

SUMMARY ACTION MINUTES



BOARD OF SUPERVISORS
Planning Meeting
1:00PM

Regular Meeting

TUESDAY, NOVEMBER 4, 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

CHRIS BAZAR
COMMUNITY DEVELOPMENT DIRECTOR

RICHARD E. WINNIE
COUNTY COUNSEL

SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

ALBERT LOPEZ
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: (four cases)

CONSENT CALENDAR

2435 1 Approved as recommended

X

1. Approve record of cost of abatement and authorize assessment liens on properties in violation of abatement orders under the Neighborhood Preservation Ordinance

FILE 23307

REGULAR CALENDAR

2. **VARIANCE, V-12117, JOE/RONALD SILVA** – Appeal of Joseph and Ronald Silva from the decision of the West Board of Zoning Adjustments to deny an application to allow construction of an attached addition with a five foot side yard where 10 feet is required, in an R-S-SU (Suburban Residential, Secondary Unit) District, located at 339 Medford Avenue, approximately 220 feet east of Lowell Avenue, and 300 feet west of Haviland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor’s Parcel Number: 429-0014-010-00.

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

Planning Staff recommendation: Uphold the WBZA’s decision and deny the variance.

43251 Upheld the appeal and overturned the decision of the WBZA

**FILE 23821
R-2008-382**

3. **TENTATIVE PARCEL MAP, PM-9566, KREMER** – Appeal of Ken Kremer from the decision of the Planning Director to deny the subdivision of one parcel containing 0.40 acres into two lots, in a R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 22440 Charlene Way, east side, approximately 200 feet southeast of Redwood Road, Castro Valley area of unincorporated Alameda County, bearing County Assessor’s Parcel No.: 416-0130-001-00.

Castro Valley Municipal Advisory Council: Deny the project

Planning Staff Recommendation: Uphold the Planning Director’s decision and deny the appeal.

431 25 Upheld the action of the Planning Director’s decision and denied the appeal

FILE 24081

NX

4. Tesla Power Project Cooperation Agreement (“Agreement”) by and between the County of Alameda, California, a political subdivision of the State of California (“County”), and Midway Power, LLC, a Delaware limited liability company (“Midway”); pursuant to the request of Midway Power LLC (wholly owned subsidiary of FPL Energy) for partial cancellation of Land Conservation Contract 72-26428 (Agricultural Preserve Number 1972-42), Assessor’s Parcel Number (APN) 099B-7825-001-04 (Parcel 4).

Planning Staff Recommendation: Approve as recommended.

341 25 Approved as recommended with requirement that all subsequent allocations of funds under subsection 5.1 of the approved agreement shall be subject to Board approval

**FILE 23750
C-2008-184**

NX

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5. Request of Midway Power LLC (wholly owned subsidiary of FPL Energy) for partial cancellation of Land Conservation Contract 72-26428 (Agricultural Preserve Number 1972-42), Assessor's Parcel Number (APN) 099B-7825-001-04 (Parcel 4): Reiteration of Board Action and Procedural Technical Requirements pursuant to original Board actions of February 6, 2003 and April 3, 2003, tentatively approving partial cancellation, and simultaneously establishing an agricultural conservation easement on APN 099B-7825-001-03 (Parcel 3).
Planning Staff Recommendation: Approve as recommended.
- 341 25 Approved as recommended **FILE 23750**
NX **R-2008-366**
6. **BOUNDARY CREEK HOMES APPEAL OF PLANNING COMMISSION ACTION UPHOLDING SIERRA CLUB APPEAL OF THE ALAMEDA COUNTY'S APPROVAL OF THE FIRE HAZARD MANAGEMENT PLAN** for a development proposal known as the Boundary Creek Project, ZU-2193 and TR-7530, located at 4524 Crow Canyon Place, approximately 500 feet south of Crow Canyon Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084C-1068-001-00, 084C-1068-007-00 and 084C-1068-008-00 (ZU-2193 and TR-7530).
Planning Commission action: Deny the Fire Hazard Management Plan
Planning and Fire Department Staff Recommendation: Uphold the appeal and approve the Fire Hazard Management Plan
- 431 25 Sustained the appeal and approved the Fire Hazard Management Plan **FILE 24082**
AX
7. **APPEAL OF DONN LOBDELL, 822 KILKARE ROAD, SUNOL** - Appeal of Mr. Donn Lobdell from the decision of the Department of Environmental Health to deny his application to build a 27% addition to his 3 bedroom house at 822 Kilkare Road, Sunol which currently has a septic system adequate for a 2 bedroom house, Assessor's Parcel Number 96-530-21.
Department of Environmental Health recommendation: Uphold the decision of the Department to deny the application.
Withdrawn **FILE 23613**

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8. ALTAMONT PASS WIND RESOURCE AREA (APWRA)

a. Proposed Agreement to end ongoing mediation among the Settling Parties.

Planning Staff Recommendation: Approve as recommended.

b. Proposed Memorandum of Understanding by and between Altamont Winds Inc. (AWI) and the County for inclusion of AWI (non-settling party) in the joint NCCP/HCP/EIS/EIR process.

Planning Staff Recommendation: Approve as recommended.

c. 1. Approve and authorize the President to execute a contract (No. 3023) with Jones & Stokes Associates, Inc (Lisa Larrabee, Senior Vice-President; Location: Oakland, California) for \$445,055 to continue avian monitoring, conduct analysis and provide associated reports for the term July 1, 2008 through October 14, 2008; and,

Planning Staff Recommendation: Approve as recommended.

2. Approve and authorize the President to execute a contract amendment with Jones & Stokes Associates, Inc. (Lisa Larrabee, Senior Vice-President; Location: Oakland, California) increasing the amount by \$1,196,471 from \$445,055 to \$1,641,526 and extending the term from October 14, 2008 through October 31, 2009 to continue avian monitoring in the APWRA.

Planning Staff Recommendation: Approve as recommended.

d. Approve and authorize the President to execute an amendment to contract no. 2651 with Jones & Stokes Associates, Inc. (Patty Cook, Principal; Location: Oakland, California) increasing the amount by \$1,788,200 from \$53,640 to \$1,841,840 and extending the term from October 31, 2008 through December 31, 2011 to complete the APWRA NCCP/HCP, including the associated task of environmental impact statement/environmental impact report (EIS/EIR) for implementation of the NCCP/HCP.

Planning Staff Recommendation: Approve as recommended.

4321 5 **Approved as recommended by Planning Staff**
X

**FILE 24083
C-3023
C-2651**

PUBLIC INPUT (TIME LIMIT: 3 MINUTES PER SPEAKER)

None

COUNTY COUNSEL: REPORT ON ACTION TAKEN IN CLOSED SESSION

None

ADJOURNED

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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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