substantially lessen significant environmental effects. These CEQA alternatives included Alternative #1: No Project - Continuation of Existing Conditions; Alternative #2: Quarry Expansion Only - No Asphalt or Concrete Batch Plant; and Alternative #3: Reduced Production Rate. The Draft EIR concluded that of these alternatives, the Project as mitigated through measures recommended in the DEIR is the environmentally superior alternative for the following reasons:

- To the extent that mitigation measures recommended in the EIR are fully implemented, the environmental consequences of the Project can be reduced to less than significant levels.
- The environmental benefits associated with co-locating the concrete and asphalt plant near the source of the raw aggregate materials are environmentally superior to the consequences of increased air emissions and GHG emissions otherwise associated with additional intermediate truck trips to and from other off-site processing facilities.
- The environmental benefits of meeting market demand for aggregate resources from regionally available supplies is environmentally superior to meeting the same level of demand from further distant locations with increased transportation needs.
- The Project's proposed SMP-30 Conservation Plan commits the Project to implementation of a number of conservation measures and habitat enhancements for special status species that would otherwise not occur without the Project.

The Draft EIR was published for public review and comment on April 2, 2012 and was filed with the State Office of Planning & Research under State Clearinghouse No. 2011102051. At that time, the County issued a Notice of Completion/Notice of Availability of the Draft EIR together with a Notice of a public hearing on the Draft EIR. The public hearing was held at the Sunol Glen Elementary School on May 16, 2012. Public comments on the Draft EIR, both oral and written, were accepted at the hearing. The Draft EIR was made available for review and comment by interested persons and public agencies for a 45-day public review period which closed on May 17, 2012.

Final EIR - Following the close of the public comment period and after receiving all comments on the Draft EIR, a Final EIR was prepared pursuant to CEQA Guidelines Section 15132. The Final EIR consists of revisions to the Draft EIR; a list of persons, organizations and public agencies commenting on the Draft EIR; comments and recommendations received on the Draft EIR; and the response of the County as Lead Agency to significant environmental points raised during the review process. The Final EIR incorporated comments from public agencies and the general public and contains the County's responses to those comments. The County received letters from the following public agencies and organizations during the public comment period:

- State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit
- State of California, Natural Resources Agency, Department of Conservation, Office of Mine Reclamation
- San Francisco Public Utilities Commission
- East Bay Regional Park District

The Final EIR contains copies of these letters as well as responses to specific comments raised. To the extent that changes and/or corrections to the Draft EIR have resulted from a response to any comments or have been otherwise initiated by County staff, the Final EIR also includes an Errata Chapter containing those changes to the Draft EIR. Key issues responded to in the Final EIR include the following.

Bicycle Safety: The EBRPD letter expressed their belief that Calaveras Road is unsafe for motor vehicles and bicyclists, and that the Project's increase in traffic would make this present condition substantially more unsafe. While County staff appreciates and shares the District's concern about bicyclist safety along Calaveras Road, staff disagrees that the Project would create a significant CEQA impact on bicycle safety. According to the Statewide Integrated Traffic Accident Reporting System, there have been no collisions involving bicycles on the section of Calaveras Road between I-680 and the Project driveway for the period 2005 through mid-2011 (the latest available data). There is no documented correlation between an increase in traffic to 2,000 vehicles per day (a guideline used in the Draft EIR) and increased collision incidence. The two-mile length of Calaveras Road between I-680 and the Project driveway is relatively flat and straight with a few gentle horizontal curves that moderately reduce sight distance, but no significant grades which substantially slow bicyclists. Bicyclists on Calaveras Road are typically experienced road cyclists on long recreational or training trips, and they typically "take the lane" on Calaveras Road as allowed under California Vehicle Code, rather than attempting to ride on the narrow (or often non-existent) shoulder.

There are several actions that staff has recommended for the Project, and which have been included in the recommended Conditions of Approval, to maximize bicyclist comfort and convenience in the near term. These actions include preparing and delivering a driver education program to employees and truck drivers, sponsoring a bicyclist education and outreach effort, developing and installing signage improvements along Calaveras Road, committing to clearing spilled debris and oil as needed, and trimming brush and tree limbs near the sides of the road to maximize sight distance and preserve maximum available roadway width and shoulder width for bicyclists. In the longer term, Alameda County

and the City and County of San Francisco have entered into a separate agreement regarding the County's intent to ultimately install striped bicycle lanes on Calaveras Road from I-680 to Geary Road. If such a bike lane project is approved, San Francisco has agreed to grant easements to the County, at no cost, for purposes of installing striped bicycle lanes in each direction. San Francisco has also agreed to coordinate efforts in planning for the bicycle lanes with their requirement to resurface Calaveras Road once the Calaveras Dam Seismic Replacement Project is complete, if doing so becomes financially feasible. Alameda County and San Francisco have agreed to support joint efforts to leverage federal, state and local funds for this bicycle lane project, provided that the funding for the bicycle lane project is provided by Alameda County or other sources. Alameda County must provide a complete design for such work, demonstrate that the work can be performed in compliance with state law and applicable ordinances, and must complete the CEQA review that would be required for the bicycle lane installation and obtain necessary permits for such construction. At this point the County has not proposed a striped bike lane project on Calaveras Road, has not initiated environmental review of such a project, has not approved such a project, nor has it sought grants or other outside funding specifically for a bike lane project on Calaveras Road.

Noise Effects on SFPUC Watershed Keepers' Residences - The SFPUC noted that noise effects from proposed quarry operations were not specifically analyzed at two of their Watershed keepers' residences, one located to the east of the Project site off of Andrade Road and one located to the southwest of the Project site off of Calaveras Road. The Final EIR provides an analysis of noise impacts at these two watershed keepers' residences and includes changes to the Draft EIR necessary to reflect this analysis. The conclusions reached in the Final EIR indicate that daytime and nighttime noise levels during Phase I of Project operations would not adversely affect either of the watershed keepers' residences. However, both daytime and nighttime noise levels from Phase II of the Project would likely exceed the County's noise limits at the keeper's residence off of Calaveras Road. The Draft EIR had disclosed that Phase II noise impacts would exceed County thresholds at other sensitive receptors, but did not specifically identify impacts at the watershed keepers' residence. Mitigation measures included in the Draft EIR and which will be adopted pursuant to the Project's MMRP and Conditions of Project Approval are capable of reducing noise impacts at all sensitive receptors, including at the keepers' residence, to a level of less than significant. The Project applicant has agreed to implement these mitigation measures. No new impacts would occur and recirculation of this information is not required.

Aesthetic Effects from Other Open Space Vistas - EBRPD commented that, with the exception of views from Pleasanton Ridge, the Draft EIR provided no visual simulations from other regional parks to support its conclusion that the proposed Project will not result in adverse effects to scenic vistas. County staff recognizes that the Sunol Valley and the Project site are visible from many publically accessible vantage points surrounding the valley, especially from public trails that are within regional parks and open spaces throughout the surrounding ridgelines and hillsides. The Draft EIR identified a number of locations from which views of the site can be seen and that were considered representative of other similar views. These viewpoints included one from the Pleasanton Ridge Regional Park, two from the I-680 scenic highway and two from the adjacent Calaveras Road. Views from Pleasanton Ridge were used as an example of the types of views and scenic vistas of the Sunol Valley that can be seen from other surrounding open spaces and regional parks. The Draft EIR concluded that, "although public concern over the sensitivity of views from this vantage point may be high, the number of viewers that enjoy views from this relatively remote location is low. The distance from the vantage point to the Project site is great, indicating that viewer

response to changes in this view as a result of the Project would not be significant. Furthermore, the change in views from this vantage point would not result in a vivid or memorable alteration of this view, would not substantially alter the visual integrity of the overall landscape due to new encroaching elements, and panoramic views of the Sunol Valley would remain visually coherent and in relative harmony with the existing landscape. The visual character of views from this vantage point would not be substantially altered by the Project as it would not introduce new forms, lines, colors or textures that would tend to dominate the appearance of the existing visual setting.” The County believes that these conclusions are similarly true for views from other surrounding vantage points as well, including views from Maguire Peaks and Flag Hill.

Mitigation Monitoring and Reporting Program (MMRP) - Pursuant to CEQA Guidelines Section 15097, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared (see **Exhibit B**), intended to ensure that the mitigation measures identified in the EIR and adopted by the County are implemented. The MMRP includes a list of all mitigation measures identified in the EIR, together with a description of what mitigation action must occur and by whom to implement the measure, identification of the party responsible for monitoring or ensuring that the measure was implemented, and the timing requirements for implementation. In many instances the monitoring program references the annual reviews and 5-year periodic reviews required pursuant to the Surface Mining ordinance as appropriate monitoring intervals, and in other instances the MMRP identifies an implementation and reporting process, with reports generally reviewable by the Community Development Director.

CEQA Findings - Pursuant to CEQA Guidelines Section 15091, the County may not approve the Project unless it finds that changes or alterations have been required in the Project which avoid or substantially lessen the Project’s significant environmental effects, or there are specific economic, legal, social, or other considerations that make mitigation measures or project alternatives identified in the IER infeasible. In this case, changes or alternations in the form of mitigation measures are required of the Project and these mitigation measures reduce all Project impacts to less than significant levels, and there are no alternatives to the Project which are environmentally superior. These conclusions are documented in the CEQA Findings (see **Exhibit C**).

SURFACE MINING AND RECLAMATION ORDINANCE CONSIDERATIONS

As the local land use authority, Alameda County authorizes surface mining activities on unincorporated lands through the issuance of Surface Mining Permits pursuant to the Surface Mining and Reclamation Ordinance. As provided by this ordinance, surface mining operations are permitted only upon County approval of a surface mining permit, reclamation plan, and financial assurances for reclamation. The County Planning Commission periodically reviews mining permits and approved reclamation plans. The timeframe for review is set by permit condition(s), with five years being the standard increment. Additionally, mining operators are required to submit an annual report to the Community Development Director and to the State Department of Conservation. These annual reports are utilized by County staff to track mining and reclamation activities. The Project site currently operates under such a County surface mining permit (SMP-30), which was approved by Alameda County in 1992.

Surface Mining Requirements - Surface mining operations permitted under the Ordinance must be conducted in compliance with a wide variety of prescribed requirements. The proposed mining operations

under Revised SMP-30 are consistent with these requirements. Some of the more pertinent of these requirements are described below.

Slope Design: Final slopes are required to provide for slope stability, maintenance of required vegetation, public safety, and the control of erosion and drainage. Final slopes are not allowed to be steeper than two feet horizontal to one foot vertical (2:1) unless it can be demonstrated that steeper slope will not be incompatible with future use of the site, will not be hazardous, and will not reduce the effectiveness of revegetation and erosion control measures. Under the proposed Project, final slopes of all quarry operations are no steeper than two feet horizontal to one foot vertical (2:1), consistent with the Ordinance requirements, and provide for appropriate slope stability, public safety, and drainage and erosion control. The Project's slope design is required to adhere to additional detailed recommendations contained in an engineering analysis of the slope stability for the site.¹

Parcel Setbacks: Unless otherwise approved, surface mining excavations are not to be conducted closer than 25 feet from the common property line of any parcel, 50 feet from the right-of-way or future width line of any street, and set back from water courses, flood control channels, reservoirs and water conservation facilities by a distance sufficient to protect such facilities. The proposed Project includes an excavation setback of 250 along Calaveras Road, a setback of a minimum of 25 feet from the southerly property line adjacent to the SFPUC property, and a setback that prevents excavations in any closer proximity to Alameda Creek or San Antonio Creek than the existing edge of the quarry slope. These setbacks meet or exceed the setback requirements of the Ordinance and are consistent with previous setbacks as required pursuant to the 1992 approval of SMP-30.

Landscape Screening: Where mining operations may conflict with visual qualities, operations may be required to be screened by the operator with construction of appropriate landforms and plantings. Properties adjacent to the Project site have only limited visual sensitivity, but along Calaveras Road the visual qualities are considered more sensitive. The Project includes a setback of 250 feet from the edge of Calaveras Road, within which existing trees and vegetation will be retained, new trees have already been planted, and within which a bermed landform screen constructed of spoils material from other SFPUC construction projects will be placed by SFPUC, and planted with new landscape materials by the quarry operator.

Groundwater Flows: Excavations that may penetrate near or into usable water bearing strata shall not reduce the transmissivity or area through which water may flow nor subject the groundwater basin or sub-basin to pollution or contamination. As more fully discussed in the EIR, the geologic structure in the vicinity of the Project site is generally considered to be a poor groundwater aquifer. Groundwater is typically limited to discrete lenses or layers of gravel. While these zones may seep into the quarry basin when exposed in the excavation, the total volume of groundwater present is limited and will diminish as the lens or layer of gravel is excavated. Most of the water which collects in the quarry pit is due to percolation of water from Alameda Creek into the alluvium. Dewatering requirements and effects on groundwater levels in the area surrounding the Project will not change appreciably over time, and

¹ Berlogar Stevens Associates, *Geotechnical Investigation, Amended Reclamation Plan for the Sunol Quarry (SMP-30)*, May 25, 2012

percolation of water from Alameda Creek will be reduced with the construction of proposed slurry walls. Furthermore, removal of the aggregate to create a basin for water storage will increase the recharge of the surrounding shallow alluvium and dramatically increase the long-term storage capacity.

Reclamation Plan Requirements – The reclamation of surface mining operations is also required to be conducted in compliance with prescribed requirements pursuant to the SMO. The proposed reclamation activities under Revised SMP-30 are consistent with these requirements. Some of the more pertinent of these requirements are described below.

Intended Uses: The Reclamation Plan and reuse of reclaimed land must be consistent with the County's General Plan and with any other applicable resource plan. The end use of the property is water management, which includes use of both the Main Basin and the North Basin for water storage, the East Basin will be filled to grade and revegetated for return to watershed use (although re-excavation of this basin for use as water storage is an option), and use of surrounding surfaces will be revegetated for watershed management. Surfaces surrounding the water basins will include utility corridors, the Alameda and San Antonio Creeks, a future public access trail, and a substation, all of which are shown on the Reclamation Plan. These uses are consistent with the County's Watershed Management land use designation, and are consistent with the goals of the SFPUC's *Final Alameda Watershed Management Plan*. Those goals applicable to this site largely include protecting water quality and increasing the capacity of water storage.

Concurrent Reclamation: Under the proposed Mining and Reclamation Plan the site cannot be phased for concurrent reclamation because early or phased conversion to water storage would be incompatible with continued mining operations. However, the Reclamation Plan provides that mined slopes will be excavated such that reclamation to post-mining use for water storage could be accomplished at virtually any point in time if mining stops. Reclamation is therefore essentially concurrent with mining in those areas ultimately used for water storage.

Revegetation: Areas surrounding the water basins will be scarified and de-compacted as necessary for revegetation and to control erosion into the water storage reservoirs. An existing stockpile of topsoil previously removed from the Main Basin has been reserved, and will be used to re-cover the East Basin. Most existing and future roadways will remain for post-reclamation access and site maintenance. The success of revegetation efforts will be monitoring over time to ensure that success criteria are met.

Financial Assurances of Reclamation - Financial assurance of reclamation is already established for this site pursuant to the previously approved SMP-30, and is updated annually. The Project's proposed Reclamation Plan amendment does not change reclamation tasks to be completed in a manner that affects its existing financial assurances. Financial assurances will continue to be updated as required by local ordinance and SMARA, and those updates will include any projected changes to reclamation costs during the upcoming year.

Surface Mining Ordinance Findings - Pursuant to County Ordinance, Chapter 6.80, Article III, Section 6.80.160, the County must find that surface mining permits for surface mining operations and reclamation comply with the provisions of SMARA and state and County regulations. These conclusions are documented in the SMO Findings (see **Exhibit D**).

CONDITIONS OF APPROVAL

Upon County approval of the Project, approval of the Revised SMP-30 lease by the SFPUC and the City and County of San Francisco Board of Supervisors, and execution of a revised lease for Revised SMP-30 by and between Oliver de Silva, Inc. and the SFPUC, surface mining operations and reclamation shall be conducted in substantial conformance with the Project application and its various maps, information, recommendations and agreements. Additionally, County staff has developed a list of Condition of Project Approval which contains specific Project requirements. This list of conditions includes those conditions of approval for the prior 1992 SMP-30 permit which are still applicable, amendments to those prior conditions which are necessary to respond to new conditions or new operations at the site, updated conditions which reflect current SMO requirements, and all mitigation measures recommended for the Project in the EIR.

To aid in review of these conditions, staff has provided the Planning Commission with two versions of this document. As indicated in **Exhibit E**, the original conditions from the 1992 SMP-30 approval have been redlined to show deleted text (in strikeout font) and new text or new conditions (in underline font). **Exhibit F** contains the same information, but with strikeout font actually deleted, and underline font added as a "clean" copy. Exhibit E, as may be amended by further consideration of the Planning Commission, will be retained as the Conditions of Approval for the Project.

Compliance with these conditions will be reviewed and reported on as part of annual reports to the Community Development Director and to the State Department of Conservation. Additional formal review of compliance with these conditions and the potential need for updates shall be considered by the Planning Commission during regularly scheduled incremental 5-year reviews.

OFFICE OF MINE RECLAMATION REVIEW

Pursuant to the State Mining and Reclamation Act (SMARA), the California Department of Conservation's Office of Mine Reclamation (OMR) is the state agency charged with reviewing and commenting on lead agency approvals of reclamation plans, plan amendments, and financial assurances. Responses to OMR's comments on these plans must be provided back to OMR at least 30 days prior to lead agency approval. The proposed response must describe whether the County proposes to adopt the comments, and if not, the reasons for not doing so must be specified in detail.

On November 1, 2011 County staff submitted a cover letter with the proposed Mining and Reclamation Plan to OMR for their 30-day review and comment. As a follow-up, County staff submitted a cover letter and revised, stand-alone Reclamation Plan to OMR on April 11, 2012 and OMR staff met with the County and the Project applicant on May 8, 2012 to tour the Project site and to discuss reclamation efforts. On May 10, 2012 OMR provided the County with their comments on the Reclamation Plan and the Draft EIR. Pursuant to Public Resources Code § 2774, all comments from OMR's letter regarding the reclamation plan were responded to in detail in a letter from the County dated June 12, 2012. Responses to comments on environmental issues addressed in the Environmental Impact Report were addressed in the Final EIR. The County's June 12, 2012 reply letter provided at least a 30 day notice to OMR of this July 16, 2012 hearing at which the Reclamation Plan is scheduled for consideration of approval. Within

30 days following approval of the Reclamation Plan, a final response to their comments will be sent to OMR to inform them of the County's final action.

OTHER PUBLIC AGENCY APPROVALS, PERMITS AND NOTIFICATIONS

In addition to the County's actions on the Project as lead agency, the following additional public agencies have subsequent permitting and/or approval jurisdiction or notice requirements over the Project:

- City and County of San Francisco and the SFPUC – Following Project approvals by Alameda County, the SFPUC will consider an amended lease approval to include the additional approximately 58-acre area along the southeast boundary of the current SMP-30 site. As a public agency landowner, the City and County of San Francisco and the SFPUC have retained some discretion with respect to modification of SMP-30, including the right to require certain modifications to the quarry lease as may be related to Project-required mitigation measures and the discretion to not approve the modified lease, even if the Revised SMP-30 mining permit is approved by Alameda County.
- California Department of Conservation, Office of Mine Reclamation - Within 30 days following approval of the Reclamation Plan, a final response to OMR's comment letter of May 10, 2012 will be sent to OMR to inform them of the County's final action and disposition of their comments.
- Bay Area Air Quality Management District, Permit to Operate – The Project's stationary sources with air emissions are subject to BAAQMD's rules governing operational emissions, and some emissions sources are further subject to regulation through BAAQMD's permitting process. Through their permit to operate process, BAAQMD regulates and monitors the amount of stationary source emissions that can be generated by the Project.
- Regional Water Quality Control Board, NPDES General Permit - The Project's new processing facilities will be required to comply with existing regulations for containment of process materials; best management practices (BMPs) to control storm water; and additional practices for the containment of concrete wash-out fluids. The Applicant will be required to file a Report of Waste Discharge and a Notice of Intent with the RWQCB to be covered under an updated NPDES General Aggregate Mining Permit.
- US Army Corps of Engineers - The proposed Project would be required to comply with the requirements of the Corps Section 404 permit, RWQCB Section 401 permit, and CDFG Streambed Alteration Agreement. Terms and conditions of these permits are intended to minimize Project impacts on jurisdictional waters and compensate for temporary and permanent losses. After approval of the Project by the County and in association with Project wetland permitting, an updated wetland assessment will be funded by the Project applicant and carried out in order to determine the current extent of any potentially jurisdictional waters, if required by permitting agencies. If necessary, the Project applicant will prepare an updated wetland delineation to inform the permitting process.
- Alameda County Department of Environmental Health - The Project applicant will be responsible for preparing an updated Hazardous Materials Business Plan to address potential hazards to the public and the environment associated with increased transport, use and/or storage of hazardous materials.

CONCLUSION

Sand and gravel extraction is expected to continue and production of asphalt and concrete would occur, as authorized and according to market demand, until the revised permit expiration. After the mining period, reclamation activity will occur. The applicant will provide annual progress reports and updated financial assurances for reclamation activities, and be subject to 5-Year Periodic Reviews by the Planning Commission.

Staff recommends the Planning Commission adopt the attached draft Resolution certifying the EIR and approving the proposed Project (**Exhibit A**).

FIGURES

Figure 1: Project Location

Figure 2: Revised SMP-30, Phase I

Figure 2: Revised SMP-30, Phase II

Figure 4: Revised SMP-30, Reclamation Plan

EXHIBITS

- A. Draft Planning Commission Resolution
- B. Mitigation Monitoring and Reporting Program (MMRP)
- C. CEQA Findings
- D. Surface Mining and Reclamation Ordinance Findings
- E. Conditions of Approval, red-line edited version
- F. Conditions of Approval, final 'clean' version

PREPARED BY: Scott Gregory, EIR Consultant and Contract Planner

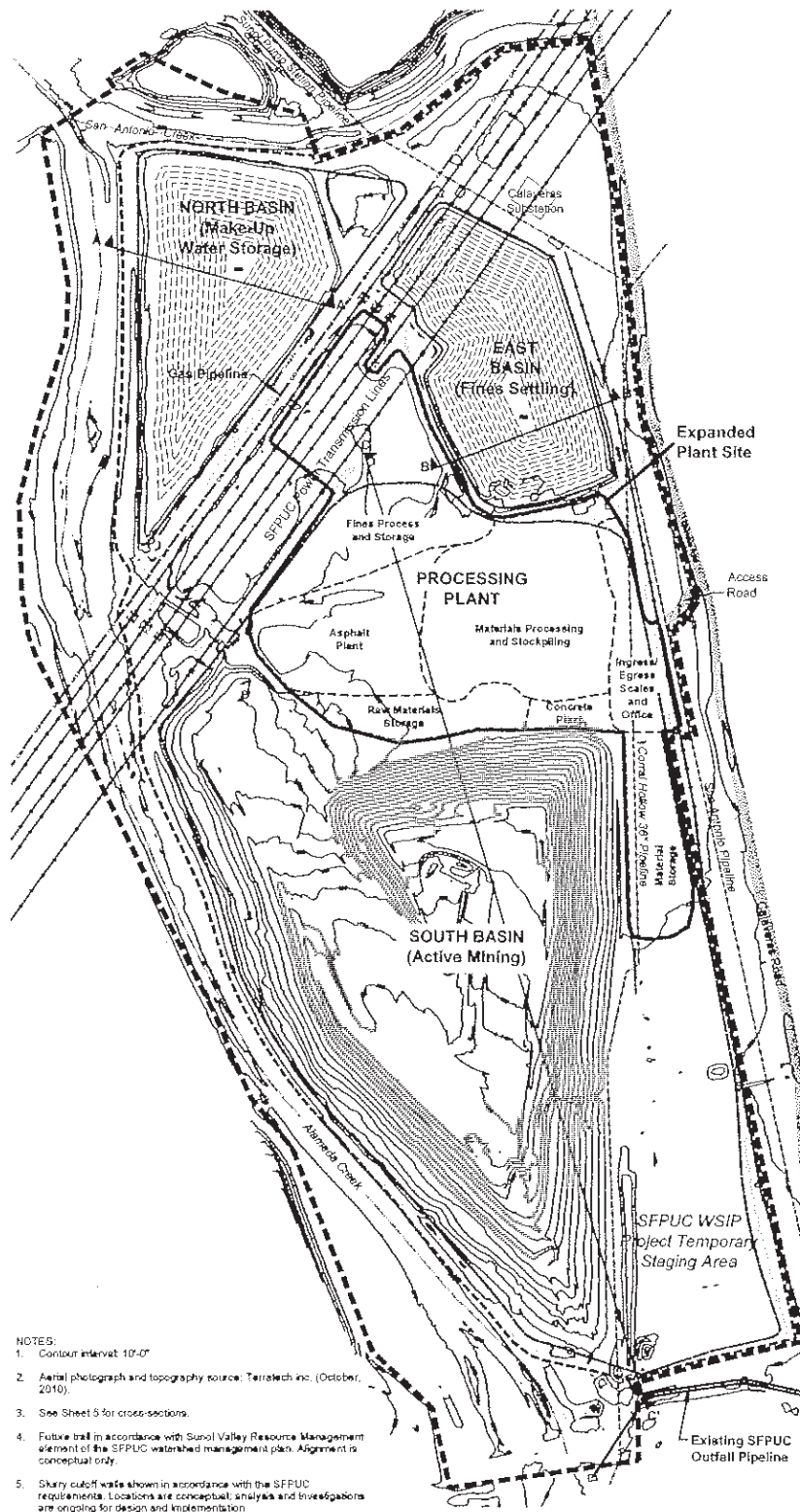
REVIEWED BY: Bruce Jensen, Senior Planner



