

**Minutes of Meeting**  
**West County Board of Zoning Adjustments**  
**Wednesday, April 12, 2006**  
(Approved May 24, 2006)

**Field Trip: 1:00 p.m.**

**MEMBERS PRESENT:** Members Frank Peixoto, Chair; Member Clark.

**MEMBERS EXCUSED:** Ron Palmeri, Jewell Spalding, Lester Friedman and Dawn Clark

**OTHERS PRESENT:** Steve Buckley, Assistant Planning Director.

**FIELD TRIP:** The meeting adjourned to the field and the following property was visited:

1. **4000 AUTO WRECKERS, CONDITIONAL USE PERMIT, C-8419** – Application to allow continued operation of an auto dismantling yard, in an M-2-B-E (Heavy Industrial, 5 acre Minimum Building Site Area) District, located at 3810 Depot Road, south side, approximately 0.75 miles west of Clawiter Road, unincorporated Eden area of Alameda County, designated Assessor's Parcel Number: 0439-0070-008-06.
2. **CHARLES & DONNA KOOPMAN, CONDITIONAL USE PERMIT, C-8441** – Application to allow continued operation of a horse boarding facility, in an "A" (Agricultural) District, located at 10330 Crow Canyon Road, west side, approximately 1.8 miles north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 0085-1901-002-01.
3. **T MOBILE USA, CONDITIONAL USE PERMIT, C-8474** – Application to allow continued use of a wireless telecommunication facility (Cell Site), in an ACBD Specific Plan – TC (Ashland and Cherryland Business District Specific Plan – Transit Corridor) District, located at 15770 East 14<sup>th</sup> Street, north side, approximately, 170 feet west of 158<sup>th</sup> Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 080-0035-104-00.
4. **PHOI PHAN, VARIANCE, V-11951** – Application to allow construction of four dwelling units with: a) A five foot side yard; b) a two foot driveway set back, raised to four feet; c) 1,536 square feet of open space where 2,400 square feet of open space is required; d) no sidewalk; and e) A 13 foot wide driveway where 16 feet is required in an R-S-D-20 (Suburban Residence, 2,000 square feet Minimum Building Site Area per Dwelling Unit) District, located at 230 Laurel Avenue, north side, approximately 400 feet west of Princeton Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0091-058-00.
5. **WILLIAM & MILDRED NULL, VARIANCE, V-11986** – Application to retain an existing attached carport providing a two foot side yard where five feet is the minimum, in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 3979 Westbury Road, south side, approximately, 150 feet west of Thornbury Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1342-048-00.
6. **JORGE VILLEGAS, VARIANCE, V-11988** – Application to allow construction of a single family residence with side yard setbacks of four foot, six inches where five feet is required, in an R-S-D-35 (Suburban Residence, 3,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 181 Grove Way, north side, approximately 540 feet east of

Meekland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0046-021-00.

7. **ANTHONY WRIGHT, VARIANCE, V-11989** – Application to allow construction of a seven foot, six inch high fence where four feet, zero inches is the maximum height allowed, in an “A” (Agricultural) District, located at 22469 Eden Canyon Road, north west side, approximately 0.65 miles north east of Hollis Canyon Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085A-0100-003-00.
8. **EKUNDAYO SOWUNMI, VARIANCE, V-11991** – Application to allow construction of a conforming attached addition and retain an existing detached garage covering 48% of the yard where 30% is the maximum, in an R-1 (Single Family Residence) District, located at 15800 Via Alamitos, east side, corner south of Grant Avenue, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 0412-0025-001-00.
9. **FOREST CIRCLE / LLC, VARIANCE, V-11993** – Application to allow construction of a new detached secondary unit two stories, 26 feet in height where one story and 15 feet in height are the maximum; and providing a three foot, six inch side and rear yard where six feet and 20 feet are required, in an R-S-D-20 (Suburban Residence, 2,000 square feet per Dwelling Unit) District, located at 20554 Forest Avenue, east side, approximately 350 north of Vincent Court, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0713-012-01.
10. **AARON RUNOLFSON, VARIANCE, V-11994** – Application to allow construction of attached additions to an existing dwelling so as to provide a 10 foot front yard where 20 feet is required and maintain an existing two foot side yard where five feet is required, in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 1636 Crescent Avenue, north side, approximately 150 feet, west of North 5<sup>th</sup> Street, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 415-0220-030-00.
11. **LUIS ROBLES, VARIANCE, V-11995** – Application to allow construction of a second dwelling providing a 10 foot wide driveway where 12 feet is the minimum and a zero foot setback between a driveway and a dwelling, and a dwelling and dwelling wall, in an R-S-D-35 (Suburban Residence, 3,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 167 Blossom Way, south side, approximately, 300 feet east of Meekland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0032-017-00.
12. **DONOVAN MC KEEVER, VARIANCE, V-11998** – Application to construct an attached addition and a secondary dwelling unit providing a three foot, two inch side yard where six feet is required; and two parking spaces where three parking spaces are required in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 19349 Santa Maria Avenue, west side, approximately 300 feet south of Lux Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0570-125-03.
13. **UBALDO CASTRO, VARIANCE, V-11999** – Application to construct an attached room addition providing a 16 foot front yard where 20 feet is required as measured from a Future Width Line, in an R-1-SU (Single Family Residence, Secondary Unit) District, located at 476 Blossom Way, north side corner of Haviland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0019-053-00.

**Regular Meeting: 6:00 p.m.**

**A. Call to Order/Roll Call**

Members present: Frank Peixoto, Dawn Clark, Ron Palmeri, Jewell Spalding and Lester Friedman.

**B. Neighborhood Preservation and Zoning Ordinance Abatement Hearings**

The Chair instructed members of the audience in regards to the Abatement Hearings.

1. 2608 Jacob Street, Hayward
2. 18863 Meekland Avenue, Hayward
3. 6537 East Castro Valley Blvd, Castro Valley

**C. 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.

**D. Consent Calendar**

1. **BEHZAD BARFEEL, CONDITIONAL USE PERMIT, C-7992** – Application to allow operation of an auto sales and minor service facility in the ACBDSP (Ashland Cherryland Business District Specific Plan) District, located at 21265 and 21273 Mission Blvd, southwest side, approximately 150 feet northwest of Blossom Way, unincorporated Cherryland area of Alameda County, bearing Assessor’s Parcel Number: 414-0076-028-00 (Continued from May 22, 2002; January 22, March 26, and November 5, 2003; April 14, September 8, November 10 2004 and March 9, August 24, 2005; to be continued without discussion to October 25, 2006).
2. **JERRY REILLY/WEST WINTON AVE. LLC, VARIANCE, V-11980** - Application to allow 1) one site with 3,948 square feet as a building site which is less than the minimum 5,000 square feet required; and 2) allow an addition above the garage with a zero foot front yard setback where 20 feet is required, in an R-1 (Single Family Residence) District, located at 14643 Saturn Drive, west side, approximately 600 feet south of Joan Drive, unincorporated Ashland area of Alameda County, designated Assessor’s Parcel Numbers: 079-0006-033-02 and 079-0006-032-02. (Continued from February 22 and March 22, 2006; to be continued without discussion to May 10, 2006).
3. **PATRICK LOVE, VARIANCE, V-11982** – Application to allow a garage conversion with on-site parking in the side yard, in an R-1-SU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 3773 Cottage Court, north side, approximately, 284 feet west of Parsons Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Number: 084D-1329-017-00. (To be continued without discussion to May 24, 2006).
4. **ANTONIO LOPEZ, CONDITIONAL USE PERMIT, C-8410** – Application to allow continued operation of an outdoor storage facility for pallets and materials associated with a pallet business in an M-1 (Light Industrial) District, located at 2493 Dunn Road, north side, approximately 92 feet east of the Southern Pacific Railroad, unincorporated Eden area of Alameda County, designated Assessor’s Parcel Number: 0439-0013-017-00. (To be continued without discussion to May 24, 2006).
5. **LUIS ROBLES, VARIANCE, V-11995** – Application to allow construction of a second dwelling providing a 10 foot wide driveway where 12 feet is the minimum and a zero foot setback between a driveway and a dwelling, and a dwelling and dwelling wall, in an R-S-D-35

