



BOARD OF SUPERVISORS
Planning Meeting
10:00 a.m.

Planning Meeting

Thursday, August 8, 2024

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

DAVID HAUBERT, VICE PRESIDENT	DISTRICT 1
ELISA MÁRQUEZ	DISTRICT 2
LENA TAM	DISTRICT 3
NATE MILEY, PRESIDENT	DISTRICT 4
KEITH CARSON	DISTRICT 5

SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

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. The Board of Supervisors allows in-person and remote observation and participation by members of the public at its meetings.

IN-PERSON PARTICIPATION: The meeting site is open to the public. All in-person participants must adhere to posted health and safety protocols while in the building. If attending in-person and you wish to speak on a matter, please fill out a speaker slip at the front of the Chambers and submit it to the Clerk as soon as possible. For both in-person and remote attendees, 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 on items not on the agenda. Items set for a certain time on the agenda may not be heard earlier than the time listed on the agenda and may not be called at exactly the time indicated on the agenda, depending on the business of the Board. 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.

REMOTE/TELECONFERENCE PARTICIPATION: Members of the public may observe and participate in meetings remotely via teleconference by following the instructions in the TELECONFERENCING GUIDELINES posted on-line at: https://www.acgov.org/board/bos_calendar/documents/TeleconferencingGuidelines-Planningmeeting.pdf. To simply observe the meeting via live broadcast visit: <http://acgov.org/board/broadcast.htm>.

Pursuant to Board Policy: (1) Signs that obstruct the view of meeting attendees are prohibited during Board meetings; (2) Demonstrations that disrupt the meeting are prohibited; (3) Each Board Member may request one continuance of any item to a meeting date within two regularly scheduled meetings. If you have questions regarding the agenda, please call the Clerk of the Board's Office at (510) 208-4949.

If you require the use of an assistive listening device, please ask the Clerk for a personal sound receiver. If you require a reasonable modification or accommodation for a disability, please contact the Clerk of the Board 24 hours prior to the meeting date at CBS@acgov.org or call (510) 208-4949 or (510) 834-6754 (TDD). The Board of Supervisors' meeting sites are wheelchair accessible. If you require language interpretation services, please contact the Clerk of the Board 72 hours prior to the meeting start time.

Written public comments may be submitted online at <https://bos.acgov.org/public-comments/> These comments will not be read during the public comment period. Written public comments submitted prior to 3:00 p.m. the day before the meeting will be routed to the Board and will be available for inspection prior to the Board meeting upon request to the Clerk of the Board. All written public comments routed to the Board and those written public comments received after 3:00 p.m. the day before the meeting and prior to the conclusion of the meeting will be made part of the official record on file with the Clerk of the Board.

The agenda, reports and supporting documents are available for public inspection online at <https://bos.acgov.org/broadcast/> and in the Clerk of the Board's Office. Writings that are public records relating to an open session item on the agenda that are distributed to all or a majority of the Board of Supervisors, less than 72 hours prior to the meeting or during the meeting, are made available for public inspection at the meeting if prepared by the County, or after the meeting if prepared by some other person. Documents are available for public inspection at the Clerk of the Board Office 1221 Oak St., Suite 536, Oakland, CA 94612 during normal business hours.

Levine Act — Campaign Contributions (Government Code Section 84308). As of January 1, 2023, the Levine Act (Government Code Section 84308) applies to Board of Supervisor proceedings involving a license, permit, or other entitlement for use Pursuant to Government Code Section 84308, no Board member shall accept, solicit, or direct a contribution of more than \$250 from any party or their agent, or from any participant or their agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the County or for 12 months after a final decision is rendered in that proceeding. Any Board member who has received a contribution of more than \$250 within the preceding 12 months from a party or their agent, or from a participant or their agent, shall disclose that fact on the record of the proceeding and shall not make, participate in making, or in any way attempt to use their official position to influence the decision. Pursuant to Government Code Section 84308(d), any party to a covered proceeding before the Board is required, and any participant to such a proceeding is strongly urged, to disclose on the record of the proceeding any contribution, including aggregated contributions of more than \$250 made within the proceeding 12 months by them or their agent to any Board member. The disclosure must include the name of the party or participant and any other person making the contribution, if any; the name of the recipient; the amount of the contribution; and the date the contribution was made. The disclosure shall occur in the manner required by Government Code Section 84308 and any applicable state or local regulations, opinions, or policies. No party or their agent, and no participant or their agent, shall make a contribution of more than \$250 to any Board member during the proceeding or for 12 months after a final decision is rendered in that proceeding. The foregoing statements regarding the Levine Act do not constitute legal advice, and parties and participants are urged to consult with their own legal counsel regarding the requirements of the law.