Figure 1
Project Site Location



Aerial Source: October 2011

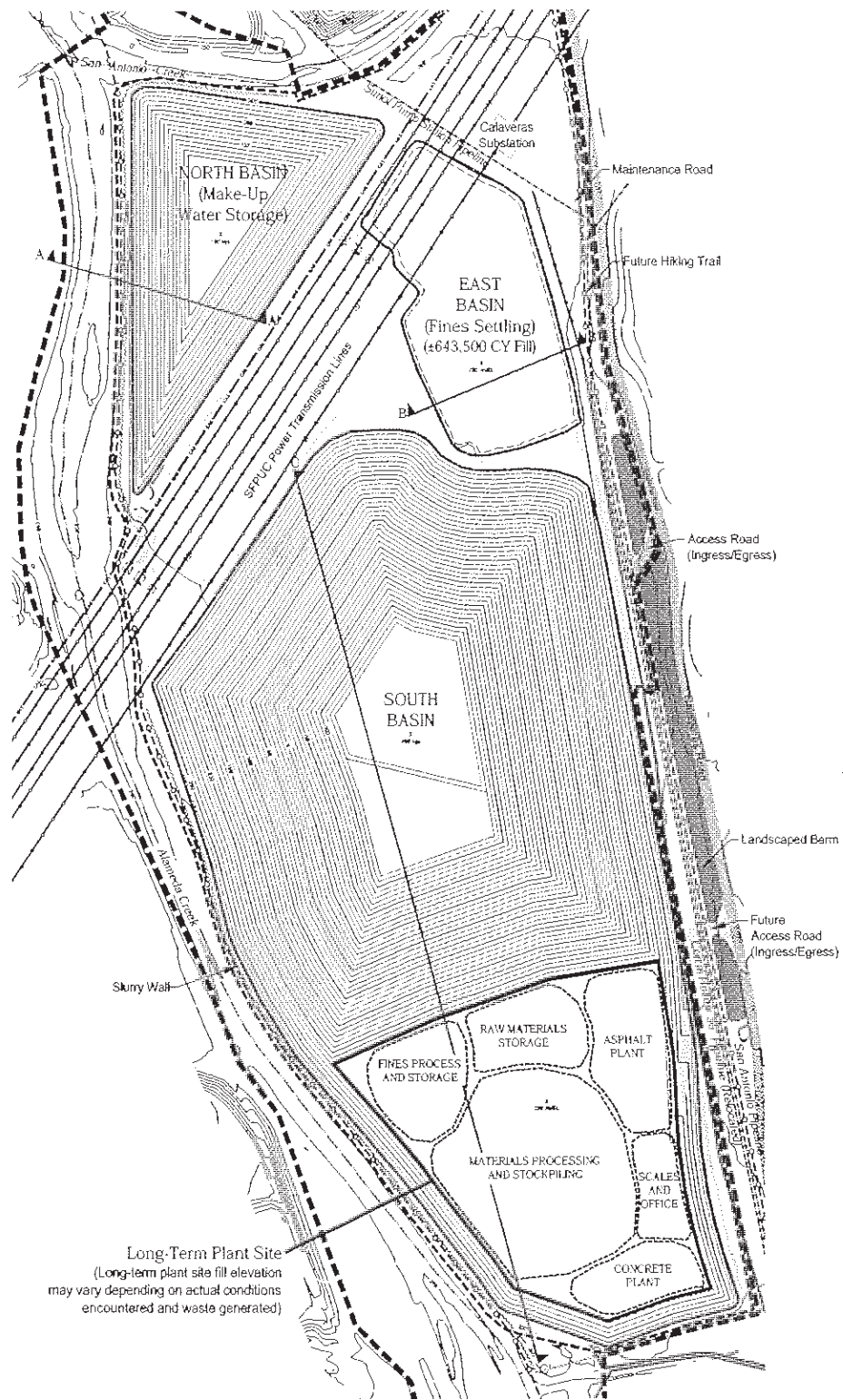


Expanded processing plant site, expanded South Basin to include 58-acre expansion area

Figure 2
Phase I Mine Plan



Source: Benchmark Resources



Relocated processing plant, expansion of the South Basin to quarry prior plant site

Figure 3
Phase II Mine Plan

Source: Benchmark Resources

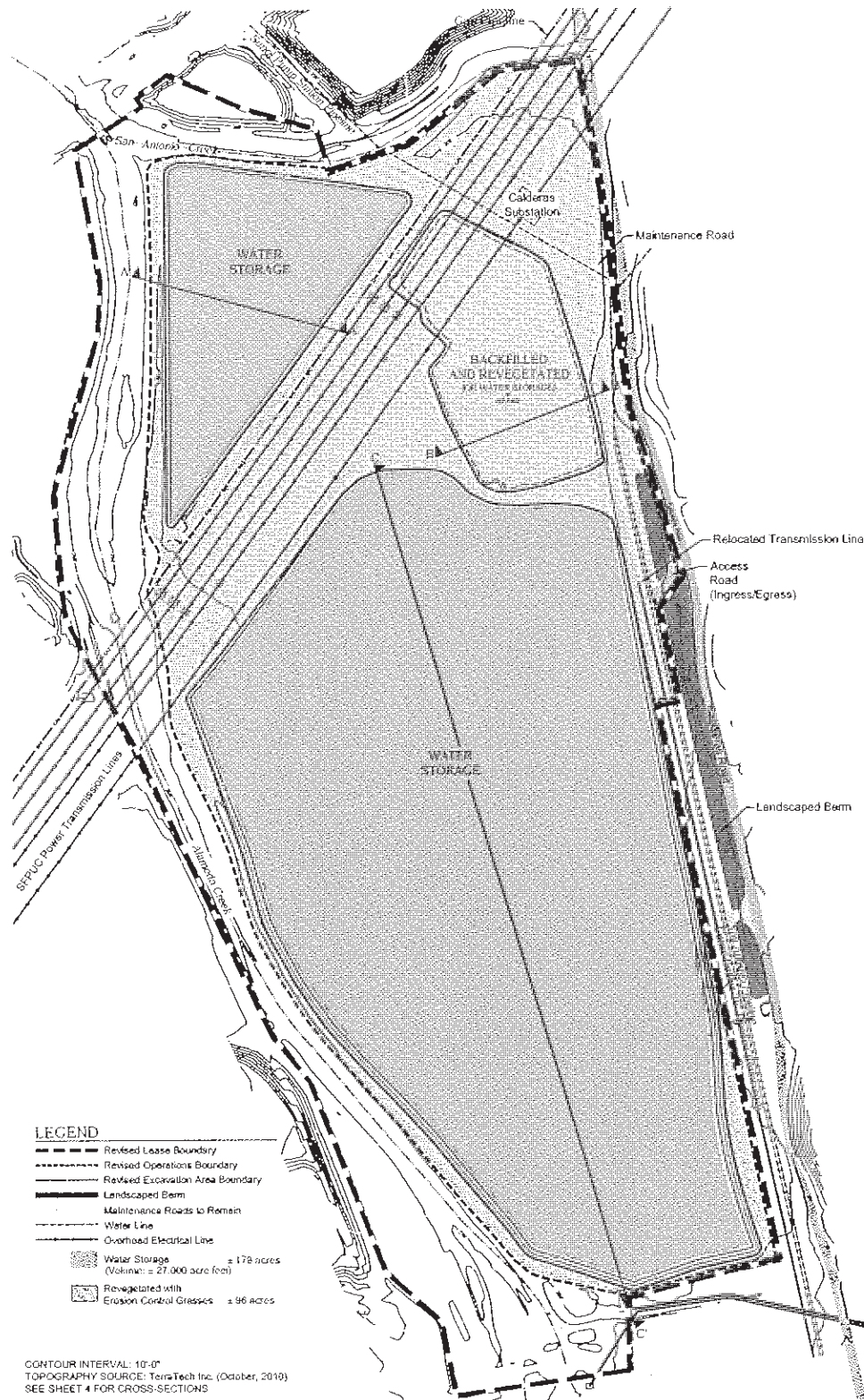


Figure 4
Reclamation Plan

Source: Benchmark Resources

EXHIBIT "A"

