

**MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
JUNE 27, 2007
APPROVED ON JULY 11**

The 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 Ron Palmeri; Vice Chair Frank Peixoto; Members Lester Friedman and Dawn Clark-Montenegro.

MEMBERS EXCUSED: Jewell Spalding,

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner; Brian Washington, County Counsel office; and Nilma Singh, Recording Secretary.

There were approximately nineteen people in the audience.

CALL TO ORDER: The meeting was called to order by the Chair at 1:30 p.m.

ANNOUNCEMENTS BY THE CHAIR: None.

NEIGHBORHOOD PRESERVATION ORDINANCE ABATEMENT HEARING

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.

Howard Beckman discussed Member Friedman's statements regarding the Eden Area and Castro Valley General Plan boundary issues. He has submitted a formal demand of resignation of Member Friedman to the Board of Supervisors. He submitted his written statement for the record.

Member Friedman, in rebuttal, stated that all his actions have been cleared by Supervisor Miley and resented the allegations which he said were untrue. The flier did not contain any inflammatory statements. He added that there are allegations against Mr. Beckman and Commissioners Hancocks and Ready. Letters have been submitted to Supervisor Miley for their removal from the Planning Commission.

Nancy Van Huffle, in response, said that in her opinion, the flier contained about ten inflammatory pieces of information which were misleading, prejudicial and emotional. She disagreed that the General Plan areas affect the property values and the psychological affect of being located in the Eden Area.

Member Friedman, in rebuttal, pointed out that Castro Valley MAC had voted 7/0 on Monday in favor of keeping the area within Castro Valley. He has distributed only one flier which includes the wording "...it may negatively impact...". His opinion is also backed by numerous appraisers and realtors. Every realtor must now disclose the existence of the Plan which already has a negative impact.

CONSENT CALENDAR:

1. **JOSE OLIVAREZ, CONDITIONAL USE PERMIT, C-8559** – Application to allow the continued operation of an indoor recreation facility in an ACBD-FA (Ashland Cherryland Business Districts Specific Plan) Freeway Access District, located at 20613 Mission Boulevard, southwest side, approximately 100 feet,

northwest of Medford Avenue, unincorporated Cherryland Area of Alameda County, designated Assessor's Parcel Number: 414-0041-037-00. (Continued from February 28, March 28, April 25, May 23 and June 13, 2007; to be continued to July 25, 2007).

2. **LOURDES TRAUTNER, CONDITIONAL USE PERMIT, C-8597** – Application to allow an alcohol outlet (Beer & Wine) in an ACBD Specific Plan –TC (Ashland Cherryland Business District Specific Plan – Transit Corridor) District, located at 16490 East 14th Street, southeast side, approximately 160 feet south of 165th Avenue, unincorporated, Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0071-049-00. **WITHDRAWN**
3. **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. (Continued from March 28 and May 23, 2007; to be continued to August 22, 2007).
4. **AC MAHARAJ CONSTRUCTION, VARIANCE, V-12060** – Application to allow the construction of two new single family dwellings with a zero foot setback from the existing dwelling wall to the driveway where 10 feet is required, in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 670 & 672 Hampton Road, north side, approximately 150 feet northwest of Camden Avenue, Unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0026-100-00. (Continued from May 9 and June 13, 2007; to be continued to July 25, 2007).
5. **SEAD SISIC, VARIANCE, V-12061** - Application to allow a six foot high fence where four feet is the maximum, and to allow an accessory structure in the front half of the lot in an "R-1-RV" (Single Family Residence, Recreational Vehicle) District, located at 18658 Crest Avenue, northeast side, approximately 440 feet northwest of Titan Way, in the unincorporated Castro Valley area of Alameda County, and designated Assessor's Parcel Number: 084B-0370-007-13. (Continued from May 23, 2007; to be continued to August 22, 2007).
6. **ARNOLDO HERNANDEZ / PETTIT, VARIANCE, V-11978 and SITE DEVELOPMENT REVIEW, S-2051**– Application to allow the conversion of an existing attached one car garage to living space and provision of two uncovered spaces in the rear, in an R-1-CSU-RV (Single Family Residential) District, located at 4421 Alma Avenue, south side, approximately, 770 feet west of Brickell Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0820-014-00. (Continued from September 27 and November 8, 2006, January 10 and March 28, 2007; to be continued to July 25, 2007).
7. **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. (Continued from April 12, May 24, July 12 and 26, September 27 and November 8, 2006; January 10 and March 28, 2007; to be continued to July 25, 2007).