10:00 A.M.

CALL TO ORDER AND SALUTE THE FLAG

1. APPROVE THE MINUTES OF PLANNING MEETINGS – MAY 9, 2024

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

2. Significant exposure to litigation pursuant to Subdivision (d)(2) of Government Code § 54956.9 (two cases).

CONSENT CALENDAR

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

4. **ALTAMONT LANDFILL & RESOURCE RECOVERY FACILITY OPEN SPACE ADVISORY COMMITTEE – CITY OF LIVERMORE GRANT PROPOSAL** – Determine whether the recommendation of the Altamont Landfill & Resource Recovery Facility Open Space Advisory Committee to approve a grant application from the City of Livermore in the amount of \$1,284,000 to acquire 125 acres located at 18 Greenville Road (APN: 99B-5685-12), referred to as the “Greenville Road Property,” in fee title for open space preservation is consistent with the criteria set forth in the Altamont Landfill Settlement Agreement.

Planning Staff Recommendation: Find the recommendation of the Altamont Landfill & Resource Recovery Facility Open Space Advisory Committee to approve a grant application from the City of

Livermore to fund the acquisition of 125 acres for open space preservation is consistent with the criteria set forth in the Altamont Landfill Settlement Agreement.

Attachment

5. **ALTAMONT LANDFILL & RESOURCE RECOVERY FACILITY OPEN SPACE ADVISORY COMMITTEE – CITY OF LIVERMORE GRANT PROPOSAL** – Determine whether the recommendation of the Altamont Landfill & Resource Recovery Facility Open Space Advisory Committee to approve a grant application from the City of Livermore in the amount of \$980,000 to acquire 82 acres (APN: 902-9-3-1 and 902-9-3-2), referred to as the “Hartford Hills property,” in fee title for open space preservation is consistent with the criteria set forth in the Altamont Landfill Settlement Agreement.

Planning Staff Recommendation: Find the recommendation of the Committee is consistent with the criteria set forth in the Altamont Landfill Settlement Agreement.

Attachment

6. **ADOPT A RESOLUTION CONCURRING WITH THE ALTAMONT OPEN SPACE ADVISORY COMMITTEE’S APPROVAL** - Expenditure in the amount of \$56,000 for consulting services with the Alameda County Resource Conservation District (RCD) for an outreach and education program related to conservation easements and to establish a revolving fund to help landowners cover up-front appraisal costs associated with establishing conservation easements.

Planning Staff Recommendation: Adopt the resolution.

Attachment

REGULAR CALENDAR

7. **FIRST READING AND INTRODUCTION OF AN ORDINANCE AMENDING SECTIONS 17.04.010, 17.06.030, 17.30.110, 17.52.780, 17.54.225, AND 17.60.100 AND ADDING CHAPTER 17.55 TO ADOPT THE “ACCESSORY DWELLING UNIT AND JUNIOR ACCESSORY DWELLING UNIT ORDINANCE” TO THE COUNTY OF ALAMEDA ZONING ORDINANCE AND CONSIDERATION TO KEEP EXISTING “POLICY FOR SECONDARY UNITS IN RURAL RESIDENTIAL AND AGRICULTURAL AREAS”**

Planning Staff Recommendation: That the Board conduct a first reading of the Ordinance, approve the ADU and JADU Ordinance as recommended by the Planning Commission and adopt the exemptions from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15282(h) and Public Resources Code Section 21080.17 which exempt the local adoption of ordinances regarding second units in a single-family or multifamily residential zone to implement Government Code section 66310 *et seq* and pursuant to the general rule in CEQA Guidelines Section 15061(b)(3), which specifies that CEQA applies only to any project with the potential to cause a significant impact on the environment.

Attachment

8. **GENERAL PLAN AMENDMENT – APPROVE AN AMENDMENT TO THE GENERAL PLAN, MAKING TWO AGGREGATED CHANGES, PURSUANT TO GOVERNMENT CODE 65358(b):**
- A. **AN AMENDMENT TO THE ALAMEDA COUNTY GENERAL PLAN** - Adding an Environmental Justice Element (EJ Element) as required by SB 1000.
Planning Commission Recommendation: Approve the EJ Element
Planning Staff Recommendation: Adopt resolution adding the EJ Element as a new Element of the County’s General Plan
- B. **CASTRO VALLEY GENERAL PLAN MAP AMENDMENT** - For 4820 and 4848 Crow Canyon Road, Castro Valley, APNs 084C-1066-025-01 and 084C-1066-013-00.
Planning Commission Recommendation: Approve General Plan Amendment
Planning Staff Recommendation: Adopt a resolution approving the General Plan Amendment

C. ADOPT A RESOLUTION MAKING GENERAL PLAN AMENDMENTS FOR ITEMS 8A AND 8B ABOVE: (1) Adopting amendments to the General Plan to include an Environmental Justice Element; and (2) changing the land use designation in the Castro Valley General Plan for two parcels located at 4820 and 4848 Crow Canyon Road from Public Facilities (PF) to Rural Residential (RR).

Attachment

9. **PLN2021-00096 - SITE DEVELOPMENT REVIEW - BHULLAR / OUTFRONT MEDIA** - Proposal to remove 5 static billboard structures with 10 signs from 4 locations, and to construct and operate a double-sided 80 ft tall electronic billboard sign, in the "CN-C" (Corridor Neighborhood Commercial, ACBD Specific Plan) District, located at 17338 Langton Way, east side, 100 ft north of Lewelling Blvd, Ashland Area of unincorporated Alameda County, APN 414-0006-045-02. Pursuant to the California Environmental Quality Act, approval of this project will require the adoption of the project Mitigated Negative Declaration.

Eden Municipal Advisory Council Recommendation: Deny the project.

Planning Commission Recommendation: Adopt the Mitigated Negative Declaration and approve the project as proposed.

Planning Staff Recommendation: Adopt a resolution to approve the Mitigated Negative Declaration and approve the project with the recommended conditions.

Attachment

- **Continued from 12/8/22 (Item #6) and 1/12/23 (Cancelled)**

10. **APPROVE A BILLBOARD RELOCATION AGREEMENT BETWEEN OUTFRONT MEDIA AND ALAMEDA COUNTY FOR BILLBOARD LOCATED AT 17338 LANGTON WAY AND HIGHWAY 238**

Planning Staff Recommendation: Approve a Billboard Relocation Agreement with Outfront Media LLC to construct one new billboard structure with two digital sign faces, remove 5 existing billboards structures with 10 sign faces, pay Alameda County 10% of the annual net revenue from advertising, and provide free Alameda County public services messaging opportunities on the new billboards and delegate authority to the Community Development Agency Director, or her designee, to execute the Relocation Agreement, subject to review and approval as to form by County Counsel and submit a copy of the executed contracts to the Clerk of the Board for filing.

Attachment

- **Continued from 12/8/22 (Item #7) and 1/12/23 (Cancelled)**

11. **2568 GROVE WAY, HAYWARD AREA OF THE UNINCORPORATED ALAMEDA COUNTY, DESIGNATED ASSESSOR'S PARCEL NUMBER: APN #416-0040-037-00** - Appeal hearing regarding violations of the Alameda County Neighborhood Preservation Ordinance section 6.65.030 F (1) and B (6). For paving more than fifty (50) percent of the front yard.

Planning Staff Recommendation: uphold the decision of the West County Board of Zoning Adjustments (WBZA) and deny the appeal.

Attachment

12. **TOBACCO RETAILER APPEAL FOR TROPHY'S SMOKE SHOP LOCATED AT 22299 REDWOOD ROAD, CASTRO VALLEY AREA OF UNINCORPORATED ALAMEDA COUNTY, BEARING ASSESSOR'S PARCEL NUMBER: 084A-0181-059-04** – Appeal of tobacco retailer, Fakri Alwajeih, Trophy's Smoke Shop from the decision of the West County Board of Zoning Adjustments' action issuing Resolution Order #COD2023-01291 on May 22, 2024.

West County Board of Zoning Adjustments Action: Denied the appeal of the Retailer. In addition, the Retailer was found to be in violation of Alameda County Ordinance Chapter 3.58 and ordered 1) The Retailer to pay outstanding fines and fees; and 2) The revocation of the Retailer's tobacco retail license.

Planning Staff Recommendation: Adopt a resolution denying the Retailer's appeal and uphold the decision of the West County Board of Zoning Adjustments. In addition, determine the Retailer to be in violation of Alameda County Ordinance Chapter 3.58; and order the Retailer to pay outstanding fines and fees and order the revocation of Alameda County Tobacco Retail License number TRL2022-00007.

Attachment

PUBLIC INPUT

ADJOURNMENT