



## BOARD OF SUPERVISORS

### Regular Meeting

Thursday, May 4, 2006

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

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

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COMMUNITY DEVELOPMENT DIRECTOR

RICHARD E. WINNIE  
COUNTY COUNSEL

SUSAN S. MURANISHI  
COUNTY ADMINISTRATOR

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PLANNING DIRECTOR

BRIAN E. WASHINGTON  
ASSISTANT COUNTY COUNSEL

### **MISSION STATEMENT**

*THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY THROUGH THE DEDICATION EXCELLENCE AND DIVERSITY OF ITS EMPLOYEES IS COMMITTED TO SERVE THE NEEDS OF THE COMMUNITY AND TO ENHANCE THE QUALITY OF LIFE.*

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; (4) The Board of Supervisors will receive and consider a request to continue a Planning matter only if: (a) the request is received by the Clerk of the Board at least forty-eight (48) hours prior to the time the matter is scheduled to be heard, (b) the request is in writing (FAX acceptable), and (c) a reason for the request is included.

Hearing difficulty? Please ask the Clerk for use of a personal sound receiver. Board of Supervisors' meetings are wheelchair accessible. Call 272-6347 (voice) or 834-6754 (TDD) to request a sign-language interpreter. Five working days' notice is required. If you have questions regarding the agenda, please call 272-6347. The Board's Agenda and Summary Action Minutes are also available via the Internet at: [www.acgov.org](http://www.acgov.org).

**Attention:** The Alameda County internet address is [www.acgov.org](http://www.acgov.org). Beginning January 20, 2004, all Board of Supervisors' planning 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.

**10:00 A.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 (five cases)

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Name of Case: Golden Gate Audubon Society, et al v. County of Alameda et al, Superior Court of the State of California, County of Alameda, RG05239790

Californians for Renewable Energy v. County of Alameda, Superior Court of the State of California, County of Alameda, RG05239552

**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
2. **CONDITIONAL USE PERMIT, C-8143 - HOSANNA HOMES** – Appeal of Steven Wood, Attorney at Law representing Hosanna Homes, from the decision of the Board of Zoning Adjustments (West County) to deny the application to allow continued operation of a foster care licensing agency and grant a ten-year renewal period in an “A” (Agricultural) District, located at 9998 Crow Canyon Road, west side, approximately one mile north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 0085-1902-001-00.  
**Continue to June 1, 2006**
3. **CONDITIONAL USE PERMIT, C-8280 - NEW LIFE PRESBYTERIAN** – Appeal of Terry L. Thompson, Attorney at Law representing New Life Presbyterian Church, from the decision of the Board of Zoning Adjustments (West County) to deny the application for the use of an existing modular classroom building for church services, in an “A” (Agricultural) District, located at 9998 Crow Canyon Road, west side, approximately 0.91 mile north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 0085-1902-001-00.  
**Continue to June 1, 2006**

**REGULAR CALENDAR**

4. **ORDINANCE UPDATE FOR REASONABLE ACCOMMODATION FOR DISABLED PERSONS** – Second reading and introduction of a “Reasonable Accommodation” provision to the Zoning Ordinance to allow disabled persons the use of residential structures to meet their individual needs (to meet the reasonable accommodation provisions for disabled persons as required by the County’s 2003 *Housing Element* and as mandated by the State).  
**Planning Commission recommendation:** Adoption of the ordinance  
**Planning Staff recommendation:** Cancel second reading and refer matter back to Planning Department

5. **ALTAMONT PASS WIND RESOURCE AREA: RE AVIAN MONITOR AND SRC FACILITATOR CONTRACTS, AND SELECTION OF SCIENTIFIC REVIEW COMMITTEE APPOINTEES**
- a) Authorize the Director of the Community Development Agency to execute a contract with the California State University, Center for Collaborative Policy (David Shannon, Director, Procurement and Contract Services, Sacramento) to provide facilitation and staffing services for Alameda County related to the Altamont Wind Resource Area.
  - b) Altamont Pass Wind Resource Area: Avian Monitor Contract. Consider awarding of contract of Western EcoSystems Technology, Inc. (WEST) (Principal: Dale Strickland, Cheyenne, Wyoming) to conduct intensive, scientifically rigorous and independent monitoring of avian injury and mortality in the Altamont Pass Resource Area.
  - c) Selection of nominees for appointment to the Altamont Scientific Review Committee per the Altamont Windplant Avian Wildlife Protection Program and Schedule, as codified in the permit condition approved by the Board of Supervisors on September 22, 2005.
6. **2207<sup>th</sup> ZONING UNIT and TENTATIVE TRACT MAP, TR-7614, UTAL** - Appeal of MARK PRINGLE COMPANY from the Planning Commission's denial of the Vesting Tentative Map and petition of UTAL to reclassify three parcels containing approximately 1.17 acres from the P-D (Planned Development, 1779<sup>th</sup> Zoning Unit) allowing commercial uses to a P-D (Planned Development) District, allowing residential uses and subdivision into 10 parcels intended for single-family dwellings, located at 18911 and 18919 Lake Chabot Road, approximately 234 feet northeast of Keith Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084B-0502-045, 084B-0502-055 and 084B-0502-046.  
**Castro Valley Municipal Advisory Council recommendation:** Denial of the project  
**Planning Commission action:** Denial of the project  
**Planning Staff recommendation:** Consideration of General Plan consistency, economic feasibility, and public benefit, and approval of the project based on peer reviewed market analysis
7. **2216<sup>th</sup> ZONING UNIT and TENTATIVE PARCEL MAP, PM-8742, RAMESH and LALIT KUMAR** – Petition to reclassify from the PD-ZU-1487 (Planned Development, 1487<sup>th</sup> Zoning Unit, allowing on those properties fronting on “A” Street, C-N, Neighborhood Business and C-O, Administrative Office District uses, certain other uses and R-S-D-25, suburban Residence, 2,500 square feet Minimum Building Site Area) District, located at 779 West A Street, north side, approximately 400 feet west of Royal Avenue, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 432-0020-015-02  
**Planning Commission recommendation:** Approval of the project  
**Planning Staff recommendation:** Approval of the project
8. **VARIANCE, V-11963, THOMAS VAN VOORHIS** – Appeal of Thomas Van Voorhis from the denial of the West Board of Zoning Adjustments to approve as two building sites, lots that are reduced in area from 100 acres to five acres and 73.23 acres; and one parcel without frontage on an approved county road in an “A” (Agricultural) District, located at 22000 Eden Canyon Road, southeast side, approximately one mile northeast of Hollis Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085A-2201-012-00.  
**Board of Zoning Adjustments (West) action:** Denial of the project  
**Planning Staff recommendation:** Denial of the appeal and denial of the project