Member Clark made the motion to approve the Consent Calendar per staff recommendations. Member Peixoto seconded the motion which carried unanimously. Member Spalding was excused.

The Chair announced a break. Meeting reconvened at 2:30 p.m.

REGULAR CALENDAR

1. **BAY AREA COMMON SERVICES, CONDITIONAL USE PERMIT, C-8580** - Application to allow continued operation of a 12 bed residential care facility, in an R-1 (Single Family Residence) District, located at 22505 Woodroe Avenue, west side, approximately 3/10's of a mile north of Kelly Street, unincorporated, Fairview area of Alameda County, designated Assessor's Parcel Number: 417-0080-005-04.

Mr. Sawrey-Kubicek read the project description and confirmed that no response has been received from Fairview Community Club and the standard for similar facilities has been five year permits.

Public testimony was called for. Gary Hall, Associate Director of Woodroe Place, explained that since 1978, the facility has been granted five-year permits without any concerns and a longer permit would be beneficial for funding/grant purposes.

Public testimony was closed. Member Peixoto made a motion to approve the application for five years subject to the recommended conditions of approval. A ten-year permit was too long in the event there is a concern in future. Member Friedman seconded. Motion carried 4/0. Member Spalding was excused.

2. **JOHN WENTWORTH, CONDITIONAL USE PERMIT, C-8592** – Application to allow continued operation of a residential care facility, in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 177 Hampton Road, south side, approximately 175 feet east of Harvard Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 413-0047-007-02.

Staff presented the application.

Public testimony was called for. John Wentworth, applicant, stated that all conditions have been complied with. Fire Inspection was completed today and he further submitted a receipt and photographs in support.

Public testimony was closed. Member Friedman made the motion for an approval subject to the recommended conditions. Member Clark seconded which carried unanimously. Member Spalding was excused.

3. **FOSTER FAMILY TRUST, CONDITIONAL USE PERMIT, C-8593** –

Application to allow continued operation of a car rental business, in an ACBD-FA (Ashland Cherryland Business Districts Specific Plan) – Freeway Access District, located at 20885 Mission Boulevard, west side corner north of Medford Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0041-039-01.

Staff read the project description. The Chair noted the lack of response from Cherryland Association. Staff confirmed that although the project was referred on April 10th, no response has been received.

Public testimony was called for. Mr. Grant, representing the Foster Family Trust, concurred with staff recommendation.

Public testimony was closed. Member Peixoto made the motion for an approval as recommended by staff. Member Clark seconded the motion which carried unanimously. Member Spalding was excused.

4. **PEDRO BOADO JR., CONDITIONAL USE PERMIT, C-8596** – Application to allow continued operation of a veterinary clinic, in a P-D (ZU-1683) Planned Development, 1683rd Zoning Unit, located at 1510-150th Avenue, in the unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 080-0020-016-00.

Mr. Sawrey-Kubicek read the project description.

Public testimony was called for. Ms. Boado, a representative, was available for questions.

Eleanor Joslyn, who had provided a speaker card, did not provide any testimony as her concerns had been answered.

Public testimony was closed. Member Clark made a motion to adopt staff recommendation for an approval and Member Peixoto seconded. Motion carried 4/0. Member Spalding was excused.

5. **RAYMOND WONG / RAJESHWAR SINGH – CONDITIONAL USE PERMIT, C-8492 and VARIANCE, V-11997** – Application to construct two new secondary dwelling units and retain the existing dwelling as the third unit providing a 12 foot wide driveway where 20 feet is required: a 16 foot rear yard where 20 feet are required; and 7,440 square feet of lot area where 7,500 square feet is required for a third unit in an R-2-B-E (Two Family Residence with a Minimum Building Site Area of 8,750 square feet) District, located at 16790 Los Banos Street in the unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0083-007-01. (Continued from July 12, 26, August 23, September 27, October 11, November 15 and December 13, 2006; March 28, April 11 and May 9, 2007).

Staff read the project description and noted the denial recommendation. In response to the Board, he confirmed that the Applicant was personally advised of the recommendation and the existence of the easement. The Applicants were not available and no other public testimony was submitted. Member Friedman made the motion to deny the Conditional Use Permit and the Variance as recommended by staff. Member Clark seconded. Motion carried unanimously. Member Spalding was excused.

6. **LEE'S SIGN/LINDA THAI – VARIANCE, V-12070**- Application to allow a

roof sign where otherwise not permitted in a C-O (Administrative Offices) District, located at 1600-150th Avenue, southeast side corner of Lark Street; unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0022-015-01.

