BOARD OF SUPERVISORS
Planning Meeting
1:00 p.m.

Tuesday, March 10, 2015

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

SCOTT HAGGERTY, PRESIDENT
RICHARD VALLE
WILMA CHAN, VICE-PRESIDENT
NATE MILEY
KEITH CARSON

DONNA ZIEGLER
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.

Normally, the Board meets on Tuesdays and their meeting begins no earlier than 1:00 p.m. and may begin later, depending on the Closed Session, which normally begins at 1:00 p.m.
1:00 P.M.

CALL TO ORDER

1. APPROVE THE MINUTES OF PLANNING MEETING – JANUARY 6, 2015

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

2. Significant exposure to litigation pursuant to Subdivision (b) of Government Code § 54956.9 (four matters)

CONSENT CALENDAR

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

Attachment

4. PROPOSED GENERAL PLAN AMENDMENT AND ZONING ORDINANCE AMENDMENT - Modify specific text in the East County Area Plan (ECAP) and the Alameda County Zoning Ordinance (ACZO) to remove all references to oil, gas, petroleum, and drilling, exploration, and extraction thereof. This would have the effect of prohibiting all new permits for this land use where it is currently permitted as a Conditional Use, and rendering all existing permitted operations nonconforming.

Item to be continued to May 5, 2015

REGULAR CALENDAR

5. ALTAMONT WINDS, INC., MODIFICATIONS TO EXISTING CONDITIONAL USE PERMITS (AS APPROVED IN 2005 AND MODIFIED IN 2013), PLN2014-00028 and SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (FSEIR) - Application to modify 16 conditional use permits (CUPs) by extending for three (3) years, through October 31, 2018, beyond their current expiration date of October 31, 2015, for operation of an estimated 828 existing utility-scale wind turbines with a combined existing generation capacity of 85.8 megawatts (MW), located throughout the 14,436-acre Alameda County portion of the Altamont Pass Wind Resource Area (APWRA), in the eastern portion of Alameda County, adjacent to Interstate I-580, on up to 58 parcels bearing 58 separate Assessor’s Parcel Numbers.

Attachment

a. ALTAMONT WINDS, INC., MODIFICATIONS TO EXISTING CONDITIONAL USE PERMITS (AS APPROVED IN 2005 AND MODIFIED IN 2013), PLN2014-00028 - Appeal of Altamont Winds, Inc. (AWI) from the decision of the East County Board of Zoning Adjustments to deny AWI’s application to modify 16 conditional use permits (CUPs). Approval by resolution is contingent on adopting written findings of the significant impacts of the permit modifications, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program (MMRP).

East County Board of Zoning Adjustments: On February 2, 2015 the EBZA voted to deny the application for the Permit extension with a vote of three in favor and none opposed.

Planning Staff recommendation: That the Board of Supervisors uphold the decision of the EBZA to deny the Permit extension, unless circumstances warrant a short-term extension for 12 to 18 months while the Appellant obtains entitlements and funding to initiate repowering/replacement of the wind turbines and facilities.
b. ALTAMONT WINDS, INC., MODIFICATIONS TO EXISTING CONDITIONAL USE PERMITS, SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (FSEIR) – Appeal of Audubon California and affiliated regional chapters from the decision by the East County Board of Zoning Adjustments to certify the SEIR for modifications to the 16 existing CUPs.

**East County Board of Zoning Adjustments:** On February 2, 2015 the EBZA certified the Supplemental Environmental Impact Report (SEIR) by a vote of two in favor and one opposed.

**Planning Department recommendation:** That the Board of Supervisors uphold the certification of the SEIR.

6. REVIEW AND APPROVE THE ALTAMONT SETTLEMENT AGREEMENT EDUCATION ADVISORY BOARD’S EXPENDITURE PLAN FOR FISCAL YEAR 2015-2016 - Review and approve the proposed Altamont Settlement Agreement Education Advisory Board’s proposed Expenditure Plan for Fiscal Year 2015/2016, per Section 7.6.3 of the Altamont Landfill Settlement Agreement.

**Planning Staff recommendation:** Review and approve the proposed expenditure plan

Attachment

7. NAVAI PROPERTIES, REZONING, PARCEL MAP, PLN-2014-00062 - NAVAI PROPERTIES, REZONING, PARCEL MAP, PLN-2014-00062 - Adoption of a Mitigated Negative Declaration and petition to rezone a single parcel from the “R-1-L-BE” (Single Family Residence, Limited Agricultural Uses, 5 acre MBSA) District to a “P-D” (Planned Development) District allowing “R-1-L-BE” uses, 2 acre MBSA, with a secondary unit, subdivision into two single family residential parcels, and residential development on each parcel, located on Sycamore Road, south side, 1,000 feet west of Alisal Street, unincorporated Pleasanton area of Alameda County, bearing Assessor’s Parcel Number: 949-0007-016-02.

**Planning Commission recommendation:** Adopt the Initial Study/Negative Declaration and Addendum and approve the rezoning

**Planning Staff recommendation:** Adopt the Initial Study/Negative Declaration and Addendum and approve the rezoning

Attachment

8. RICHARD F GOLD, CONDITIONAL USE PERMIT, PLN-2012-00038 – Appeal of Stephen J. Russell, attorney representing Richard Gold, from the decision of the West County Board of Zoning Adjustment to deny the renewal of Conditional Use Permit (C-8640), to allow continued operation of a Type “B” Service Station, specializing in high-octane racing fuels, in a BDI (Business District Industrial) District within the Ashland Cherryland Business District Specific Plan, located at 594 and 610 East Lewelling Boulevard, north side, terminus north of Wickman Court, Ashland Area of unincorporated Alameda County, bearing Assessor’s Parcel Numbers: 413-0027-058-02; 3,969 square feet in area (0.091 acres) and 413-0027-059-00; 12,197 square feet in area (0.28 acre).

**West County Board of Zoning Adjustments recommendation:** Deny the project

**Planning Staff recommendation:** Uphold the WBZA’s decision and deny the conditional use permit

Attachment
9. **HUE TRAN/BRADDOCK & LOGAN, TRACT MAP/RESIDENTIAL SUBDIVISION AND REZONING, PLN2010-00100** - Adoption of a Mitigated Negative Declaration and petition to subdivide one 5.85 acre parcel into 17 separate residential lots with 1 remainder lot held in common ownership to provide stormwater treatment and rezone the tract to a PD (Planned Development) District allowing R-1-BE-CSU-RV uses, building heights of 28.5 feet and reduced side yards as specified in a 'R-1-BE-CSU-RV (Single Family Residential, 6,500 square foot Minimum Building Site Area, Conditional Secondary Unit, Recreation Vehicle) District, located on Proctor Road, south side, approximately 600 feet east of Ewing and Walnut Roads, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 84D-1403-17.

Planning Commission recommendation: Adopt the Initial Study/Negative Declaration and Addendum and approve the rezoning

Planning Staff recommendation: That the Board adopt the Initial Study/Negative Declaration and Addendum and approve the rezoning

Attachment

10. **APPEAL OF PUEBLO Duenas AND MARIA TOPETE RESIDENTS AT 3891 Star Ridge Road, FAIRVIEW AREA OF UNINCORPORATED ALAMEDA COUNTY, APN #425-0070-006-00** – From the decision of the West County Board of Zoning Adjustments action issuing Abatement Order #COD2014-00723 declaring the property in violation of Zoning Ordinance Sections 17.08.030 and 17.26.030 (number of animals kept on the property in excess of the maximum permitted).

West County Board of Zoning Adjustments recommendation: Declared the property in violation of Alameda County Ordinance 17.08.030 and 17.26.030

Planning Staff recommendation: Receive report, take public testimony, and uphold the WBZA Order to declare the property in violation of the Alameda County Zoning Ordinance Title 17.08.030 and 17.26.030

Attachment

11. **APPEAL OF JOSE S. AND HILDA ZENDEJAS, RESIDENTS AT 3798 Star Ridge Road, FAIRVIEW AREA OF UNINCORPORATED ALAMEDA COUNTY, APN #425-0050-014-00** – From the decision of the West County Board of Zoning Adjustments action issuing Abatement Order #COD2014-00719 declaring the property in violation of Zoning Ordinance Sections 17.08.030 and 17.26.030 (number of animals kept on the property in excess of the maximum permitted).

West County Board of Zoning Adjustments recommendation: Declared the property in violation of Alameda County Ordinance 17.08.030 and 17.26.030

Planning Staff recommendation: Receive report, take public testimony, and uphold the WBZA Order to declare the property in violation of the Alameda County Zoning Ordinance Title 17.08.030 and 17.26.030

Attachment

12. **APPEAL OF JOSE GARCIA, RESIDENT AT 3999 Star Ridge Road, FAIRVIEW AREA OF UNINCORPORATED ALAMEDA COUNTY, APN #425-0050-014-00** – From the decision of the West County Board of Zoning Adjustments action issuing Abatement Order #COD2014-00720 declaring the property in violation of Zoning Ordinance Sections 17.08.030 and 17.26.030 (the number of animals kept on the property in excess of the maximum permitted).

West County Board of Zoning Adjustments recommendation: Declared the property in violation of Alameda County Ordinance 17.08.030 and 17.26.030

Planning Staff recommendation: Receive report, take public testimony, and uphold the WBZA Order to declare the property in violation of the Alameda County Zoning Ordinance Title 17.08.030 and 17.26.030

Attachment
13. APPEAL OF RAMON AND BLANCA PEREZ, RESIDENTS AT 3993 Star Ridge Road, FAIRVIEW AREA OF UNINCORPORATED ALAMEDA COUNTY, APN #425-0070-001-00 – From the decision of the West County Board of Zoning Adjustments action issuing Abatement Order #COD2014-00722 declaring the property in violation of Zoning Ordinance Sections 17.08.030 and 17.26.030 (the number of animals kept on the property in excess of the maximum permitted).

**West County Board of Zoning Adjustments recommendation:** Declared the property in violation of Alameda County Ordinance 17.08.030 and 17.26.030

**Planning Staff recommendation:** Receive report, take public testimony, and uphold the WBZA Order to declare the property in violation of the Alameda County Zoning Ordinance Title 17.08.030 and 17.26.030

Attachment

14. APPEAL OF MANASES AND BRENDA ESTRADA, RESIDENTS AT 3759 Star Ridge Road, FAIRVIEW AREA OF UNINCORPORATED AREA OF ALAMEDA COUNTY, APN # 425-0070-009-00 – From the decision of the West County Board of Zoning Adjustments action issuing Abatement Order #COD2014-00721 declaring the property in violation of Zoning Ordinance Sections 17.08.030 and 17.26.030 (the number of animals kept on the property in excess of the maximum permitted).

**West County Board of Zoning Adjustments recommendation:** Declared the property in violation of Alameda County Ordinance 17.08.030 and 17.26.030

**Planning Staff recommendation:** Receive report, take public testimony, and uphold the WBZA Order to declare the property in violation of the Alameda County Zoning Ordinance Title 17.08.030 and 17.26.030

Attachment

15. SORANI / VERIZON WIRELESS, CONDITIONAL USE PERMIT, PLN-2014-00031 - Appeal of Paul Albritten on behalf of Verizon Wireless of Conditions of Approval #2 and #3 of the West Board of Zoning Adjustments approval of an application to allow the operation of a telecommunications facility, in the ‘Sub 7’ (Castro Valley Central Business District Specific Plan, Subarea 7) District, located at 20437 Redwood Road, west side, 400 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 084A-0080-011-09.

**West County Board of Zoning Adjustments recommendation:** Approve the project with modifications to Conditions of Approval #2 and #3

**Planning Staff recommendation:** Approve the project with modifications to Conditions of Approval #2 and #3

Attachment

16. MEMORANDUM OF UNDERSTANDING FOR THE EAST BAY CORRIDORS INITIATIVE

**Planning Staff recommendation:** That the Board adopt a resolution authorizing the Director of the Community Development Agency (CDA), or his designee, to execute the Memorandum of Understanding (MOU) for the East Bay Corridors Initiative.

Attachment

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

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

**ADJOURNMENT**