

SUMMARY ACTION MINUTES



BOARD OF SUPERVISORS
Planning Meeting
1:00PM

Regular Meeting

TUESDAY, JULY 8, 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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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: (three cases)

CONSENT CALENDAR

341 25 **Approved as recommended with the inclusion of Item #8 being continued to September 9, 2008 & Item**
XX **#13 being continued to July 22, 2008**

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.
Continue to November 4, 2008 **FILE 21739**
3. **CONDITIONAL USE PERMIT, C-8600, CHERUBIN'S CHILDRENS CENTER**, – Appeal of Rev. JoAnne Bennett, from the decision of the West 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.
Appeal withdrawn by the applicant **FILE 22547**
4. **LAND CONSERVATION WILLIAMSON ACT PRESERVE CONTRACT – A 3 Incorporated** – An application to:
Re-establish an Agricultural Preserve (Williamson Act) Contract for two parcels containing approximately 302.93 acres in an "A" (Agricultural) District (County General Plan designation of Large Parcel Agriculture, as amended by Measure D), located adjacent to Mines Road, unincorporated East County area of Alameda County; bearing County Assessor's designations: APN 099A-2320-003 and 099A-2410-002.
Planning Staff recommendation:
 - a) Adopt the attached resolution to make the findings required by Section 51257 of the Williamson Act for the Boundary Adjustment for the two subject parcels; and
 - b) Adopt the attached resolution to rescind the existing agricultural and open space preserves for the subject properties and re-establish an Agricultural Preserve (Williamson Act) Contract with the legal descriptions for the new parcels created by the Boundary Adjustment.**Approved as recommended** **FILE 23694**
5. **TRACT MAP, TR 6259 – Wentz Brothers** - An application to subdivide one 190-acre parcel into five lots,

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in a Planned Development District, Zoning Unit #1839, located at 5565 Tesla Road, at the southwestern intersection with Greenville Road, unincorporated area of Alameda County, bearing County Assessor’s designation: APN 099A-1610-007-00.

Planning Staff recommendation: Approve the findings required by Section 66474.4 of the Subdivision Map Act.

Approved as recommended

FILE 23695

- 6. **SAN LORENZO CREEK WATERSHED TASK FORCE UPDATE MEMO** - Status Report from the Chair of the San Lorenzo Creek Watershed Task Force.

Approved as recommended

FILE 23696

- 7. **TENTATIVE PARCEL MAP, PM-9043, GRAVETTE/LAMB SURVEYING, INC** – Application to subdivide one parcel containing approximately 320 acres, into three 100 acre-parcels, in an “A” (Agricultural) District, located at 11351 Tesla Road, south side, approximately 1.5 miles east of Reuss Road, Livermore area of unincorporated Alameda County, bearing Assessor’s parcel Number: 099A-2120-001-01.

Planning Commission action: Approve the project.

Planning Staff Recommendation: Approve the project.

Approved as recommended

FILE 23697

REGULAR CALENDAR

- 8. **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 County) action: Deny the project

Planning Staff Recommendation: Deny the project

341 25 **Continued to September 9, 2008**

FILE 23432

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- 9. **VARIANCE, V-11982, LOVE** – Appeal of Patrick Love from the decision of the West 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.

Castro Valley Municipal Advisory Council: Tie vote, 3 in favor and 3 opposed.

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

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

431 25 **Upheld the decision of the WBZA and denied the appeal and the variance**

FILE 23429

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10. **PARCEL MAP, PM-9236, BRIAN LESUR** – Appeal of Hollis Lesur from the decision of the Planning Director to deny Parcel Map PM-9236 for the subdivision of one parcel containing 0.37 acres into two parcels, with Boundary Adjustment (BA-15-07), in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 19223 Carlton Avenue, west side, approximately 380 feet south of Massachusetts Street, unincorporated Castro Valley Area of Alameda County, Designated Assessor’s Parcel Number: 084B-0441-043-00.
Castro Valley Municipal Advisory Council: Deny the parcel map.
Board of Zoning Adjustments (West): Approve the Parcel Map with conditions.
Planning Staff Recommendation: Approve the Parcel Map with conditions as recommended by the Board of Zoning Adjustments
- 431 25 Approved the parcel map conditioned upon the lot line adjustment recommended by the FILE 23624
XX West BZA, shifting 1,278 square feet so that the lot is consistent with lot size policies and
any second story addition is subject to site development review
11. **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 decision of the Planning Commission and deny the appeal.
- 431 25 Granted the appeal and denied the variance FILE 23141
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12. **ALTAMONT MOTORSPORTS PARK** - Appeal from Lakeside Motorsports-Altamont from the decision of the Planning Commission at its public hearing on June 16, 2008 to deny request for a one-time exemption from conditions of approval imposed by the Board of Supervisors on March 25, 2008 modifying Conditional Use Permit, C-5720, which governs the raceway, pursuant to Section 17.54.070 of the Zoning Ordinance. Altamont Motorsports Park is located at 17001 Midway Road, east side, approximately 2,200 feet south of Highway I-580, unincorporated Midway area, Assessor's Parcel Number: 099B-7675-005-07.
Planning Commission: Deny the exemption request and maintain the terms of the Board’s March 25, 2008 order.
Planning Staff recommendation: Review the terms of the March 25, 2008 Revocation Order; and Determine if modifications to the Board’s March 25, 2008 are warranted based on clarification of your Board’s intent, an evaluation of potential impacts to local residents, and determinations relating to the economic viability of the raceway.
- 134 25 Clarified March previous order from Revocation Hearing to require noise standards to FILE 22054
XX be met per vehicle and not cumulatively (i.e., multiple vehicles); testing for individual
cars not to exceed 86 dba at 100 feet from the edge of the track and 83 dba at the
property line and overturned Planning Commission’s decision to deny the one-time event
on September 13 and authorized the event, subject to; granted the four conditions listed
on page 3 of the staff report and also subject to the following conditions: (1) lights out at
the facility by 11pm; (2) County Sheriff and Code Enforcement manager (both at
applicant’s expense) present at event to ensure permit compliance; and (3) applicant to
coordinate noise monitoring with the Rivards’ noise consultant and permit them
appropriate access to the facility for that purpose; to be exempted for the one-time event
13. **BILLBOARDS** – First reading and introduction to consider amending Title 17 of the Alameda County General Ordinance Code, the General Requirements Section of the Zoning Ordinance. The proposed amendments would include prohibition of installation of any billboard or advertising sign in the unincorporated area of Alameda County except for those billboards which: legally exist; for which a valid

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permit has been issued and has not expired; and or are installed pursuant to an agreement relocating presently existing, legal billboards.

Planning Staff Recommendation: Adoption of the ordinance.

341 25
XX Continued to July 22, 2008

FILE 23698

14. **OUTDOOR MOBILE BUSINESSES** – First reading and introduction to consider proposed modifications to the Alameda County Zoning Ordinance to include Mobile Outdoor Businesses, including allowing them as Conditional Uses in the Office Commercial (C-O), certain Industrial (M-P, M-1 and M-2), and Highway Frontage (H-1) Zoning Districts; and to set siting and performance criteria for them.

Planning Staff Recommendation: Adoption of the ordinance.

341 25
XX Read title, waived reading of ordinance in its entirety and continued to Tuesday, 9/9/08 for second reading

FILE 23699

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

Right Margin Notes

1 President Haggerty A Abstained
2 Supervisor Steele X Excused
3 Supervisor Lai-Bitker N No

C Contract
O Ordinance
R Resolution

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- 4 Supervisor Miley
- 5 Supervisor Carson

BO Board Order

LIB Library

F22935
SW