RESOLUTION NO. 12-14 - AT MEETING HELD JULY 16, 2012

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF ALAMEDA
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE REVISED SMP-
30 SUNOL VALLEY AGGREGATE QUARRY PROJECT;
MAKING FINDINGS CONCERNING MITIGATION MEASURES AND PROJECT
ALTERNATIVES;
ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; AND
APPROVING, WITH CONDITIONS, THE PROPOSED REVISED SMP-30 SURFACE
MINING PERMIT**

**Introduced by Commissioner Imhof
Seconded by Commissioner Loisel**

WHEREAS the Alameda County Planning Commission, in 1992, approved the application of Santa Clara Sand and Gravel Company (a predecessor to Oliver de Silva, Inc.), for a Surface Mining Permit and Reclamation Plan, designated as Alameda County Surface Mining Permit SMP-30, for sand and gravel operations on a site occupying parcels located south of I-680 and west of Calaveras Road in unincorporated Alameda County near the Town of Sunol, comprising a total of approximately 323 acres of land owned by the San Francisco Public Utilities Commission (SFPUC); and

WHEREAS, pursuant to applicable provisions of the Surface Mining and Reclamation Act of 1975 (Pub. Res. Code §§2710-2795) (SMARA) and the County's plans, policies and ordinances for surface mines in Alameda County, Oliver de Silva, Inc., as the current leaseholder of this property, has vested rights to mine the approximately 323 acres covered by County SMP-30 as originally granted in 1992; and

WHEREAS the State of California Mining and Geology Board, pursuant to authority granted under SMARA, has designated the SMP-30 site and additional adjacent property as containing aggregate and mineral deposits of regional significance; and

WHEREAS, on August 30, 2011, Oliver de Silva, Inc. submitted to the Alameda County Community Development Agency an application for a revision to the Mining and Reclamation Plan for SMP-30 to expand the existing quarry by increasing the area under permit by approximately 58 acres and deepening the depth of excavation, to extend the expiration date of the mining permit to 30 years after approval of the modification, and to add additional ancillary uses at the site including an asphalt batch plant and a concrete plant ("Project"), which application was determined to be complete in accordance with the Alameda County Surface Mining Ordinance, Chapter 6.80 of the Alameda County Ordinance Code (ACSMO); and

WHEREAS the County of Alameda ("County") is the lead agency for preparing the environmental review for the Project pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, on October 25, 2011, the County issued a combined Notice of Preparation of an Environmental Impact Report (“EIR) for the Revised SMP-30 Sunol Valley Aggregate Quarry Project (“Project”) / Notice of Public Scoping Meeting, which was mailed to all Responsible and affected agencies pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, on November 15, 2011 a public scoping session was held in the community of Sunol at the Sunol Glen Elementary School, during which comments were received by the County and taken into account during the preparation of the Draft EIR, and

WHEREAS the County prepared the *Draft Environmental Impact Report for the Revised SMP-30 Sunol Valley Aggregate Quarry Project* (“Draft EIR”) in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq.; and

WHEREAS, on April 2, 2012, the County provided notice regarding the availability of the Draft and distributed copies of the Draft EIR to public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies and sought the comments of such persons and agencies pursuant to Public Resources Code Section 21092; and

WHEREAS notice inviting comments on the Draft EIR was given in compliance with CEQA Guidelines Section 15085; and

WHEREAS, on May 16, 2012 the County held a public hearing on the Draft EIR before the Sunol Citizens’ Advisory Committee; and

WHEREAS, on May 17, 2012 the 45-day public comment period for the Draft EIR ended; and

WHEREAS written and oral comments to the Draft EIR have been received and responses to those comments prepared in the form of the *Final Environmental Impact Report for the Revised SMP-30 Sunol Valley Aggregate Quarry Project* (“Final EIR”), prepared pursuant to CEQA Guidelines Section 15089. The Draft EIR and Final EIR are referred to herein collectively as the “EIR”; and

WHEREAS, on July 2, 2012, the County circulated the proposed responses to comments to public agencies and interested private organizations and persons submitting comments on the Draft EIR pursuant to Public Resources Code Section 21092.5; and

WHEREAS, prior to approving this resolution and recommending action on the Project, the Planning Commission independently reviewed and analyzed the EIR and considered the information contained therein and all comments, written and oral, received prior to and during the public hearing on the EIR; and

WHEREAS the Planning Commission considered the EIR prepared for the Project, staff reports pertaining to the EIR, and all evidence received at duly noticed public hearings. All of these documents and evidence are herein incorporated by reference into this Resolution; and

WHEREAS the EIR identifies certain significant and potentially significant adverse environmental impacts and recommends certain mitigation measures regarding such effects; and

WHEREAS the County is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures and feasible project alternatives that can substantially lessen or avoid any significant environmental effects; and

WHEREAS this Commission finds that that changes or alterations have been required in, or incorporated into the Project which would avoid or mitigate to the maximum extent feasible and to less than significant levels those potential significant environmental effects of the Project as identified in the EIR; and

WHEREAS the EIR identified the Project as the environmentally superior alternative; and

WHEREAS the EIR reflects the County's independent judgment and analysis of the potential for environmental impacts and constitute the Environmental Impact Report Project; and

WHEREAS notice of public hearing was given as required by law, and the Alameda County Planning Commission held a public hearing on the EIR and the Project on July 16, 2012 at 224 West Winton Avenue, Hayward, California; and

WHEREAS the comments and testimony submitted in writing and at the public hearing, the analysis by County staff, and other items in the public record have been considered by the Commission prior to the actions by this Commission as set forth in this Resolution; and

WHEREAS prior to the actions by this Commission set forth in this Resolution, this Commission reviewed and considered the proposed Project, the EIR and all comments thereon and responses to such comments, and the proposed Mitigation Monitoring and Reporting Program prepared by the County's environmental consultant for the environmental mitigation measures, in accordance with the provisions of CEQA and the County's environmental review guidelines; and

WHEREAS this Commission finds that that changes or alterations have been required in, or incorporated into, the Project which would avoid or mitigate to the maximum extent feasible and to less than significant levels the potential significant environmental effects of the Project as identified in the EIR; and

WHEREAS this Commission further finds that the proposed Revisions to the Sunol Valley Aggregate Quarry Project, Revised SMP-30 are in the public interest for the reasons that it

maximizes recovery of aggregate and mineral deposits of regional significance, enables co-locating of concrete and asphalt processing facilities near the source of raw aggregate materials with certain resulting environmental benefits, and serves to implement reclamation of the Project site in a manner which achieves maximum water storage potential for the SFPUC; and

WHEREAS this Commission further finds that, based upon this Commission's review of the proposed Project, the EIR, the staff analysis and other items in the public record and other findings set forth in this Resolution, the Revised SMP-30 Project is consistent and complies with and conforms to the requirements of:

1. SMARA Sections 2772 and 2773 and other applicable provisions of SMARA; and
2. California Code of Regulations, Title 14, Division 2, Chapter 8, subchapter 1, Sections 3500-3505, 3700-3713, and other applicable State regulations; and
3. Applicable policies of the Alameda County General Plan and the East County Area Plan; and
4. The Alameda County Zoning Ordinance and Surface Mining Ordinance; and
6. The protection of the public health, safety and welfare; and

WHEREAS this Commission further finds that the land and/or resources to be reclaimed pursuant to the Revised SMP-30 Surface Mining Permit will be restored to a condition that is compatible with, and blends in with the surrounding natural environment, topography and other resources as such environment, topography and resources are planned to exist upon the completion of mining on and off of the Project site; and

WHEREAS this Commission further finds that the amended Reclamation Plan pursuant to Revised SMP-30 will restore the mined lands to a usable condition that is readily adaptable for watershed management, water storage and recreational trails consistent with the Alameda County General Plan, the East County Area Plan, the SFPUC Alameda Watershed Management Plan and as specified in the Reclamation Plan for Revised SMP-30; and

WHEREAS this Commission further finds that a written response to the State Department of Conservation's letter dated May 10, 2012, which response describes the disposition of the major issues raised by that Department, has been included within the staff analysis for this Project and the staff analysis has been provided to that Department; and

WHEREAS this Commission further finds that certain conditions of approval are necessary for maintenance of the public health and safety and are a necessary prerequisite to safe and orderly continuing quarry and associated ancillary and reclamation activities on the Project site;

NOW, THEREFORE:

BE IT RESOLVED that this Planning Commission does hereby certify that the EIR has been completed in accordance with CEQA, has been presented to and reviewed by this Planning Commission prior to the Commission's decision on the Project, and reflects the County's independent judgment and analysis; and does hereby adopt the proposed Mitigation Monitoring and Reporting Program (MMRP) as the valid environmental review for this Project; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby approve the Revised SMP-30 Surface Mining Permit Mining and Reclamation Plan as proposed in Oliver de Silva's Application for the Project dated August 30, 2011 and as amended as of July 16, 2012, subject to the conditions of approval hereinafter set forth, which include the incorporation of environmental mitigation measures as identified in the EIR and responses to comments on the EIR; and

BE IT FURTHER RESOLVED that the facts, findings and other information set forth in the recitals portion of this Resolution, the Application, the Draft EIR, the responses to the comments as contained in the Final EIR, and the staff analysis for this Project are hereby incorporated herein by this reference and adopted by this Planning Commission as findings in support of its actions set forth in this Resolution; and

BE IT FURTHER RESOLVED that the above stated Conditions of Approval to the Revised SMP-30 Surface Mining Permit, which includes certain existing Conditions of Approval for SMP-30 as previously approved by the Planning Commission in 1992 and which are not modified hereby, are set forth in **Exhibit A** to this Resolution; and

BE IT FURTHER RESOLVED that the approved Mitigation Monitoring and Reporting Program for this Project is set forth in **Exhibit B** to this Resolution; and

BE IT FURTHER RESOLVED that this Planning Commission does hereby direct County staff to promptly file an appropriate Notice of Determination with the County Clerk.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Imhof, Jacob, Loisel, Ratto, Ready, Rhodes,

NOE: None

EXCUSED: None

ABSENT: None

ABSTAINED: None

Chris Bazar, Community Development Director, and
Albert Lopez, Secretary to the County Planning Commission of Alameda County

EXHIBIT A

**ALAMEDA COUNTY PLANNING COMMISSION
RESOLUTION 12-14, JULY 16, 2012
COMPLETE CONDITIONS OF APPROVAL FOR REVISED SMP-30**

[See Attached]

EXHIBIT B

**ALAMEDA COUNTY PLANNING COMMISSION
RESOLUTION 12-14, JULY 16, 2012
MITIGATION MONITORING AND REPORTING PROGRAM FOR REVISED SMP-30**

[See Attached]