



BOARD OF SUPERVISORS

Planning Meeting

1:00 PM

Regular Meeting

Tuesday, June 12, 2007

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

SCOTT HAGGERTY, PRESIDENT	DISTRICT 1
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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; (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.

Attention: The Alameda County internet address is 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.

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: (two cases)

CONSENT CALENDAR

321 45 Approved as recommended
XX

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

FILE 21736

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.

Continue to September 25, 2007.

FILE 21739

3. **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.)

Continue to September 25, 2007.

FILE 21806

4. **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 .

Continue to September 25, 2007.

FILE 21807

6. **VARIANCE, V-11872 , DONALD and VERA CLAIR** – Appeal of Donald Clair from the decision of the Board of Zoning Adjustments (West County) to deny the storage of a recreational vehicle in a required side yard where not otherwise permitted, in a P-D (Planned Development) District, located at 4169 High Ridge Place, west side, approximately 187 feet east of Chaparral Lane, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 0085-6301-020-05.
Withdrawn by the applicant. **FILE 21809**
7. **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.
Continue to September 25, 2007. **FILE 21810**
8. **PARCEL MAP, PM-9087, DIAZ/FRITH** – Appeal of Richard Frith from the decision of the Planning Director to conditionally approve an application to subdivide one 43,520 square foot (1.0 acre) parcel into four lots in a R-1-B-E (Single Family Residence, 6000 sq. ft. minimum building site) District, the conditions being to allow two lots, located at 2670 Sulphur Drive, north side, 50 feet northwest of Mead Way, unincorporated area of Hayward, bearing County Assessor's Parcel Number: 0425-0001-039-00.
Withdrawn by the applicant. **FILE 22053**
9. **ZONING UNIT, ZU-2242 and TENTATIVE PARCEL MAP, PM-9255, KHAN** - Petition to reclassify one parcel from the R-S-D-20 (Suburban Residence, 2,000 square feet Minimum Building Site Area per dwelling unit) District, to a P-D (Planned Development) District, so as to allow three single family detached dwellings on three new lots of less than 5,000 square feet and site-specific development standards, located at 1630 -159th Avenue, southeast side, approximately 100 feet north of Marcella Street, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0051-001-14.
Continue to July 24, 2007. **FILE 21811**
10. **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.
Continue to July 24, 2007. **FILE 22157**

REGULAR CALENDAR

11. **CONDITIONAL USE PERMIT, C-8573, GURDIP SAHOTA**, – Appeal of Gurdip Sahota from the West Board of Zoning Adjustments decision to deny an application to allow liquor sales at Cherryland Grocery (where beer and wine sales are currently allowed) in an R-S-D-35 (Suburban Residence, 3,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 688 Blossom Way, north side corner, west of Western Boulevard, Unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0019-043-00.
Board of Zoning Adjustments (West) action: Deny the project.
Planning Staff recommendation: Grant the appeal and approve the project.
Upheld the action of the WBZA and denied the project **FILE 22229**

4325 1
N

12. **CONDITIONAL USE PERMIT, C-8560, RABIT NORZEI** – Appeal of Richard B. Cole on behalf of Rabbit Norzei from the West Board of Zoning Adjustments to deny an application to allow a retail store with alcohol sales, in an ACBD-FA (Ashland Cherryland Business District Specific Plan – Freeway Access) District, located at 20930 Mission Boulevard, northeast side, approximately 160 feet north of Saint James Court, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0056-020-03.
Board of Zoning Adjustments (West) action: Deny the project.
Planning Staff recommendation: Deny the project and uphold the WBZA's action.
4321 5 **Upheld the action of the WBZA and denied the project** **FILE 22230**
X
13. **CONDITIONAL USE PERMIT, C-8575, EARL JOHN PARDO** – Appeal of Earl John Pardo from the decision of the West County Board of Zoning Adjustment to deny an application to allow the continued operation of a residential care facility, in an ACBD-RC (Ashland Cherryland Business District Specific Plan, Residential/Commercial) District, located at 827 East Lewelling Boulevard, south side, approximately 250 feet east of Morrill Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0026-005-00.
Board of Zoning Adjustments (West) action: Deny the project.
Planning Staff recommendation: Deny the project and uphold the WBZA's action.
4231 5 **Upheld the action of the WBZA and denied the project** **FILE 22231**
X
14. **MODIFICATION OF TENTATIVE MAP, PARCEL MAP-8204, WINKLER** – Appeal of Robert Winkler from the decision of the Planning Director to allow modification of condition of approval No. 25 (to install a masonry wall along the eastern property line to the rear of lot 1) and a wood privacy fence for the remainder of the eastern property line which allowed the subdivision of one site into two parcels, containing approximately 0.89 acre in a R-1-B-E-CSU-RV (Single Family Residence, 10,000 square foot MBSA, Conditional Secondary Unit, Recreational Vehicle Regulations) District, located at 4868 Proctor Road, north side, 840 feet northwest of Redwood Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084D-1275-004.
Castro Valley Municipal Advisory Council: On September 8, 2003 CVMAC recommended a masonry wall to block the noise to an adjacent neighbor. Subsequently on April 9, 2007, CVMAC recommended modification of this condition based on past history of subdivisions not requiring masonry walls.
Planning Director's decision: Approve modification of original condition from requiring all soundwalls to only requiring a soundwall along the eastern property line to the rear of lot 1.
4321 5 **Approved modification to install a masonry wall along the eastern property line** **FILE 22232**
X **for the entire length of the house and a wood privacy fence with plantings for the remainder of the eastern property line.** **R-2007-259**
15. **ABATEMENT ORDER, NPO-0534, SUDESH KAYR**, 931 Delano Street, San Lorenzo, CA 94580 – In violation of the Neighborhood Preservation Ordinance 6.65.030 I (1) (the paving of more than 50% of a front yard in any residential district after June, 1999 including any standard walkway or driveway).
Planning Department recommendation: Deny the appeal and uphold the action of the BZA.
1234 5 **Continued to July 26, 2007** **FILE 22056**
X

16. **PERMITTING AND REGULATION OF GROUND CONCRETE SLURRY POND OPERATIONS IN THE UNINCORPORATED AREA OF ALAMEDA COUNTY** through modifications of the Zoning Ordinance (General Ordinance Code, Title 17, Zoning) and the Surface Mining Ordinance (General Ordinance Code, Title 6, Health and Safety, Section 6.80). The recommended modifications could potentially permit the processing and drying of concrete slurry (a product of concrete highway grinding and surface refinishing) in association with either existing surface mining operations or existing Class II landfill operations, or both, in applicable areas of Alameda County, subject to Planning Director approval and existing environmental laws.
Planning Commission recommendation: Approve as proposed.
Planning Staff recommendation: Approve and adopt the Planning Commission's recommendation.
- 1234 5 **Referred back to the Planning Commission for consideration and continued to the FILE 22233**
X **next Board Planning meeting.**

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

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