

**MINUTES OF MEETING**  
**WEST COUNTY BOARD OF ZONING ADJUSTMENTS**  
**MARCH 14, 2007**  
**APPROVED, APRIL 11, 2007**

The Regular Meeting was held at the hour of 6:00 p.m. in the Alameda County Building, 224 West Winton Avenue, Hayward, California.

**FIELD TRIP: 1:00 p.m.**

**MEMBERS PRESENT:** Vice Chair, Frank Peixoto and Dawn Clark-Montenegro.

**MEMBERS EXCUSED:** Chair, Ron Palmeri; Members; Jewell Spalding and Lester Friedman.

**FIELD TRIP:** The following properties were listed. However only Agenda Items, #1, #2, #6, #7, #9, #10, #12, #13, #14 and #15 were visited.

1. **RABIT NORZEL, CONDITIONLA USE PERMIT, C-8560** – Application to allow a retail store with alcohol sales, in an ACBD Specific Plan – 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.
2. **EDEN MEDICAL CENTER, CONDITIONAL USE PERMIT, C-8565** - Application to allow continued operation of a helicopter landing facility, in the CVCBD Specific Plan Subarea-4 (Castro Valley Central Business District Plan Sub-Area 4, Hospital/Medical-Oriented Office and Retail) District, located at 20103 Lake Chabot Road, east side, approximately 450 feet north of Congress Way, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Numbers: 084A-0279-001-01, 084A-0279-007-00, 084A-0279-005-07 and 084A-0279-010-00.
3. **ALCANCE VICTORIA IGLESIA/ PRIETO / KIM, CONDITIONAL USE PERMIT, C – 8566** – To allow the operation of a church facility, in a TC (Transit Corridor, Ashland Cherryland Area Specific Plan) District, located at 16888 East 14<sup>th</sup> Street, northwest side, approximately 200 feet southwest of 170<sup>th</sup> Avenue, unincorporated Ashland area of Alameda County, designated Assessor’s Parcel Number: 080A-0102-033-03.
4. **HARMAN MANAGEMENT CORP / DAN MUNDY, CONDITIONAL USE PERMIT, C-8569** - Application to allow the continued operation of a drive-in restaurant (Kentucky Fried Chicken), in a C-1 Retail Business District, located at 17630 Hesperian Boulevard, east side corner, northeast of Hacienda Avenue, unincorporated San Lorenzo area of Alameda County, designated Assessor’s Parcel Number: 412-0071-024-04.
5. **MEGAN JOHNSON, CONDITIONAL USE PERMIT, C-8572** – Application to allow continued operation of a commercial recreation facility (Curves) in a C-1 (Retail Business) District, located at 15938 Hesperian Boulevard, east side, approximately 300 feet north of Paseo Grande, unincorporated San Lorenzo area of Alameda County, designated Assessor’s Parcel Number: 412-0034-011-02.
6. **GURDIP SAHOTA, CONDITIONAL USE PERMIT, C-8573** – Application to allow liquor sales at Cherryland Grocery where beer and wine sales are already 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.

7. **LAKE CHABOT SPA, CONDITIONAL USE PERMIT, C-8574** - Application to allow the operation of a health spa, in the CVCBD Specific Plan – Sub 4 (Castro Valley Central Business District Specific Plan) District, located at 19830 Lake Chabot Road, east side, approximately 400 feet south of Somerset Avenue, unincorporated area of Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0150-010-02.

8. **EARL JOHN PARDO, CONDITIONAL USE PERMIT, C-8575** - 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.

9. **MARCO ANTONIO ARIAS, CONDITIONAL USE PERMIT, C-8576** – Application to allow sales of hard liquor in an existing tavern/ restaurant (Los Molcajetes) in a C-1 (Retail Business) District, located at 22152 & 22154 Redwood Road, east side, approximately 550 north of Grove Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 416-0030-017-02.

10. **HHT ENGINEERING, VARIANCE, V-12003** – Application to allow subdivision of one site into three lots: 1) an 18 foot driveway where 20 feet is the minimum required; 2) a driveway, one foot from a building wall where 10 feet is required; and 3) an 11 foot rear yard where 20 feet is required in an R-S-D-35 (Suburban Residence, 3,500 square foot, Minimum Building Site Area per Dwelling Unit Density) District, located at 134 Grove Way, northwest side, approximately, 150 feet southeast of Meekland Avenue, unincorporated Cherryland Area of Alameda County, designated Assessor's Parcel Number: 429-0032-030-00.

11. **FEDERICO RAMOS/NOOR WAIS, VARIANCE, V-12029** – Application to allow construction of four condominium units providing: 1) a 2-foot setback between driveway to dwelling wall, 2) no independent walkway where otherwise required, and 3) 10-foot between buildings where 20–feet is required located at 305 Willow Avenue, south side, east of Banyan Street, unincorporated Cherryland area of Alameda County, bearing County Assessor's Parcel number: 429-0059-041 and 429-0059-042.

12. **DELADADENA & AUFDERMAUER, VARIANCE, V-12051-** Application to allow construction of a dwelling 250 feet back from the front property line where 70 feet is the maximum allowed (Parcel B), in an R-1-B-40-CSU-RV (Single Family Residence, 40,000 square feet Minimum Building Site Area, Conditional Secondary Unit, Recreational Vehicle) District, located at Madison Avenue / Common, east side, approximately 650 feet north of Seaview Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0896-041-00.

13. **JAMES OFFERMAN, VARIANCE, V-12055** – Application to allow a six foot high fence where two feet is the maximum allowed, in an “R-1” (Single Family Residence, 5,000 square feet Minimum Building Site Area) District, located at 15851 Corte Angelo, southwest corner of Via Lacqua, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 411-0039-056-00.

14. **ENVISION HOME DEVELOPMENT, VARIANCE, V-12056** - Application to allow expansion of a non-conforming building with construction of a duplex with a: Zero foot setback from the access driveway where 10 feet is required, and a nine foot wide driveway where 20 feet is required, in an R-3-B-E (Three Family Residence, 8,750 square feet Minimum Building Site Area) District, located at 1435 – 166<sup>th</sup> Avenue, north east side, approximately 270 feet, north west of East 14<sup>th</sup> Street, unincorporated Ashland area of Alameda County, designated Assessor’s Parcel Number: 080-0076-030-00.

15. **DELADADENA & AUFDERMAUER, VARIANCE, V-12057** – Application to allow construction of a dwelling on a 30% slope or greater where otherwise not permitted 250 feet back from the front property line where 70 feet is the maximum allowed, (Parcel B) in an R-1-B-40-CSU-RV (Single Family Residence, 40,000 square feet Minimum Building Site Area, Conditional Secondary Unit, Recreational Vehicle) District, located at Madison Avenue / Common, east side, approximately 650 feet north of Seaview Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Numbers: 084C-0895-039-00, 084C-0895-041-00 and 084C-0895-040-00.

**REGULAR MEETING: 6:00 p.m.**

**MEMBERS PRESENT:** Chair, Ron Palmeri; Vice Chair, Frank Peixoto; Members, Jewell Spalding, Lester Friedman and Dawn Clark-Montenegro.

**MEMBERS EXCUSED:** None

**OTHERS PRESENT:** Phil Sawrey-Kubicek, Senior Planner; Yvonne Grundy, Recording Secretary

There were approximately 15 people in the audience.

**CALL TO ORDER:**

The meeting was called to order by the Chair at 6:00 p.m.

**NEIGHBORHOOD PRESERVATION AND ZONING ORDINANCE ABATEMENT HEARINGS**

**1.18735 MEEKLAND AVENUE, VIOLATION – SECTION 6.65.030, A1, A3, B2, C3, M1** an abandoned property and unsecured property with miscellaneous items and abandoned vehicle.

Member Spalding moved to adopt staff’s recommendation, declare the property a nuisance and abate to be complete within ten days and assess a re-inspection fee. Seconded by Member Clark. Motion carries unanimously.

**ANNOUNCEMENTS BY THE CHAIR:** The Chair made no announcements.

**OPEN FORUM:**

Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes.

No one requested to be heard under open forum.

**CONSENT CALENDAR:**

1. **OSBORNE/EASTWOOD, CONDITIONAL USE PERMIT, C-8547** Application to allow continued operation of a wireless communication facility (Sprint/Nextel) in an "A" (Agricultural) District, located at Eden Canyon Road, east side, approximately 2/3's of a mile north of I-580 Freeway, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085A-1200-001-11. (To be continued to May 9, 2007).
2. **GURDIP SAHOTA, CONDITIONAL USE PERMIT, C-8573** – Application to allow liquor sales at Cherryland Grocery where beer and wine sales are already 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. (To be continued to March 28, 2007).
3. **ALEXANDRU TET, VARIANCE, V-12016** – Application to allow conversion of an accessory structure into a secondary unit with A) a one foot rear yard setback where 20 feet is required; B) a two foot, eight inch side yard where six feet is required; and C) eight feet between structures where 10 feet is required in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 18787 Carlton Avenue, southwest side, approximately 255 feet southeast of Sydney Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0420-004-03. (Continued from September 13, October 25 and December 13, 2006; to be continued to July 11, 2007).
4. **FREDERICO RAMOS, VARIANCE, V-12029** - Application to develop a parcel with an existing residence by constructing three additional residences, requiring a variance for one of the units to allow a two foot setback between the driveway and dwelling wall and a 10 foot setback for three of the units and the driveway; no independent walkway; a reduction from the 20 foot building separation for two of the units; and a reduction in the area of usable open space, on a site of 25,403 square feet (0.58 acre), located at 305 Willow Avenue, south side, east of Banyan Street, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Numbers: 429-0059-041-00 and 429-0059-042-00. If the variances are approved, future approval of a Parcel Map would be sought by the applicant. (To be continued to March 28, 2007).

Vice Chair Peixoto moved to adopt the consent calendar. Member Friedman seconded. Motion carried 5/0.

#### REGULAR CALENDAR

The Chair announced the following items are being continued and withdrawn:

1. Item #4, C-8569 – Continued to March 28, 2007
  2. Item #7, V-12023 and PM-9237 – Continued to March 28, 2007
  3. Item #8, V-12037 – Withdrawn
  4. Item #9, V-12055 – Continued to April 11, 2007
1. **JOHN SULLIVAN, CONDITIONAL USE PERMIT, C-8495** – Application to allow continued use of one site for: a) an outdoor storage yard; b) occupancy of a contractor's unit; and c) contractor's storage yard, in an M-2 (Heavy Industrial) District, located at 16520 Worthley Drive, southwest side, approximately 1,650 feet southeast of Grant Avenue, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 438-0010-004-14. (Continued from August 9, August 23, October 11 and December 13, 2006 and January 24 and February 28, 2007).

Staff presented the staff report. The site has been cleaned up and all code violations have been resolved. Staff recommended approval of the application.

Member Clark asked about the caretaker unit. County staff said it is located on the property. Member Friedman asked if the complaints from EBMUD have been resolved. County staff said yes. The Chair questioned the conditions of the Public Works Clean Water Department and if these conditions have been included in the conditions of approval for the permit. Staff stated that all of the issues mentioned in the letter from Clean Water have been resolved. The landscape business has been evicted.

Public testimony was opened. Mr. Sullivan, the applicant, stated that all issues related to Clean Water have been resolved. Member Spalding wanted to know how the applicant can assure the board that the same situation with a future tenant will not bring the same problems. The applicant said he will most likely in the future have another tenant. The Chair asked if applicant had any objection with an additional condition to comply with Federal and State Clean Water laws and requirements. The applicant said no. Public testimony was closed.

Member Spalding motioned to adopt staff's recommendation of approval and subject to an added condition (9d) that all state and federal clean water requirements are satisfied at all times. Member Friedman seconded. Motion carried 5/0.

2. **EDEN MEDICAL CENTER, CONDITIONAL USE PERMIT, C-8565** - Application to allow continued operation of a helicopter landing facility, in the CVCBD Specific Plan Subarea-4 (Castro Valley Central Business District Plan Sub-Area 4, Hospital/Medical-Oriented Office and Retail) District, located at 20103 Lake Chabot Road, east side, approximately 450 feet north of Congress Way, Unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Numbers: 084A-0279-001-01, 084A-0279-007-00, 084A-0279-005-07 and 084A-0279-010-00.

Staff presented the staff report. The MAC recommended approval of the project and staff is also recommending approval. Member Friedman said page 2 mentions the lack of landscape on the site. Discussion on lack of compliance with landscape conditions of approval. Condition has been in force since 1996 but applicant has not complied.

Public testimony was opened. Bob Bolso, representing Eden Medical Center, stated that they have had a trauma center for the last 20 years and have had this conditional use permit for the last ten years. He said there is a very steep slope where there is a continued problem with erosion. He said they will plant new plants to help slow down the erosion of the hill. Member Spalding asked if the applicant has had an opportunity to read the staff report and agrees with all conditions. The applicant answered yes. Public testimony was closed.

Vice Chair Peixoto motioned to adopt staff recommendation of approval. Member Spalding seconded. Motion passed 5/0.

3. **ALCANCE VICTORIA IGLESIA/ PRIETO / KIM, CONDITIONAL USE PERMIT, C – 8566** – To allow the operation of a church facility, in a TC (Transit Corridor, Ashland Cherryland Area Specific Plan) District, located at 16888 East 14<sup>th</sup> Street, northwest side, approximately 200 feet southwest of 170<sup>th</sup> Avenue, Unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080A-0102-033-03.

Staff presented the staff report. Staff's recommendation is approval. Vice Chair Peixoto asked if the facility met the Fire Department's inspection. He expressed concern with the condition of the building. Member Friedman asked about the 32 sq ft sign on the premises. Staff said that the sign does not meet the sign ordinance but staff is recommending that it stay because it fits the space where it is located. Member Friedman asked if the facility has been operating four years without a permit. Staff said yes. Discussion in regards to the amplified music. Member Spalding stated that the proposed condition is not to have amplified music. Chair

Palmeri expressed concern with no response from Fire and Building Department. There's also no comments from Redevelopment, Clean Water and other Public Works departments. Why is it that no one followed up with these agencies for comments? Staff said that Clean Water no longer responds to the referral letters. Redevelopment most of the time does not respond. He said most of the time Building Department responds but did not in this case. The Chair expressed concern with the lack of response to referrals. Staff said Clean Water will not respond unless you are covering more than 10,000 square foot of impervious surface and most of these projects do not qualify.

Public testimony was opened. The applicant stated that they were not knowledgeable in regards to zoning regulations and that is why they did not have a permit. Now we are trying to get into compliance with zoning regulations. Member Clark asked the applicant to explain the sentence in the report that states "after the services, members go out into the street and counsel..." The applicant said that members of the church go out into the neighborhood to evangelize and talk to people. Vice Chair Peixoto asked the applicant if he agrees with the condition of no amplified music for the church. The applicant said they want to continue being at that location but would like to have music. Vice Chair Peixoto said the building is small and they might not need amplifiers for the music. Discussion ensued amongst board members and applicant in regards to the music being performed during services. Member Spalding suggested that the music be kept to a certain number of hours or during i.e. Sunday service. Staff said minimal level would be hard to enforce, putting on select hours would be better. The Chair said the amplified music could be used during Sunday services as long as it does not disturb adjacent neighbors. The applicant asked to keep music during the Wednesday service also with minimal amplified music so as to not affect the neighbors. Public testimony was closed.

Member Spalding motioned to adopt staff recommendation of approval adding the additional qualifications that the applicant satisfy the Alameda County Fire Department inspection within 30 days and comply with all building requirements and to modify provision # 5 as follows:

No amplified music is allowed, except Wednesday starting at 7:00 p.m. services and Sunday services and amplified music to be set at the lowest volume so as to not disturb the neighbors; and condition number 6, for review in one year for compliance with all of the conditions.

Vice Chair Peixoto seconded. Motion carried 5/0

4. **HARMAN MANAGEMENT CORP / DAN MUNDY, CONDITIONAL USE PERMIT, C-8569** - Application to allow the continued operation of a drive-in restaurant (Kentucky Fried Chicken), in a C-1 Retail Business District, located at 17630 Hesperian Boulevard, east side corner, northeast of Hacienda Avenue, Unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 412-0071-024-04.

Staff requested a continuance to the March 28, 2007. Vice Chair Peixoto motioned to continue the application to March 28, 2007. Member Friedman seconded. Motion carried 5/0.

5. **LAKE CHABOT SPA, CONDITIONAL USE PERMIT, C-8574** - Application to allow the operation of a health spa, in the CVCBD Specific Plan – Sub 4 (Castro Valley Central Business District Specific Plan) District, located at 19830 Lake Chabot Road, east side, approximately 400 feet south of Somerset Avenue, unincorporated area of Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0150-010-02.

Staff presented the staff report. Staff is recommending approval. The MAC is also recommending approval. Member Friedman asked if the business has been operating with no permits for the last four years as stated on page 3 of the staff report. Staff said that the previous owner never provided massage service and that is why now they are required to have a new conditional use permit. Member Friedman asked if staff has reviewed the

hours of operation. It seems extensive, especially because one neighbor has expressed concern with these long hours. Staff said the previous business had the same hours of operation. Staff said this office is located in a medical building. Member Friedman stated that normally in a medical building all offices are closed on Sunday and partly on Saturday. This problem with noise and privacy would not happen if the medical building operated regular hours. Member Spalding said that on page 3 staff indicates that there was a prior owner. This permit is only for the massage portion of the businesses. The office is only approximately 800 sq ft. Public testimony was opened. The applicant, Jorge Heus, representing the applicant clarified some of the facts lacking on the staff report. This business is located on the street level in the front of the building

and not close to the residences in the back. The office faces Lake Chabot. In regards to the parking complaint, there are 14 parking spaces for this office, which is plenty of parking. One of the complaints was about classes but we are not holding any classes with loud music. The majority of our clientele are from the businesses in the neighborhood and they come to our office after working hours. The Sunday hours stipulates 7:00 p.m., we would like to stay open until 8:30 p.m. This spa has only had a massage permit for the last five years, the owner is now offering additional cosmetic, health and beauty spa. There is one licensed masseuse on staff. Public testimony was closed.

Staff wanted to add that the Sheriff's Office responded to the referral letter and they have no complaints. Vice Chair Peixoto motioned to adopt the staff recommendation for approval. Member Spalding seconded. Motion carried 5/0.

6. **EARL JOHN PARDO, CONDITIONAL USE PERMIT, C-8575** - 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.

Staff presented the staff report. Staff's recommendation is approval. Member Friedman noted that, item 11 on page 6, the staff report states that the permit should be continued for three years until 2012. That is the wrong date. Staff confirmed that it is wrong. The recommendation should be for five years.

Public testimony was opened. Mr. Pardo, representing the applicant, stated that most of his residents are adults. The residents are referred to the facility by Alameda County. The diagnosis of most residents is schizophrenia. The applicant stated that some of the clients once rehabilitated from John George come to this facility. The residents have the right to come and leave. They have daily activities. Member Friedman asked if the facility is licensed. The applicant said no, because they are a room and boarding facility. They tried to get a license from the state as an adult residential facility but so far do not have one. Member Friedman asked how many staff members and training they have. The applicant said they only have 4 staff members and he said he attended a training and staff members have experience working in this field. The staff members do not have a license. He trains his own staff. He said County Case management personnel always come to check the residents at the facility. The applicant said he has a nurse on staff.

A neighbor expressed concern with the type of residents at the facility. Her most serious concern was that one of the residents came to her trying to contact her 16 year old son. She said she would like to have a fence between her house and this facility. The majority of the residents, late 20's to 60's, always roam around into her yard. They are heavy smokers. Her facility is located at 817, adjacent to this property. She has two residents and is licensed for four, 60 years and older. She has issues with the next door neighbors being drunk. She has been in operation for the last ten years. She has called the Sheriff's Office many times because of issues with this facility. Member Spalding asked about a designated smoking area. She said that the staff report states that they should only smoke in the front of the facility. She asked the neighbor where would the designated area should be. The neighbor stated that they should be able to smoke only in the back. The

neighbor said that the residents in this facility do not have enough supervision, some of these residents come out of jail, and some of these residents do not have a place to go during the day and just hang around in front of the building. She owned the property prior to this property being bought by the current owner. She would like to have the fence.

The applicant said that he is willing to put up the fence and he wants the neighbor to share the cost. The applicant offered to do the fence once but the neighbor refused. Public testimony was closed.

Member Clark asked if the facility was inspected by Fire or Building. County staff said the Fire Department did inspect the site. He does not know if planning staff inspected the inside of the facility. Staff said it looks well maintained from outside. Vice Chair Peixoto questioned about the current facility operating under the previous CUP which is not for a room and board. Staff said the residential care facility does not have to be licensed. Discussion ensued amongst board members on boarding home definition. Staff said that the zoning ordinance has no definition for residential care facility. Chair Palmeri asked if this is going to function as a residential care facility, shouldn't they have a license? The current use of providing boarding house for patients mentally disabled is not the same as the previous permit which was for elderly. Are there limitations or restrictions on expansion of care facilities in this area.? Is there a guideline for proximity of these care facilities in the area? Member Friedman said comparisons on page 2 do not include the one next door. Staff said ones that have six or less residents do not need a permit. There is a policy that was adopted by the Board but not sure that the policy mentioned distance from other facilities. The Chair questioned the definitions of the original permit and the current one for a different clientele and the validity of the extension of the current permit. County Counsel stated that this should be considered a new application. Chair Palmeri mentioned that there is an over concentration of care facilities in the area and he thought that there was a policy of how close they can be to each other.

Member Friedman, asked County staff how come the statement on page 3 said that there were no comments from the Sheriff's Office, but there was testimony from the neighbor on complaints filed with the Sheriff's. Staff did not know why this happened.

Discussion ensued amongst board members on the past and current use and if the application constitutes an extension of the current permit. Member Spalding stated that the use is not required by this community as there are so many already in the area. This is a new use being introduced in the area and will affect the neighborhood. They have minimal supervision which can cause problems in the neighborhood. It adversely affects person residing and doing business in the area.

Member Clark agrees with Member Spalding but staff should have a chance to write a new staff report. Staff stated that in looking at the file the planner did go into the facility. At one time these properties were together and now they are separate and staff was not aware of any issues between the neighbors. Chair Palmeri stated that the staff report does not reflect the current conditions of the facility. There are safety issues with this facility with fire and building and they have not been resolved. There's also lack of supervision. They need adequate supervision. A total of 4 staff members to run a 24/7 facility is not enough. The board needs adequate and updated information before taking appropriate action.

Vice Chair Peixoto moved to continue the item to April 11, 2007. Member Friedman seconded. Motion carried 5/0.

7. **JOE TEIXEIRA, VARIANCE, V-12023, PARCEL MAP, PM-9237** – Application to subdivide one parcel containing 0.54 acres into three lots, and allow an eight foot, front yard setback from the proposed private street where 20 feet is required on one lot where the habitable areas of an existing residence will be retained, allow a 10 foot front yard setback from the street where 20 feet is required on a second lot proposed for new construction, and allow a 16 foot wide, private street

where 20 feet is required, in a R-1-SU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 19448 Lake Chabot Road, east side, approximately 250 feet north of Barlow Drive, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084B-0529-038-04. (Continued from October 25, December 13, 2006 and January 10 and February 7, 2007; to be continued to July 11, 2007).

Staff requested a continuance to the March 28, 2007 hearing. Member Clark motioned to continue this item to March 28, 2007. Member Spalding seconded. Motion carried 5/0.

8. **MICHAEL GAHAGAN, VARIANCE, V-12037** – Application to allow a secondary unit of 720 square feet in area where 640 square feet is the maximum allowed in an, R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4157 Krolop Road, south side, approximately, 450 feet west of Vineyard Avenue, unincorporated, Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1140-017-12. (Continued from January 10, January 24 and February 28, 2007).

**This item was withdrawn by the applicant.**

9. **JAMES OFFERMAN, VARIANCE, V-12055** – Application to allow a six foot high fence where two feet is the maximum allowed, in an "R-1" (Single Family Residence, 5,000 square feet Minimum Building Site Area) District, located at 15851 Corte Angelo, southwest corner of Via Lacqua, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 411-0039-056-00.

Staff requested continuance of this item to April 11, 2007. Staff asked that Ms. Nancy Van Huffle comments be turned in for the record. Vice Chair Peixoto moved to continue the item to April 11, 2007. Member Clark seconded. Motion passed 5/0.

10. **ENVISION HOME DEVELOPMENT, VARIANCE, V-12056** - Application to allow expansion of a non-conforming building with construction of a duplex with a: Zero foot setback from the access driveway where 10 feet is required, and a nine foot wide driveway where 20 feet is required, in an R-3-B-E (Three Family Residence, 8,750 square feet Minimum Building Site Area) District, located at 1435 – 166<sup>th</sup> Avenue, north east side, approximately 270 feet, north west of East 14<sup>th</sup> Street, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0076-030-00.

Staff presented the staff report. Staff's recommendation is denial of the variance. Staff said the Fire Department made general comments on the application, nothing that would stop the project.

Public testimony was opened. The applicant, Bob Scott, spoke on the application and asked for comments from the board in order to make this project possible. The Chair asked if the applicant wants more time to work with county staff to look at possible alternatives to the plan. The applicant asked that the application be continued to April 11, 2007. Public testimony was closed.

Member Friedman motioned to continue the application to April 11, 2007. Member Spalding seconded. Motion carried 5/0.

**APPROVAL OF THE MINUTES:** Approval of minutes for February 28, 2007 was continued to the next meeting.

**STAFF COMMENTS & CORRESPONDENCE:** County Counsel noted that Redwood Christian School had sued the County of Alameda claiming primarily that the County violated a Federal Law prohibiting discrimination on land use decisions related to religious institutions. The Jury found that Alameda County did not do anything wrong. He asked that the board continue its good work of reviewing all permits and meeting all requirements related to these applications. Discussion ensued on other options for the school site.

**CHAIR'S REPORT:** The Chair expressed his concern with Redevelopment lack of referral response to the applications in the project areas. The County and community have spent a lot of time and money on plans for these areas. The board needs guidance from redevelopment on future development in the project areas. The Chair asked that this comment be sent to James Sorenson with his response on the lack of response from Redevelopment. The Public Works Agency non response on Clean Water regulations is also a concern to this board. There should at least be a comment in the staff report where there is an exemption. Board members discussed the possibility of having staff from Redevelopment, Building and Fire Department attend to the next meeting and respond to some of these concerns. Most of these permits have not been inspected by these departments and we have been approving the permits. The Chair suggested a workshop with all of these agencies.

**BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS:** None

**ADJOURNMENT:**

There being no further business, the hearing adjourned at 9:20 p.m.

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**CHRIS BAZAR - SECRETARY**

**WEST COUNTY BOARD OF ZONING ADJUSTMENTS**