

SUMMARY ACTION MINUTES



BOARD OF SUPERVISORS
Planning Meeting
1:00PM

Regular Meeting

TUESDAY, MAY 13, 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
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RICHARD E. WINNIE
COUNTY COUNSEL

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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. 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.

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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

231 45 **Approved as recommended with the inclusion of Item #8 being continued to June 10, 2008**

X

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 July 8, 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 June 10, 2008 **FILE 22546**

4. **CONDITIONAL USE PERMIT, C-8600, CHERUBIN'S CHILDRENS CENTER**, – Appeal of Rev. JoAnne Bennett, from the decision of the West County Board of Zoning Adjustments to approve an application to allow operation of a child care facility for 40 children and the expansion of an existing church to allow hall rental for special events, with restrictions, in an R-1 (Single Family Residence) District, located at 18651 Via Toledo, west side corner, north west of Hacienda Avenue, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 413-0083-065-00.
Continued to July 8, 2008 **FILE 22547**

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5. **VARIANCE, V-11982, LOVE** – Appeal of Patrick Love from the decision of the West County Board of Zoning Adjustment to deny an application to allow a garage conversion thereby locating the required parking space encroaching 13 feet into the required front yard in a R-1-CSU-RV (Single Family Residence, Conditionally Permitted Secondary Unit, Recreational Vehicle) District located at 3773 Cottage Court, north side, approximately 284 feet west of Parsons Avenue, in the unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel designation: 84D-1329-017-00.
Continued to July 8, 2008 **FILE 23429**
6. **2252ND ZONING UNIT and TENTATIVE PARCEL MAP, PM-9712 – ANDRADE/RAGG** – Petition to reclassify one parcel containing approximately 14,985 square feet (0.34 acres) from R-S-D-20 (Suburban Residence, 2,000 square foot Minimum Site Area per Dwelling Unit) District to a P-D (Planned Development) District, so as to allow subdivision into four parcels, including one lot containing less than 4,000 net square feet and three lots containing less than 3,000 net square feet, construction of four detached single family residences on each lot and allowing site-specific development standards, located at 20540 Forest Avenue, east side, 540 feet north of Vincent Court, unincorporated Castro Valley area of Alameda County, bearing County Assessor’s designation: 084C-0117-009-01.
Castro Valley Municipal Advisory Council: Recommended approval of the project.
Planning Commission: Approved the project.
Planning Staff recommendation: Uphold the Planning Commission’s recommendation and approve the project.
Approved as recommended **FILE 23430**
R-2008-192
O-2008-19

REGULAR CALENDAR

7. **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 Upheld the action of the Zoning Administrator and denied the project **FILE 21806**
X
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.
Planning Commission: Approve the project.
Planning Staff recommendation: Uphold the Planning Commission’s decision and approve the project with conditions.
231 45 Continued to June 10, 2008 **FILE 23141**
X