Staff read the project description. In response to the Board, staff confirmed that the sign is specific to the use, the prior use was a church, the project is not in the San Lorenzo/Cherryland Specific Plan area and, although it is in the Redevelopment area, the matter had not been referred to the Redevelopment Agency.

Public testimony was called for. Mr. Wong, representing the Applicant, stated that the dental office, a family business, has been in existence at this location since January, 2007 and they own the building.

Public testimony was closed. The Chair indicated that he would like to see a response from the Redevelopment Agency as it is in the redevelopment area. Member Peixoto agreed. Member Clark made a motion for a continuance to July 11 for an input from the Redevelopment Agency. Member Peixoto seconded, which carried 4/0. Member Spalding was excused.

7. **JOE & MARIA MENEZES, VARIANCE, V-12072** – Application to allow construction of a residential addition, providing a building height of 28 feet where 25 feet is the maximum allowed, in an R-1-B-E (Single Family Residence, 6,000 square feet Minimum Building Site Area, 60 foot Minimum Lot Width, 70 foot Side Yard) District, located at 3462 Bridle Drive, north side, approximately 100 feet north of Cattle Avenue, unincorporated, Fairview area of Alameda County, designated Assessor's Parcel Number: 425-0090-015-00.

Staff read the project description. In response to letters received with concerns regarding the view, copies of which have been provided to the Board, staff is recommending a continuance to allow the Applicant to install story poles or prepare photo simulations. Although there is no View Ordinance, this project could be considered as detrimental to the neighbors' views.

Public testimony was called for. Joe Menezes, applicant, said he has lived at this address since 1973 and the remodeling will provide a retirement home for his mother and enhance the neighborhood. Initially, none of the neighbors had raised any concerns. He is now working with the neighbor, Ms. Armstrong, who has raised view obstruction concerns. Any other alternative design will have a much greater affect and other neighbors. Mr. Menezes submitted a photograph, taken from his neighbor's house, of an eight-foot pole placed on his roof to indicate the height increase, which he felt will not affect any views. He had also met with Mr. Snipes, Fairview Community Club and, read and submitted Mr. Snipes' letter of support. As stated in Ms. Armstrong's letter, Member Peixoto asked if the addition will result in three-stories. Mr. Menezes explained that since his house sits on a slope, the middle side will be three stories. He further disagreed with Ms. Shaw's concerns as she does not have a view. 3465 Bridle Drive is across the street and the owner had not voiced any concerns initially. Ms. Menezes submitted additional photographs in support.

Judy Armstrong stated that she is very concerned that her view will be affected and the effect on her life and property value. She had bought her house because of the view. All the immediate neighbors are concerned. Ms. Armstrong also disagreed with the Finding #3 adding that it will be detrimental. Her concern is not against any improvement but the impact. An Impact Study has not been completed and she further requested a photo simulation as recommended by staff.

Public testimony was closed. In response to the Board, staff confirmed that the applicant or any neighbor can have a photo simulation prepared, and although similar height variances have been approved in the

Fairview District, he was not sure of any on this street. County Counsel confirmed that there is a legitimate health and welfare issue, the findings do not take an economic impact into account, and a photo simulation can be required. The Chair noted the lack of special circumstances.

Due to the lack of a view ordinance and that all findings could be made in the affirmative, Member Peixoto made the motion to move staff recommendation for an approval. Motion failed due to a lack of a second. Member Friedman made a substitute motion for a continuance to August 8th, to allow time to prepare a photo simulation by the applicant or a neighbor. Member Clark seconded adding that she would like staff to research approval of any other similar variances approved in this area. The Chair also requested staff to check if the original subdivision included any height regulations. Motion carried 3/1 with Member Peixoto dissenting.

APPROVAL OF MINUTES: May 9th Minutes – Member Friedman made grammatical corrections on pages 7 and 8 and to replace the words “Castro Valley Blvd” with ‘Redwood Road’ on line 17, second paragraph, page 7. Member Clark indicated that she had made the motion for a continuance (page 13) for the last application instead of Member Spalding. She made the motion to approve the May 9th Minutes with the above corrections and Member Friedman seconded. Motion carried 3/1. Member Peixoto abstained pointing out that he was not available for the Field Trip.

Approval for May 30th Minutes was continued to the next meeting.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR’S REPORT: None.

BOARD’S ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

ADJOURNMENT: There being no further business, the hearing adjourned at 3:35 p.m.

CHRIS BAZAR - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS