

SUMMARY ACTION MINUTES



**BOARD OF SUPERVISORS**  
**Planning Meeting**  
**2:00 PM**

**Regular Meeting**

**TUESDAY, FEBRUARY 5, 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**  
**2:00 P.M.**

**CALL TO ORDER AND SALUTE TO FLAG**

321 45 **Approved as recommended with the inclusion of Item #15 being continued to March 11, 2008**  
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**CONSENT CALENDAR**

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 21736**
  
2. **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.)  
**Continued to April 8, 2008** **FILE 21806**
  
3. **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.  
**Continued to April 8, 2008** **FILE 21807**
  
4. **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.  
**Continued to April 8, 2008** **FILE 22343**
  
5. **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.  
**Continued to April 8, 2008** **FILE 21810**

**SUMMARY ACTION MINUTES**

- 6. **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 April 8, 2008** **FILE 21739**
  
- 7. **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 April 8, 2008** **FILE 22546**
  
- 8. **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.  
**Continued to March 11, 2008** **FILE 23141**

**REGULAR CALENDAR**

- 9. **BOUNDARY ADJUSTMENT AND LAND CONSERVATION WILLIAMSON ACT PRESERVE CONTRACT – ELWORTHY, et al** – An application to allow:
  - a) A boundary adjustment for parcels currently under an Agricultural Preserve (Williamson Act) Contract; and
  - b) Re-establish an Agricultural Preserve (Williamson Act) Contract for three parcels containing approximately 405 acres in an “A” (Agricultural) District (County General Plan designation of Large Parcel Agriculture, as amended by Measure D), located adjacent to and ½ mile northeast of Bellina Canyon Road and approximately 3000 feet northwest of Crow Canyon Road, unincorporated Castro Valley area of Alameda County; bearing County Assessor’s designations 085 -1950-002-07, 085 -1950-003-00, and 085 -1950-006-02.**Planning Staff recommendation:**
  - a) Adopt the attached resolution to approve a Boundary Adjustment for the three subject parcels; and
  - b) Adopt the attached resolution to rescind existing agricultural and open space preserves for the subject properties.

4321 5 **Approved as recommended with the condition requiring non-renewal of a one acre** **FILE 23146**  
X **portion of the parcel be applied to the smaller house.** **R-2008-60**

**SUMMARY ACTION MINUTES**

10. **VARIANCE, V-12057 and SITE DEVELOPMENT REVIEW, S-2111, SILRAY & SILVIA DELA CADENA** – Appeal of David Bowie, Attorney at Law, representing Silray and Silvia De la Cadena, from the decision of the West Board of Zoning adjustments to deny their application to allow construction of a house within an area that is 30% or greater in slope, where no structures are allowed on such slopes by the Madison Area Specific Plan; located on a vacant parcel approximately 1,200 feet north of Seaview Avenue on Common Road, east side of Castro Valley Creek, in the R-1-B-40-CSU-RV (Single Family Residence, 40,000 square foot Minimum Building Site Area, 150 foot Median Lot Width, 30 foot front yard, Conditional Secondary Unit) Zoning District and within the Madison Area Specific Plan, unincorporated Castro Valley area of Alameda County, Assessor’s Parcel Number: 084C-0895-041-00.  
**Castro Valley Municipal Advisory Council:** Deny the project.  
**Board of Zoning Adjustments (West) action:** Deny the project.  
**Planning Staff recommendation:** Deny the project.
- 42351 **Upheld the actions of the CVMAC and WBZA and denied the project** **FILE 23142  
R-2008-61**
11. **PARCEL MAP, PM-9438, DAVID SHOFFNER** – Appeal of Richard Hua from the Planning Director’s decision to deny petition to convert a four-unit apartment building into four condominiums in an R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 19960 Wisteria Street, east side, approximately 600 feet south of Somerset Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 084A-0130-102-01.  
**Castro Valley Municipal Advisory Council:** The council recommended denial of the proposed subdivision.  
**Planning Director’s decision:** The Planning Director denied the proposed subdivision based on findings relating to the proposed subdivision’s lack of conformance with the Condominium Guidelines.  
**Planning Staff recommendation:** Deny the appeal and uphold the decision of the Planning Director to deny the application.
- 12345 **Continued to March 11, 2008** **FILE 22444**
12. **PARCEL MAP, PM-9087, DIAZ/FRITZ** – Appeal of Barry Carroll from the Planning Director’s decision to approve the Modification to Tentative Parcel Map, PM 9087, located at 2670 Sulphur Drive in the Fairview area, for a 2-lot version of your proposed subdivision.  
**Planning Director’s decision:** Approve the project.  
**Planning Staff recommendation:** Approve the project.
- 42351 **Sustained the appeal and denied the project** **FILE 22053  
R-2008-62**
13. **ZONING UNIT, ZU-2249, EVART** - Petition to rezone one site containing approximately 0.22 acre from R-1 (Single Family Residence) District to a PD (Planned Development) District, to allow a secondary unit, located at 22610 Valley View Drive, north west side, approximately .24 miles north of Kelly Street, Fairview area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 417-0140-021-06.  
**Planning Commission recommendation:** Deny the project.  
**Planning Staff recommendation:** Deny the project.
- 42351 **Upheld the action of the WBZA and denied the project** **FILE 23143  
R-2008-63**

**SUMMARY ACTION MINUTES**

14. **CONDITIONAL USE PERMIT, C-8227, SENECA** – Appeal of Seneca from the denial of the West Board of Zoning Adjustments to deny the application to allow continued use of eleven existing portable buildings at the existing Seneca Center school, in an R-1-RV (Single-Family Residence, Recreational Vehicle) District, located at 2275 Arlington Drive, east side, approximately 100 feet east of Manchester Road, unincorporated San Leandro area of Alameda County, bearing Assessor’s Parcel Number: 080A-0174-021-00.  
**West Board of Zoning Adjustments recommendation:** Deny the project.  
**Planning Staff recommendation:** Uphold the appeal and approve the permit, subject to adherence to the submitted timeline for code compliance and additional paving of the driveway apron.
- 42351 **Granted the appeal subject to the condition that renewal of the 5-year term conditional use permit be reviewed in three years, as well as the conditions recommended by Planning staff.** **FILE 23147 R-2008-64**
15. **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 petition to allow 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 with modifications.  
**Planning Staff recommendation:** Approve the project including the Planning Commission’s modifications.
- 321 45 **Continued to March 11, 2008** **FILE 23144**  
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16. **ALTAMONT LANDFILL AND RESOURCE RECOVERY FACILITY OPEN SPACE ADVISORY COMMITTEE UPDATE, EAST BAY REGIONAL PARK DISTRICT (EBRPD) GRANT APPLICATION** – Determine whether the recommendation of the Altamont Landfill & Resource Recovery Facility Open Space Advisory Committee to approve a grant application from EBRPD (Newbury Property) is consistent with the criteria set forth in the Altamont Landfill Settlement Agreement.  
**Planning Staff recommendation:** Determine that the application is consistent with the Settlement Agreement criteria.
- 43251 **Approved as recommended** **FILE 23145**

**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**

**SUMMARY ACTION MINUTES**

No further business appearing, the meeting is adjourned.

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

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

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

**Left Margin Notes**

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

**Right Margin Notes**

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|------------|-------------------|
| <b>C</b>   | <b>Contract</b>   |
| <b>O</b>   | <b>Ordinance</b>  |
| <b>R</b>   | <b>Resolution</b> |
| <b>LIB</b> | <b>Library</b>    |

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rb