(Suburban Residence, 3,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 167 Blossom Way, south side, approximately, 300 feet east of Meekland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0032-017-00. (To be continued without discussion to May 24, 2006).

Member Friedman questioned why item number 1 has been continued since 2002. County staff suggested that the item be taken out of the consent calendar and bring it back at the next hearing. Member Friedman asked if it could be brought before the board on May 24, 2006. County staff stated that there was some issue with the indoor and outdoor car sales policy.

Member Palmeri moved to adopt the consent calendar with the amendment to item #1 to be continued to May 24, 2006. Member Friedman seconded the motion. Motion carried 4/0.

E. Regular Calendar

1. **4000 AUTO WRECKERS, CONDITIONAL USE PERMIT, C-8419** – Application to allow continued operation of an auto dismantling yard, in an M-2-B-E (Heavy Industrial, 5 acre Minimum Building Site Area) District, located at 3810 Depot Road, south side, approximately 0.75 miles west of Clawiter Road, unincorporated Eden area of Alameda County, designated Assessor's Parcel Number: 0439-0070-008-06.

Staff presented the staff report. This auto dismantling yard has been in business for several years. The Fire Department wants additional inspection. There is also some question about some buildings on the site and if they were built with building permits. City of Hayward commented on the application and their main concern is that this business will eventually be annexed to the City. They would like to see a shorter conditional use permit so that when it is annexed the City will have authority to regulate the land use. Staff is proposing to extend the permit for one year.

Discussion ensued on inaccuracies in the staff report. Member Friedman mentioned that condition number 8 asks for an extension to 2011. Member Spalding also mentioned that the City is asking that vehicles should not be stacked higher than the chain link fence and travel ways should be paved. The Chair noted that for now we are operating under current County zoning and not the City. Mr. Friedman also noted that the staff report mentioned the gate should be closed but it is not listed as part of the recommendations. Member Friedman also questioned the building permits for the building structures on the property. County staff stated that the board can amend condition #4 giving the applicant 30 days to comply with Fire and Building codes.

The Chair noted that the applicant was not present. Discussion ensued on Board's past policy to require that the applicant be present at the meeting if the conditions of approval are changed.

Member Friedman made a motion to amend staff's findings to the following:

- Terminate the conditional use permit in April 12, 2007
- Obtain all required Fire and Building permits
- Closing of gate at all times
- Item #2 to include adequate parking
- Amend page 1 of staff notes, no on site parking to read on site parking can be created

Member Spalding added:

- The height of the cars, debris shall not exceed that of the chain link fence
- Take out all "shoulds" and replace them with "shall"

Member Palmeri reiterated that the applicant should be present since the staff report is being changed from the original recommendations. Member Friedman also noted that there is a Mobile Site on the premises and the applicant wants it to stay on site until 2006. However the applicant does not have a permit for the cell site. Member Palmeri also requested that staff relay to the applicant all of the changes that have been suggested to the

staff report. This will allow the applicant to comply with some of the conditions prior to coming to the next hearing.

Member Friedman agreed and removed the initial motion and made a new motion to continue the item to May 10, 2006. Member Spalding seconded. Motion passed 5/0.

2. **T MOBILE USA, CONDITIONAL USE PERMIT, C-8474** – Application to allow continued use of a wireless telecommunication facility (Cell Site), in an ACBD Specific Plan – TC (Ashland and Cherryland Business District Specific Plan – Transit Corridor) District, located at 15770 East 14<sup>th</sup> Street, north side, approximately, 170 feet west of 158<sup>th</sup> Avenue, unincorporated Cherryland area of Alameda County, designated Assessor’s Parcel Number: 080-0035-104-00.

Staff presented the staff report. This business has been in existence since 1998. The business has changed hands and the cell site applicant is requesting the extension for one year in order to move to a new location. Staff is recommending a monetary fee of \$670 and that the project be approved.

Member Spalding stated that this site is located in the redevelopment project area. Other members commented on the conditions of the location and that it has become an eyesore. Member Spalding stated that the Sheriff’s Office does not oppose the application as not as it does not interfere with emergency communication services. The Chair stated that he understands that if a problem occurs that it is the responsibility of the applicant to correct the problem.

The applicant, Chris Martinez representing T-Mobile, said that they purchased the site in 2005. In September of 2005 T-Mobile immediately began to take action in trying to regulate this site. The previous carrier mentioned that this site was part of a current litigation. T-Mobile would like to move this site to Bayfair Mall. T-Mobile will always comply with all regulations, specially emergency services frequencies. The Sheriff’s operate with 800 mg., T-Mobile operates with a 1950, so we are quite away from the Emergency services. However we would immediately remedy the problem so as not to interfere with Emergency services.

Member Palmeri inquired about what could be done immediately to conceal the blight at this iste during this waiting period to a new location. The applicant stated that knowing the site he is not sure that anything can be done to remedy the situation. T-Mobile purchase it this way. There is a 9 foot wall and the gate could be changed in the front to block the view from the street. We can’t change the looks of the antenna. Member Palmeri questioned about having potted plants. Mr. Martinez stated that putting the potted plants in the front area is a good idea. The site needs to be on the air, absolutely necessary to operate right now. We will try to beautify it. This is truly the worst looking site.

The Chair asked if they will be ready to move in August. Mr. Martinez stated that it is pretty sure that it will be moved. It is a matter of getting the lease from the property owner, what takes the time is the new conditional use permit and the building permit. Mr. Martinez said that this site is a pass through site to other sites. Mr. Martinez said that T-Mobile is asking to remove the microwave receiver in August and one year for the removal of the site. Member Clark asked if there are any other towers in the area where they could relocate. Mr. Martinez said yes, they could co-locate. He said a collocation would take the same amount of time. Mr. Friedman stated that there is a large tower on the side by Target for co-location. Mr. Martinez said that tower is owned by Crown Castle. Mr. Martinez stated that it would be a good location for T-Mobile and they would explore that option.

Member Palmeri moved to adopt staff tentative findings to grant a conditional use permit subject to these clarifications: that the conditional use permit for the temporary location of the microwave or antennas will expire in 4 months from today, the conditional use permit to allow temporary cell phone location will expire in one year from today’s date, with the added condition that within 10 business days the applicant will have installed subject to the approval of the Planning Director some temporary landscaping screening, i.e. planter boxes, so that the trailer is not visible from the street. Mr. Friedman seconded. Motion carried 5/0.

3. **JORGE VILLEGAS, VARIANCE, V-11988** – Application to allow construction of a single family residence with side yard setbacks of four foot, six inches where five feet is required, in an R-S-D-35 (Suburban Residence, 3,500 square feet Minimum per Dwelling Unit) District, located at 181 Grove Way, north side, approximately 540 feet east of Meekland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor’s Parcel Number: 0429-0046-021-00.

Staff presented the staff report. The lot has a single family dwelling. The proposal is to replace the home with a two story pre-manufactured home with a two car garage. The main issue is that this predesigned home is 46 feet wide and the property is 56 foot wide. The Cherryland Community Association recommended denial. The chair questioned staff if the current home is being replaced by the new one. Mr. Buckley stated that he gave the wrong information, this is a new home being added to the back of this lot. In 2004 a variance was given for the side yard for the current home. Discussion ensued on the inaccuracy of the measurement of the lot.

The applicant, Mr. and Mrs. Villegas, stated that with the previous variance they thought the property measured 56 feet wide and 106 in length. Later on with the land survey they found out that the lot is only 51.1 feet wide. Discussion ensued amongst board members and applicant on wrong information possibly given to them by planners on the measurement of the lot. They have already purchase the manufactured home and the size of the home can’t be changed. The applicants asked that the board approve the application.

Board members asked county staff to explore if erroneous information counts as a special circumstance. Member Palmeri asked about the equitable extople in regards to the erroneous information provided by the County. County Counsel suggested that the matter be continued to explore the special circumstance.

Member Spalding moved to continue this item to April 20, 2006. Member Palmeri seconded. Motion carried 5/0.

4. **ANTHONY WRIGHT, VARIANCE, V-11989** – Application to allow construction of a seven foot, six inch high fence where four feet, zero inches is the maximum height allowed, in an “A” (Agricultural) District, located at 22469 Eden Canyon Road, north west side, approximately 0.65 miles north east of Hollis Canyon Road, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Number: 085A-0100-003-00.

Staff presented the staff report. The Fire Department and Public Works asked that a gate be provided for ingress and egress. Staff found no special circumstance for the additional height. The CVMAC recommended approval. The Chair asked about comment on page 3, regarding a prior conditional use permit which allows a fence not to exceed twelve feet. Board members asked clarification from staff. Staff said the conditions of approval could require a higher fence depending on the application, i.e. telecommunication tower. Member Palmeri asked if the fence is already built. Board members stated that if there is a conditional use permit is pending, both applications should be heard together. The applicant is not present.

Member Spalding moved to continue this matter to continue this matter to be heard with the conditional use permit. Member Friedman seconded. Motion passed 5/0.

5. **EKUNDAYO SOWUNMI, VARIANCE, V-11991** – Application to allow construction of a conforming attached addition and retain an existing detached garage covering 48% of the yard where 30% is the maximum, in an R-1 (Single Family Residence) District, located at 15800 Via Alamitos, east side, corner south of Grant Avenue, unincorporated San Lorenzo area of Alameda County, designated Assessor’s Parcel Number: 0412-0025-001-00.

Staff presented the staff report. Staff is recommending approval based on the precondition. The San Lorenzo Homeowners Association recommended approval of this application. Member Spalding asked if this is a legal non conforming that was rendered non conforming by the action of the County. Staff said that the garage is pre

existing prior to 1965. The fence surrounds the yard and provides additional parking next to the garage. Staff is asking that the fence is brought into conformance and realigned to the driveway apron.

The applicant stated that he will change the fence height and bring it down to be in compliance.

Member Palmeri moved to approve the variance and add to conditions of approval relative to the realignment and height of the fence. Member Spalding seconded as modified. Moved 5/0.

F.      Approval of Minutes – March 8

Item 2, second line, should read “regarding the identity”.

Member Palmeri moved to approve as amended. Member Friedman seconded. Member Clark abstained. Moved 4/0

G.      Staff Comments & Correspondence

H.      Board Announcements, Comments & Reports

Member Palmeri commented that the issue of applicants providing inaccurate information to the planning department comes up all the time and maybe the county should request that the applicant have a survey done before the application is taken in by the department. Discussion ensued amongst county staff and board members on the need to have official surveys with every application. County staff said they are trying to be more diligent and agrees a survey is a good idea. Management will have to discuss the cost issue associated to every application.

Member Palmeri moved to have staff at the management level discuss applications and requirement of surveys with accurate verifiable information instead of relying upon applicants information. Member Spalding seconded. Moved 5/0.

I.      Adjournment

The Chair questioned about the three vacancies coming up on the board. He also asked about his appointment is over one day prior to the next meeting, can he still serve on this board. County Counsel said that the board member can continue to serve at the pleasure of the board.

Meeting adjourned at 8:55 p.m.

**NEXT WEST COUNTY BOARD OF ZONING ADJUSTMENT HEARING  
WEDNESDAY, APRIL 26, 2006**