

## SUMMARY ACTION MINUTES



# BOARD OF SUPERVISORS

## Planning Meeting

### 1:00PM

### Regular Meeting

TUESDAY, APRIL 8, 2008

COUNTY ADMINISTRATION BUILDING  
SUPERVISORS' CHAMBERS  
1221 OAK STREET  
FIFTH FLOOR, ROOM 512  
OAKLAND, CALIFORNIA

SCOTT HAGGERTY, PRESIDENT	DISTRICT 1
GAIL STEELE	DISTRICT 2
ALICE LAI-BITKER, VICE-PRESIDENT	DISTRICT 3
NATE MILEY	DISTRICT 4
KEITH CARSON	DISTRICT 5

JAMES E. SORENSEN  
COMMUNITY DEVELOPMENT DIRECTOR

RICHARD E. WINNIE  
COUNTY COUNSEL

SUSAN S. MURANISHI  
COUNTY ADMINISTRATOR

CHRIS M. BAZAR  
PLANNING DIRECTOR

BRIAN E. WASHINGTON  
ASSISTANT COUNTY COUNSEL

### MISSION

*TO ENRICH THE LIVES OF ALAMEDA COUNTY RESIDENTS THROUGH VISIONARY POLICIES AND  
ACCESSIBLE, RESPONSIVE, AND EFFECTIVE SERVICES.*

### VISION

*ALAMEDA COUNTY IS RECOGNIZED AS ONE OF THE BEST COUNTIES IN WHICH TO LIVE, WORK AND DO BUSINESS.*

The Board of Supervisors welcomes you to its meetings and your interest is appreciated. If you wish to speak on a matter on the agenda or during public input, please fill out a speaker slip at the front of the Chambers and turn it in to the Clerk as soon as possible. When addressing the Board, please give your name for the record prior to your presentation. If you wish to speak on a matter **not** on the agenda, please wait until the President calls for public input at the end of the Regular Calendar. **NOTE:** Only matters within the Board of Supervisors' jurisdiction may be addressed. Time limitations shall be at the discretion of the President of the Board.

Pursuant to Board Policy: (1) Signs or demonstrations are prohibited during Board meetings; (2) Any Board Member may request a **two-week** continuance on any item appearing for the first time; (3) All agenda items shall be received by the County Administrator prior to 3 p.m. on Tuesday **two** weeks before the meeting date or earlier when a Holiday intervenes.

Hearing difficulty? Please ask the Clerk for use of a personal sound receiver. The Board of Supervisors' meetings are wheelchair accessible. Call (510) 208-4949 (voice) or (510) 834-6754 (TDD) to request a sign-language interpreter. Five working days' notice is required. If you have questions regarding the agenda, please call (510) 208-4949.

**Attention:** The Alameda County internet address is [www.acgov.org](http://www.acgov.org). All regular Board of Supervisors' meetings held in the Board Chamber can be heard live on the Board's web page. In order to log on, please do the following: click on the County's homepage as noted above and click on the "[Board of Supervisors Meeting - LIVE! Broadcast](#)" link. You may also access archived audio recordings, meeting agenda and minutes, as well as meeting dates on the Board's web page <http://www.acgov.org/board/index.htm>. All documents are archived on the web page for a period of 6 months.

**SUMMARY ACTION MINUTES**  
**1:00 P.M.**

**CALL TO ORDER AND SALUTE TO FLAG**

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

Significant exposure to litigation pursuant to Subdivision (b) of Government Code § 54956.9:

**CONSENT CALENDAR**

4321 5 **Approved as recommended with the inclusion of Items #5 and #8 being continued to May 13, 2008**  
X **and Item #11 withdrawn**

1. Approve record of cost of abatement and authorize assessment liens on properties in violation of abatement orders under the Neighborhood Preservation Ordinance  
**Approved as recommended** **FILE 23307**
  
2. **CONDITIONAL USE PERMIT, C-8465, SMITH / VINEYARD MEMORIAL CEMETERY** - Appeal of the City of Livermore's City Attorney John Pomidor and Assistant City Attorney, Jason Alcalá; Gail Vardanega, Lona McCallister and Nancy Bankhead; Friends of Livermore, Robert Baltzer, Chairman; Attorney at Law Malcolm Leader- Picone for Fallon Enterprises; and Attorney at Law John K. Smith, for Cynthia Birmingham and Lawrence Lui, from the decision of the Planning Commission to approve the application to allow a cemetery and related uses and structures to be developed on a portion of a 110-acre site, in an A (Agricultural) District, located on North Livermore Avenue, west side, approximately ½ mile north of U.S. Highway 50, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 903-0008-004-01.  
**Continued to May 13, 2008** **FILE 21739**
  
3. **VARIANCE, V-12066, BERNIE SHANKLIN** - Appeal of Peter MacDonald, on behalf of Bernie Shanklin, from three conditions of the final approval of the application to allow the construction of an accessory building 22 feet in height where 15 feet is the maximum, in a R-1-L-B-E (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site Area) District, located at 1824 Almond Avenue, east side, approximately 0.5 miles north of Tesla Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-1150-018-00.  
**Continued to May 13, 2008** **FILE 22546**

**REGULAR CALENDAR**

4. **APPROVE THE ALTAMONT SETTLEMENT AGREEMENT EDUCATION ADVISORY BOARD'S EXPENDITURE PLAN FOR FISCAL YEAR 2008-2009 (\$415,000)**  
3421 5 **Approved as recommended** **FILE 23308**  
X

## SUMMARY ACTION MINUTES

5. **VARIANCE, V-12072, JOE and MARIA MENEZES** – Appeal of Judy Armstrong, Barbara and Ed Arri, Mary Tureaud, Soodie and John Rayatkah, Paul and Meiya Armijo from the Planning Commission’s decision to approve a variance to allow construction of an attached addition providing a 28-foot building where 25 feet is the maximum allowed, in a R-1-B-E (Single Family Residence, 6,000 square foot Minimum Building Site Area) District, located at 3462 Bridle Drive, north side, approximately 100 feet north of Cattle Avenue, Fairview area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 425-0090-015-00.  
**Planning Commission:** Approve the project.  
**Planning Staff recommendation:** Uphold the Planning Commission’s decision and approve the project with conditions.
- 4321 5 **Continued to May 13, 2008** **FILE 23141**  
X
6. **TENTATIVE TRACT MAP, TR-7871, WONG** – Appeal of Fred and D’Arcy Tomlinson, on behalf of the residents of Bayview/Kelly Hill, from the decision of the Planning Commission to approve the subdivision of two existing parcels into eleven single family lots, in an R-1 (Single Family Residence, Fairview Plan) District, located on the east side of Bayview Avenue, the east side and 100 feet north of Jacobs Street, Fairview/Hayward area of unincorporated Alameda County, bearing Assessor’s Parcel Numbers 417-0050-076-00 and 417-0050-099-00.  
**Planning Commission recommendation:** Approve the project.  
**Planning Staff recommendation:** Uphold the Planning Commission’s decision and approve the project with proposed modifications.
- 431 25 **Denied the appeal and upheld the Planning Staff recommendation to approve the project with proposed modifications which include the preserving of the view-shed of adjacent properties in reference to Lots 8, 9, 10 and 11; and that the developer is responsible for the sidewalk connection.** **FILE 23144**  
NX **R-2008-111**
7. **CONDITIONAL USE PERMIT, C-8398, NICA METALS** – Appeal of Harold Mendoza, Vice President of Nica Metals, from the decision of the East Board of Zoning Adjustments to deny the application for continued operation of a metal recycling facility, in a M-2 (Heavy Industrial) District, located at 101 N. Greenville Road, east side, approximately 712 feet south of Southfront Road, Livermore area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 099B-5100-1-33.  
**Board of Zoning Adjustment (East) action:** Deny the project.  
**Planning Staff recommendation:** Uphold the EBZA’s determination to deny the project and require complete abatement and cessation of operations within 30 to 60 days.
- 4231 5 **Upheld the action of the EBZA and denied the project, requiring complete abatement and cessation of operations within 30 days and also that a cleanup plan be submitted within 30 days with sign off from the Environmental Health Department, Fire Marshall, Grading and the State Department of Toxic Substances within 60 days.** **FILE 23309**  
X **R-2008-112**

## SUMMARY ACTION MINUTES

8. **VARIANCE, V-11467, ED MANNETTE** – Appeal of Ed Mannette from the decision of the Zoning Administrator to deny the application to allow: 1) the required parking in the front yard where otherwise not permitted with the conversion of a garage to habitable space, and 2) construct a metal carport (accessory structure) in the front of the lot where otherwise not permitted, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit) District, located at 2426 Stanton Hill Road, north side, approximately 650' west of Stanton Avenue, Unincorporated Castro Valley area of Alameda County, Assessor's Parcel Number: 084A-0205-016-03.)  
**Zoning Administrator's action:** Deny the project.  
**Planning Staff recommendation:** Uphold the Zoning Administrator's decision to deny the project.  
4321 5 **Continued to May 13, 2008** **FILE 21806**  
X
9. **VARIANCE, V-11702, MARILYN MORRIS** – Appeal of Marilyn Morris from the decision of the Board of Zoning Adjustments (West County) to deny the retention of a garage conversion providing zero parking spaces where two are required in an R-1 (Single Family Residence) District located at 16838 Daryl Avenue, east side, approximately 100 feet northeast of Lewelling Blvd., unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 413-0027-012-00.  
**Board of Zoning Adjustments (West) action:** Deny the project.  
**Planning Staff recommendation:** Uphold the WBZA's decision and deny the project.  
3421 5 **Upheld the action of the WBZA and denied the appeal** **FILE 21807**  
X
10. **VARIANCE, V-11843, MARCO NAVA** – Appeal of Marco Nava from the decision of the Board of Zoning Adjustments (West County) to deny an application to: 1) allow the conversion of the garage from non-habitable space into habitable space; and 2) a five foot side yard setback where nine feet is required on a 0.27 acre site, in an R-1 (Single Family Residence) District, located at 21150 Hathaway Avenue, east side, approximately 155 feet north of Mero Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0041-101-00.  
**Board of Zoning Adjustments (West) action:** Deny the project.  
**Planning Staff recommendation:** Staff recommends that the Board of Supervisors uphold the decision of the WBZA to deny the requested Variance for a five-foot side yard setback. However, the need for a garage conversion Variance is no longer necessary based on compliance with Section 17.52.955(A) because the language in that subsection has been replaced within the ordinance since the West Board of Zoning Adjustments initially denied the Variance. Currently, however, the project does not comply with Section 17.52.955(B) regarding architectural consistency with the rest of the residential structure and the neighborhood. Staff recommends that the project be redesigned to remove the need for a Variance from this provision.  
4321 5 **Upheld the action of the WBZA and denied the project** **FILE 21810**  
X
11. **VARIANCE, V-11863, CHONG KO** – Appeal of Chong Ko from the decision of the Board of Zoning Adjustments (West County) to deny the retention of two converted one-car garages thereby providing two parking spaces located partially in a street side yard where otherwise not permitted in an R-S-D-15, (Suburban Residence, 1,500 square feet Minimum Building Site Area) District, located at 1725 and 1727 – 164<sup>th</sup> Avenue, northwest corner of Liberty Street, the Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0069-015-02.  
**Appeal withdrawn by applicant.**  
**Withdrawn by Appellant** **FILE 21808**

**SUMMARY ACTION MINUTES**

**PUBLIC INPUT (TIME LIMIT: 3 MINUTES PER SPEAKER)**

None

**BOARD OF SUPERVISORS' REMARKS**

None

**COUNTY COUNSEL: REPORT ON ACTION TAKEN IN CLOSED SESSION**

None

**ADJOURNED**

No further business appearing, the meeting is adjourned.

REVIEWED BY: \_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS

REVIEWED BY: \_\_\_\_\_  
CLERK, BOARD OF SUPERVISORS

**\*\* KEY \*\***

**Left Margin Notes**

1	President Haggerty	A	Abstained
2	Supervisor Steele	X	Excused
3	Supervisor Lai-Bitker	N	No
4	Supervisor Miley	BO	Board Order
5	Supervisor Carson		

**Right Margin Notes**

C	Contract
O	Ordinance
R	Resolution
LIB	Library

F22932  
rb