9. **CONDITIONAL USE PERMIT, C-8469, SON X. HOANG** – Appeal of Alan D. West, Attorney at Law, representing Son S. Hoang, from the decision of the West Board of Zoning Adjustment to deny the application to allow operation of an alcohol outlet (Tony and Ted’s Liquor) in conjunction with a convenience store, in a CVCBDSP-SUB3 (Castro Valley Central Business District Specific Plan – Consumer/Medical Oriented Retail/Service/High Density Residential) District, located at 2688 Castro Valley Boulevard, north side, corner of Park Way, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Numbers: 084A-0181-057-03 and 084A-0181-058-03. C-8469.  
**Castro Valley Municipal Advisory Council recommendation:** Approval with conditions for six months  
**Board of Zoning Adjustments (West) action:** Denial of the project  
**Planning Staff recommendation:** Remand the matter to the Board of Zoning Adjustment for further deliberations
10. **VARIANCE, V-11908, MYRNA HOAG** – Appeal of Rena Rickles, on behalf of Myrna Hoag, from the decision of the Board of Zoning Adjustments (West) to deny the expansion of a non-conforming use (tow yard in a residential area) and retention of an eight foot chain link fence in a R-S-D-15 (Suburban Residence with 1,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 16037 to 16097 Mateo Street, southwest side, approximately 311 feet northwest of 162<sup>nd</sup> Avenue, unincorporated Ashland area of Alameda County, designated Assessor’s Parcel Numbers: 0080-0057-030-00, 0080-0057-036-00 and 0080-0057-037-02.  
**Board of Zoning Adjustments (West) action:** Denial of the application  
**Planning Staff original recommendation:** Denial of the appeal and denial of the application  
**Prior Board of Supervisor’s action:** Directed staff to prepare an abatement program for consideration by the Board  
**Planning Staff’s revised recommendation:** Approval of an abatement program to phase out the non-conforming use
11. **PLANNED DEVELOPMENT (PD) DISTRICTS – RECOMMENDATIONS FOR POSSIBLE MODIFICATIONS** – First reading and introduction of an amendment of the Zoning Ordinance, Title 17 of the Alameda County Ordinance Code, to modify the provisions of the PD (Planned Development) District (Chapter 17.18) to provide for specific affirmative findings prior to approving reclassification to a PD District and to make the now-optional preliminary land use and development plan process mandatory for PD applications on parcels one acre or smaller in size.  
**Planning Commission action:** Approval of the amendments  
**Planning Staff recommendation:** First reading and introduction of the ordinance amendments
12. **APPROVE THE ALTAMONT SETTLEMENT AGREEMENT EDUCATION ADVISORY BOARD’S EXPENDITURE PLAN FOR FISCAL YEAR 2006-2007 (\$325,000)**
13. **Appeal from Betty Heavingham of the decision of the West County Board of Zoning Adjustments Abatement order No. ZV-0002, located at 4444 School Way, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Number 084D-1180-24-00.**

**12:30 P.M. – SET MATTER**

**CROWELL**

14. **CONDITIONAL USE PERMIT, C-8272, CHARLES CROWELL** – Appeal of Mark L. Hirsch, of New Tech Law Group, Inc. representing Oleg and Linda Dubney, from the decision of the Board of Zoning Adjustments (West County) to approve the renewal of Conditional Use Permit C-7586, allowing a 100-horse boarding facility and equestrian center and a permanent agricultural caretaker’s unit, in an “A” (Agricultural) District, located at 10970 Crow Canyon Road, north side, approximately 2.8 miles east of Norris Canyon Road, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 085-2026-001-00.

**Castro Valley Municipal Advisory Council:**  
**Board of Zoning Adjustments (West) action:**  
**Planning Staff recommendation:**

**1:00 P.M. – SET MATTER**

**VASCO ROAD LANDFILL**

15. **CONDITIONAL USE PERMIT, C-4158, REPUBLIC SERVICES – VASCO ROAD LANDFILL** - Appeals of Alan Carlton (for Sierra Club), Donna Cabanne, Garber (Shute Mihaly & Weinberger for Cities of Pleasanton and Livermore) and Smith (Reed Smith LLP, for Waste Management of Alameda County, WMAC) from the decision of the Planning Commission to approve the Periodic Review and Revisions to Conditional Use Permit (CUP) C-4158, allowing continued operation of the Vasco Road Landfill.

**Planning Commission action:** Approval of the project  
**Planning Staff recommendation:** Denial of the appeal and approval of the project

**1:30 P.M. – SET MATTER**

**EMERGENCY MORATORIUM**

16. **DISCUSSION AND POSSIBLE ADOPTION OF AN EMERGENCY MORATORIUM PRECLUDING CREEKSIDE DEVELOPMENT IN THE UNINCORPORATED AREA OF THE COUNTY**

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

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

**BOARD OF SUPERVISORS’ REMARKS**

**ADJOURNMENT**