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9. **SITE DEVELOPMENT REVIEW, S-2109, NGUYEN** – Appeal of Dinh Nguyen from the decision of the Planning Director to deny the placement of a storage container in the parking lot in the CVCBD, Sub 3 (Castro Valley Central Business District Specific Plan, Sub Area 3) located at 2652 Castro Valley Boulevard, north side, about 133 feet west of Park Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 84A-0181-069-00.
Castro Valley Municipal Advisory Council: Deny the project.
Planning Director's decision: Deny the project
Planning Staff Recommendation: Uphold the Planning Director's decision and deny the project.
4321 5 **Upheld the action of the CVMAC & Planning Director and denied the project** FILE 23431
X
10. **VARIANCE, V-12079, WILLIAM CONSTANZO** – Appeal of William Constanzo from the decision of the East County Board of Zoning Adjustment to deny an application to allow building site status on a 3.5 parcel where 5 acres is required, in an 'A' (Agricultural) District, located on Christiansen Road, east side, corner southeast of Bruns Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099B-7020-001-11.
Board of Zoning Adjustments (East): Deny the project.
Planning Staff Recommendation: Uphold the decision of the EBZA and deny the variance.
1234 5 **Continued to June 10, 2008** FILE 23432
X
11. **VARIANCE, V-12100, SOLAR DESIGN CA. INC** – Appeal of Harold Eldridge from the decision of the West County Board of Zoning Adjustments to allow a six foot side yard where 10 feet is required in conjunction with a residential care facility in an R-S-D-20 (Suburban Residence, 2,000 square foot per Dwelling Unit) District, located at 20531 Forest Avenue, west side approximately 750 feet north of Castro Valley Boulevard, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084C-0724-079-00.
Castro Valley Municipal Advisory Council: Approve the project requiring that the addition remains as a sunroom or patio enclosure.
Board of Zoning Adjustments (West): Deny the project.
Planning Staff Recommendation: Uphold the decision of the WBZA and deny the project.
4321 5 **Sustained the appeal and approved the project requiring that the addition remain as a sunroom or patio enclosure** FILE 23367
X R-2008-190
12. **CONDITIONAL USE PERMIT, C-8666, CROWN CASTLE/DERKAS/KIMBRO** – Appeal of Timothy Richardson from the decision of the East County Board of Zoning Adjustments to approve the conditional use permit for a period of 5 years to coincide with C-8194, instead of approval for 10years to allow continued operation of a telecommunications facility in an "A" (Agricultural) District, located at 5810 Mission Road, west side, approximately 1.2 miles north of Vargas Road, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0056-008-12.
Board of Zoning Adjustments (East): Approve the project for five years.
Planning Staff Recommendation: Uphold the decision of the EBZA to approve project for a five year period in conjunction with the expiration of another wireless facility on the site and deny the appeal.
2341 5 **Upheld the action of the EBZA and approved the project** FILE 23433
X

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13. **CHOONG HYUN PAIK, VARIANCE, V-12096** – Appeal of Choong Hgun Paik from the decision of the West County Board of Zoning Adjustments to deny an application to allow subdivision of one site into two lots, with front yards of 13.66 feet, and 14.45 feet where 20 feet is the minimum required; and side yards of 3.71 feet, and 4.83 feet where 5 feet is the minimum required, in an R-2-B-E (Two Family Residence, 7,500 square foot Minimum Building Site Area) District, located at 21415 and 21437 Locust Street, southwest side, approximately 250 feet northwest of Grove Way in the unincorporated Ashland area of Alameda County, designated Assessor’s Parcel Number: 414-0086-074-00.

Board of Zoning Adjustments (West): Deny the project.

Planning Staff Recommendation: The Planning Department originally recommended approval of the variance because the development standards for the variance requests are difficult to meet due to pre-existing conditions.

4231 5 **Sustained the appeal and approved the project** **FILE 23364**
X **R-2008-191**

14. **ZONING ENFORCEMENT ACTION ZV-0017 THOMAS OLSEN EICHER** – Appeal of Thomas Olsen Eicher from the decision of the West County Board of Zoning Adjustment Abatement Order for property located at 21495 Mission Blvd, unincorporated Hayward area of Alameda County, Assessor’s Parcel Number: 414-0076-057-00 related to illegal auto business, inoperative vehicles, fork lifts and other mobile equipment, debris, tires, appliances, metal and miscellaneous items in the rear yard.

Board of Zoning Adjustments (West): Issued Abatement Order for the property.

Planning Staff Recommendation: Uphold the decision of the WBZA to abate the property and deny the appeal.

4321 5 **Upheld the action of the WBZA and granted the abatement** **FILE 23366**
X

PUBLIC INPUT (TIME LIMIT: 3 MINUTES PER SPEAKER)

None

BOARD OF SUPERVISORS’ REMARKS

None

COUNTY COUNSEL: REPORT ON ACTION TAKEN IN CLOSED SESSION

None

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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

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