

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
APRIL 28, 2010
(APPROVED MAY 12, 2010)

The Regular Meeting was held at the hour of 1:30 p.m. in the Alameda County Building, 224 West Winton Avenue, Hayward, California.

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Chair, Dawn Clark-Montenegro; Vice Chair, Kathy Gil; Members, Jewell Spalding, Frank Peixoto and Ineda Adesanya.

MEMBERS EXCUSED: None.

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner; County Counsel, William Fleishhacker; Code Enforcement staff; and Yvonne Bea Grundy, Recording Secretary.

There were approximately 4 people in the audience.

CALL TO ORDER: The meeting was called to order by the Chair at 1:35 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Vice Chair announced the Regular Calendar would be the first item on the agenda.

REGULAR CALENDAR

1. **Economic Development and Redevelopment Agency Presentation:** Projects and Programs in Unincorporated County:
Bill Lambert, Economic Development
Jaimie Benson, Redevelopment Agency

The Assistant Director of the Redevelopment Agency and Director of Economic Development, Mr. Bill Lambert was present. He explained the difference between the two agencies. The primary responsibility of the Redevelopment Agency is to collect property taxes, and work with physical structures to diminish blight. This can take many tangible forms such as façade, sidewalk and streetscape improvement. Economic Development is business attraction, creation and retention. An Economic Development strategy was developed for the Unincorporated County. One conclusion was that an Economic Development Director was needed. Mr. Lambert was hired for this purpose. He links redevelopment with economic development by engaging the community, property and business owners to assess their needs. This may be financing or interaction with the permit center. Businesses in the community may face a gamut of issues. Most business managers have problems understanding the leasing side of a business transaction. Once a property is obtained, it has to be occupied or leased. Economic Development helps people understand this process. Another overlooked aspect of Economic Development is business creation. Resources need to be directed to likely entrepreneurs. Mr. Lambert conducted an analysis of the economic base of unincorporated County. This identified the economic strengths and weaknesses. One area of economic strength is located along the industrial corridor on Grant Avenue, in San Lorenzo. A strong economic cluster of medical services exists in the Cherryland area. There is also a strong medical service area surrounding the hospital in Castro Valley. Further analysis was conducted to determine the availability of business support services. Results showed the area came up short. In response, Economic Development conducted a Business Fair. Representatives from the lending community, non-profit technical support groups, Small Business Administration, and the Work Force

Investment Board were present. This year another Business Fair will take place on May 18, 2010. The County has contracted with an organization called the Alameda County Small Business Development Center. The organization does not have an official connection with the County. It is funded by the Small Business Administration, and the State of California. The Peratla College District manages the Center. The Center has business consultants that specialize in marketing, venture capital, high tech, retail and web site development. They will also conduct 5 classes which will include: How to start a business, Retail 101, Retail 102, How to access capital, and How to write a business plan. They will also provide assistance to existing businesses, and one on one consulting. Economic Redevelopment's job is to bring resources to the business community. Another role Mr. Lambert plays is to interface with the planning department when issues arise regarding conundrums in the zoning ordinance. He identifies things that can make the process go more smoothly. The goal is to make things more accessible and friendly for the business community; as the job of Economic Development is business attraction, creation and retention. The County also has a contract with the Chamber of Commerce, which assists with marketing.

The Vice Chair pointed out sometimes there is a contradiction between comments received from redevelopment versus, economic development. Member Spalding did not believe Mission Boulevard was experiencing the same level of redevelopment as Castro Valley. She referenced an example of an application for a use permit where the applicant had no tenant, and was out of business. The use was a non-conforming. The Applicant wanted to continue to do business. Redevelopment was against continuance of the use. However economic development was in favor of continuance. In addition the landlord was not complementary of the level of customer in the unincorporated area. Mr. Lambert said he did speak with the Applicant in that particular case. They did not discuss street traffic. However he did speak with County Counsel. Counsel confirmed if a non-conforming use was vacant less than a 6 month period. It could be started again. That is one specific example, often there are conflicts. The Vice Chair thought it would still be helpful if redevelopment and economic development coordinated. This would provide direction for the BZA. Mr. Peixoto said in some instances it may be preferable to have a business, as opposed to an empty site. Member Adesanya said for example the Redevelopment Agency may want a business use to end, it may take 10 years for the new uses to begin; therefore the division of Economic Development within the Redevelopment Agency may want the use to continue until then. The Vice Chair agreed the agencies should confer and present both views. Member Spalding thought there should be considerations. If a property owner is not taking care of their property, they may not be entitled to continue the use. To grant continued use for a site that has issues is highly irregular. The history of a site is very important. Mr. Lambert said currently he did not get referrals. They are sent to Redevelopment. He will ask that referrals are forwarded to him in the future. If a use produces jobs and taxes, economic development he will consider the use. As a finance director he wants to generate sales, and property taxes. Lots of things are inherently conflicted. Sometimes redevelopment and economic development do not always agree. He does not win all discussions. Often he has a different point of view. In design review, he represents the retailer's perspective. This is often different from planning. He introduces another viewpoint that is not always popular. Member Spalding said consistency with planning is good. It can create a "best case scenario" which is good for economic development, and improves the community. Mr. Lambert responded the Agencies always try to do their best. For example the Redevelopment Agency has shown the City of Hayward their new Specific Plan for northern Mission Boulevard. They hope there will be coordination. The Mission Boulevard area is not being ignored. There are several other projects he is currently working on. It is very difficult to get projects going in these economic times. Member Adesanya said she is not necessarily looking for consistency but all points of view, and more thorough information. Member Spalding agreed full analysis should be presented. There may be times when there is not a joint decision. Mr. Lambert responded he often coordinates with the Planning Department. He attends a lot of meetings, and maintains an open dialog. In the future when there are two points of view regarding a planning project, he will insert a paragraph from the economic development perspective. There are two upcoming projects in which he will have an opportunity to use this method. Further Board questions were as follows:

- Is there a specific Citizens Advisory Committee for Redevelopment
- Do community advisory groups have voting status on projects that use redevelopment funding
- Are advisory groups given economic or redevelopment financial information
- Who staffs the community meetings
- Are there redevelopment funds available for the Eden area
- Is there a report that identifies available and/or earmarked redevelopment funds and projects
- What are the stumbling blocks to redevelopment in the San Lorenzo area

Mr. Lambert told the Board the group that originally wrote the Economic Development Strategy continues to meet. The Economic Development Committee does not vote. Representatives from all of the County areas attend. They meet quarterly and function in an information sharing capacity. At the last meeting a list of projects was discussed, including an upcoming marketing conference. The Planning Director attended, and discussed Code Enforcement issues. Supervisor Lai Bitker's Office provides staff for the meetings. There was discussion of a more formal advisory process, however at this point the solution is integration into existing structures. Mr. Lambert has invited people on the Community Advisory Committees to Economic Development Committee meetings and vice versus. Many people attend both. There is an overlap, a loose coalition. Members of each committee have asked how they can provide value. The agendas for these meetings can be distributed. In general issues that involve money are referred and discussed at the Citizen's Advisory Group meetings. There are four CAC's that represent the Redevelopment Project Areas. The CAC's advise redevelopment. Some decisions are made within redevelopment, like façade grants. Larger projects like the purchase of property go to the Board of Supervisor's for a vote. Issues involving Planning are referred to the BZA or the Planning Commission. Depending on their interest, people can attend the appropriate venue and weigh in. The redevelopment agency has a budget that includes a project list. An agenda from the Economic Development Committee meeting will give an overview of current projects, and activity. However many economic development projects do not require money. For example there is a marketing project underway that mostly requires talking to potential tenants. They don't show up on a budget. There is a summary report used in staff meetings. He will speak with the Director of Redevelopment. Perhaps a quarterly report can be generated. The Vice Chair agreed sending a copy of the Economic Development Committee meetings to the CAC's is a good idea. The committees can exchange ideas.

Mr. Lambert again reviewed the strong points of the Eden area business clusters. The medical service business is a strong point in Cherryland. Also the high traffic counts due to local freeways. The area is very accessible due to the close proximity to transportation. Redevelopment had hoped this combination would translate into retail businesses. Due to the economic environment this has proven difficult. In comparison Castro Valley has an advantage in demographics, due to the higher education level. The industrial area in San Lorenzo around Grant Avenue is a strong corridor. However one issue is the limited number of eateries. In addition there are not a lot of vacancies in San Lorenzo. Redevelopment has held some community meetings. However turnout has been low. A survey was also sent to area residents. Return surveys show people in San Lorenzo are generally happy.

Neighborhood Preservation Ordinance Abatement Hearing

1. **Michael Jung, Princeton St., Hayward, CA 94541**

In violation of the Alameda County Ordinance 6.65.030 A (1).

1. Overgrown vegetation and weeds in the front and rear yards.

The Vice Chair motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Spalding seconded the motion. Motion carried 5/0.

2. Richard and Eloise Kateton, Via Esmond, San Lorenzo, CA 94580

In violation of the Alameda County Ordinance 6.65.030 A(1) A(9).

1. Overgrown weeds and vegetation.
2. Trash and debris.

Member Spalding motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Peixoto seconded the motion. Motion carried 5/0.

3. Nhu T. Huynh, Elgin Street, San Lorenzo, CA 94580

In violation of Alameda County Ordinance 6.65.030 A (8), A (9) and A (10)

1. Overgrown vegetation and weeds.

Member Peixoto motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Spalding seconded the motion. Motion carried 5/0

4. US Bank National Association, D Street, Hayward, CA 94541

In violation of Alameda County Ordinance 6.65.030 A (8), A (9) and A (10).

1. Overgrown vegetation and weeds.

Member Adesanya motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. The Vice Chair seconded the motion. Motion carried 5/0.

5. Deutsch Bank National Trust Co., Doane Street, San Lorenzo, CA 94580

In violation of Alameda County Ordinance 17.52.330 and 6.65.030 E (1) and E (2)

1. Boat stored in the front yard and partially on unpaved surface.

The Vice Chair motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Adesanya seconded the motion. Motion carried 5/0.

6. Ann Popplewel Tr., Green Court, San Leandro, CA 94578

In violation of Alameda County Ordinance 6.65.030 A (8), A (9), A (10) and A (13)

1. Overgrown vegetation and weeds on property including the parking strip area.

The Vice Chair motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Spalding seconded the motion. Motion carried 5/0.

7. Cynde L Convington, Lenross Ct., Castro Valley, CA 94546

In violation of the Alameda County Ordinance 6.65.030 A (1, 8, 9, 10).

1. Overgrown vegetation & weeds in the front, side & rear yards.
2. Accumulation of debris & miscellaneous items in driveway.

Member Peixoto motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. The Vice Chair seconded the motion. Motion carried 5/0.

8. Katharina Rodgers, Garrison Ave., Castro Valley, CA 94546

In violation of the Alameda County Ordinance 6.65.030 A (8,10).

1. Overgrown vegetation & weeds in the side & rear yards.

Member Spalding motioned to declare the property a public nuisance require abatement in 20 days as opposed to staff recommendation of 10 days. Member Peixoto seconded the motion. Motion carried 5/0.

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. **WOMEN ON THE WAY, CONDITIONAL USE PERMIT, PLN-2009-00161** - Application to allow renewal of a Conditional Use Permit for an existing recovery center, in an R-1-SU (Single Family Residential with Secondary Unit) District, located at 20424 Haviland Avenue, east side, approximately 154 feet north of Cherry Way, in the unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0019-023-00. **Staff Planner: Carole Kajita.** (To be continued to May 26, 2010).
2. **T-MOBILE USA / CHRIS COONES, CONDITIONAL USE PERMIT PLN-2009-00090** – Application to allow installation of a new antenna array on a 11 foot, 6 inch high extension to the top of a 100 foot high PG&E high voltage transmission tower, with ground equipment placed between the four tower legs, in a PD (Planned Development 1268th Zoning Unit) District, located at 18832 West Cavendish Place, north side, approximately 125 west of Troost Court, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085-1510-013-00. **Staff Planner: Richard Tarbell.** (Continued from December 16, 2009 and March 24, 2010; to be continued to May 26, 2010).

Member Spalding motioned to accept the Consent Calendar as presented. The Vice Chair seconded the motion. Motion carried 5/0.

APPROVAL OF MINUTES: Member Peixoto motioned to accept the Minutes of April 14, 2010 with submitted corrections. The Vice Chair seconded the motion. Motion carried 4/0/1. Member Adesanya was not present at the April 14, 2010 Hearing, therefore did not participate in the vote.

STAFF COMMENTS & CORRESPONDENCE:

Staff will update Board parking permits.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Spalding asked staff additional questions regarding the Initial Study for PLN-2009-00102, Coptic Church:

- Is the use being considered a "new Use"
- Has the application been referred to Friends of the Creek

- Is staff recommending a Mitigated Negative Declaration
- Would each referral agency have to adopt a Mitigated Negative Declaration

Staff said the use permit is under consideration is new as it is an expansion. A variance is also required for the proposed height of the recreation facility. The application has been referred to Friends of the Creek. The creek behind the site is not a blue line creek but a drainage swale. Staff is recommending a Mitigated Negative Declaration for the project. Member Spalding raised the question as to if the swale was original to the site. There had been extensive fill. Counsel further explained added the lead Agency is responsible for making a determination regarding the Environmental Impact Report and the Declaration for the project. In this case the Planning Department is the lead Agency. The Board may want to limit further discussion at this time, since this item is not on today's Agenda. This application will be heard on May 12, 2010.

The Chair thought the presentation given by the Redevelopment Agency was good. She asked staff to follow-up on obtaining the Redevelopment Agency Activity Report.

Member Spalding asked Code Enforcement to visit a property two homes from the corner on D Street and Maude Avenue regarding a dilapidated fence and weeds.

ADJOURNMENT: There being no further business, the hearing adjourned at 4:35 p.m.

ALBERT LOPEZ - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS