

## SUMMARY ACTION MINUTES



# BOARD OF SUPERVISORS

## Planning Meeting

### 1:00PM

#### Regular Meeting

Tuesday, September 11, 2007

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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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.

**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**

**43215** **Approved as recommended with the inclusion of Item #12 being continued to 11/27/07**  
**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 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 November 27, 2007** **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 November 27, 2007** **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 November 27, 2007** **FILE 22343**

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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 November 27, 2007** **FILE 21810**
  
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 Alcala; 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 November 27, 2007** **FILE 21739**
  
7. Appeal from Mark Cohen from the decision of the Planning Commission to deny appeal of the Planning Director decision not to engage in revocation of CUP, C-5720 and Code Enforcement Decision to not engage in revocation of CUP, C-5720 for Altamont Motorsports Park, 17001 Midway Road.  
**Continued to October 9, 2007** **FILE 22446**
  
8. **Appeals of Larry Gosselin and American Civil Constructors West Coast (ACC)** from the decision of the Planning Commission to: (1) order abatement of operation of ground concrete slurry settling ponds, unregulated reclamation of property used for this purpose, and landfilling/storage of processed waste slurry material at 6550 Collier Canyon Road, near Dublin, California, APN 905-0005-006-00, and (2) the decision of the Planning Commission that the ground concrete slurry pond operation, and the stockpiling and application to land of the processed product, is not permitted in the “A” district and on the parcel at 6550 Collier Canyon Road.  
**Continued to October 9, 2007** **FILE 22157**
  
9. **VARIANCE, V-12066, BERNIE SHANKLIN** - Appeal of Peter MacDonald, on behalf of Bernie Shanklin, from conditions of the EBZA’s approval of the application to allow the construction of an accessory building 22 feet in height where 15 feet is the maximum, and the EBZA’s denial of the proposed garage doors of the structure to be 10 feet from the property line; 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 October 9, 2007** **FILE 22546**

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REGULAR CALENDAR

10. **ALTAMONT LANDFILL SETTLEMENT AGREEMENT EDUCATION ADVISORY BOARD'S EXPENDITURE PLAN FOR FISCAL YEAR 2007-2008 (\$325,000)**  
That the Board of Supervisors provide concurrence to the proposed Altamont Settlement Agreement Education Advisory Board's proposed Expenditure Plan for Fiscal Year 2007/2008. This concurrence is required per Section 7.6.3 of the Altamont Landfill Settlement Agreement.  
**Planning Staff recommendation:** That the Board of Supervisors assess the Altamont Settlement Agreement Education Advisory Board's proposed Expenditure Plan for Fiscal Year 2007/2008, based on input provided by the chair of the Advisory Board. The Board's concurrence is required per Section 7.6.3 of the Altamont Landfill Settlement Agreement.
- 25341 **Approved as recommended** **FILE 22380**
11. **TENTATIVE PARCEL MAP, PM-8992, BROTHERS** – Appeal of Frank and Janice Delfino from the decision of the Planning Director to approve a subdivision of one parcel containing 0.68 acres into two lots, in a R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle Parking) District, located at 18629 Reamer Road, southwest side, 450 feet west of Walnut Road, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084D-1155-034-00.  
**Castro Valley Municipal Advisory Council Recommendation:** On June 12, 2006, the Castro Valley Municipal Advisory Council recommended approval of the Tentative Parcel Map with planning considerations and additional provisions: 1) that there be one common access easement to the property; 2) that the new boundary line should parallel the rear of the existing house; and 3) that the applicant should either maintain the guard rail or develop an alternative that is acceptable to the County that ensures the protection of neighboring properties.  
**Alameda County Planning Director Action:** On June 22, 2007, the Planning Director approved Tentative Parcel Map, PM-8992, including Resolution No. 07-14, Conditions of Approval and Exhibit B, dated June 22, 2007.  
**Planning Staff Recommendation:** Staff recommends a continuance of the item in order for the applicant to give the appellant structural calculations.
- 43215 **Upheld the Planning staff recommendation and continued to October 9, 2007** **FILE 22547**  
X
12. **CONDITIONAL USE PERMT, C-8600, CHERUBIN'S CHILDRENS CENTER**, – Appeal of Rev. JoAnne Bennett, from the decision of the West Board of Zoning Adjustments decision 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.  
**Board of Zoning Adjustments (West) action:** Approve the project with conditions.  
**Planning Staff recommendation:** Staff recommends that the Board of Supervisors extend the length of time for the Applicant to complete conditions of approval numbers six and seven for 120 days instead of 90 days. Staff recommends that the Board of Supervisors uphold the decision of the Board of Zoning Adjustments for conditions of approval numbers four and eight.
- 43215 **Continued to November 27, 2007** **FILE 22548**  
X

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13. **CONDITIONAL USE PERMIT, C-8489, JOSE RAMIRO** – Appeal of Jose Ramiro from the decision of the West Board of Zoning Adjustments to approve the application to allow continued operation of a tavern “The Stadium Club” with a condition as to hours of operation, in an ACBD (Ashland, Cherryland Business District Specific Plan) – Transit Corridor District, located at 15698 East 14<sup>th</sup> Street, east side, corner north of Plaza Drive, unincorporated Ashland area of Alameda County, designated Assessor’s Parcel Number: 080-0034-007-00.

**Board of Zoning Adjustments (West) action:** The BZA approved the application for the continued operation of a tavern which shall terminate on May 23, 2008. The BZA approved the application for one year with hours of operation as follows:

Monday through Thursday	Noon to 9:00 p.m.
Friday and Saturday	Noon to 1:00 a.m.
Sunday	Noon to 11:00 p.m.

**Planning Staff recommendation:** Staff recommends that the decision of the BZA be upheld, and the appeal be denied.

43215 **Denied the appeal and upheld WBZA’s action**  
X

**FILE 22379  
R-2007-**

14. **ABATEMENT ORDER, NPO-0534, SUDESH KAER**, 931 Delano Street, San Lorenzo, CA 94580 – In violation of the Neighborhood Preservation Ordinance 6.65.030 I (1), which prohibits the paving of more than 50% of a front yard in any residential district after June, 1999 including any standard walkway or driveway.

**Planning Staff recommendation:** Deny the appeal and uphold the West Board of Zoning Adjustments action to abate the property.

32415 **Denied the appeal and upheld WBZA’s abatement action**  
X

**FILE 22056  
R-2007-417**

**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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**ADJOURNMENT**

No further business appearing, the meeting is adjourned.

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

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

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

**Left Margin Notes**

<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**

<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