

**MINUTES OF MEETING**  
**WEST COUNTY BOARD OF ZONING ADJUSTMENTS**  
**AUGUST 12, 2009**  
**(APPROVED AUGUST 26, 2009)**

**FIELD TRIP: 1:30 p.m.** The Field Trip was cancelled. Board Members visited the sites on an individual basis.

**MEMBERS PRESENT:** None.

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

**OTHERS PRESENT:** Phil Sawrey-Kubicek, Senior Planner

**FIELD TRIP:** Board Members visited the sites on an individual basis:

1. **BEHZAD & TARANEH BARFEEI, PLN-2009-00056** - Conditional Use Permit Application to allow continued operation of an auto sales and minor service facility in an ACBDSP – TA (Ashland Cherryland Business District Specific Plan – Transit Access) District, located at 21273 Mission Boulevard, southwest side, approximately 50 feet northwest of the intersection with Blossom Way, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0076-028-00. **Staff Planner: Christine Greene.**
  
2. **T MOBILE USA / AMY MILLION, PLN-2009-00049** – Conditional Use Permit Application to allow the continued operation of existing telecommunication equipment consisting of two 13 foot high power antennas, and one self-contained equipment cabinet, in an "A" (Agricultural) District, located at 17922 Lake Chabot Road, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1400-002-17. **Staff Planner: Carole Kajita.**

**REGULAR MEETING: 1:30 p.m.**

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

**MEMBERS EXCUSED:** Jewell Spalding.

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

There was one person in the audience.

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

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

### **Neighborhood Preservation Ordinance Abatement Hearing**

- 1. Carlos Abal/Recontrust Company, Medford Ct., Hayward, CA 94541**  
In violation of Alameda County Ordinance 6.65.030 D (1), D (3) and M (1).
  1. Overgrown vegetation & weeds throughout the property.

The Vice Chair motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days. Member Peixoto seconded the motion. Motion carried 4/0.

- 2. Maria Asturias/I.N.G. Bank, FSB, Santos St., Hayward, CA 94541**  
In violation of Alameda County Ordinance 6.65.030 D (1), D (3) and M (1).
  1. Overgrown vegetation & weeds throughout the property.

Member Peixoto motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days. Member Adesanya seconded the motion. Motion carried 4/0.

- 3. Michael & Mary Cohan, Paradise Blvd., Hayward, CA 94541**  
In violation of Alameda County Ordinance 6.65.030 D (1), D (3) and M (1).
  1. Overgrown vegetation & weeds throughout the property; &
  2. Overgrown tree's.

The Vice Chair motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days. Member Adesanya seconded the motion. Motion carried 4/0.

- 4. David Morris & Antonia de Morris, Redwood Rd., Castro Valley CA 94546**  
In violation of Alameda County Ordinance 6.65.030 A(1), D(1), D(3) & M(1).
  1. Debris & miscellaneous items,
  2. Overgrown vegetation & weeds throughout the property.

The Vice Chair motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days. Member Peixoto seconded the motion. Motion carried 4/0.

- 5. Wolf Firm, Wilson Ave., Castro Valley CA 94546**  
In violation of Alameda County Ordinance 6.65.030 D(1), D(3) & M(1).
  1. Overgrown vegetation & weeds throughout the property.

Member Peixoto motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days. The Vice Chair seconded the motion. Motion carried 4/0.

- 6. Eward A Aiello, Center St., Castro Valley CA 94546**  
In violation of Alameda County Ordinance 6.65.030 D(1), D(3), G(1) & M(1).
  1. Overgrown vegetation & weeds in the front & side yards,
  2. Side fences in disrepair.

Member Adesanya motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days. The Vice Chair seconded the motion. Motion carried 4/0.

7. **Michael Sanchez, Vaughn Ave., Castro Valley CA 94546**  
In violation of Alameda County Ordinance 6.65.030 D(1), D(3), F(6), G(1) & M(1).
1. Overgrown vegetation & weeds in front, side & rear yards,
  2. Side door in disrepair,
  3. Dilapidated side fence.

Member Adesanya motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days. The Vice Chair seconded the motion. Motion carried 4/0.

8. **David A. & Carole L. Cooley Via Toyon, San Lorenzo, CA 94580**  
In violation of Alameda County Ordinance 6.65.030 D(3) & M(1)
1. Pile of dry, dead weeds and grass.

The Vice Chair motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days. Member Peixoto seconded the motion. Motion carried 4/0.

9. **Joseph D. Walters Via Andeta, San Lorenzo, CA 94580**  
In violation of Alameda County Ordinance 6.65.030 A(1), A(3), D(3) and M(1)
1. Outdoor storage of lawn mowers, motorcycles, inoperative vehicles, junk, debris and miscellaneous items.
  2. Overgrown trees and vegetation.

Member Adesanya motioned to adopt the staff recommendation. Declare the property a public nuisance, require abatement to be complete within 10 days. The Vice Chair seconded the motion. Motion carried 4/0.

**CONSENT CALENDAR:**

There were no items on the Consent Calendar.

**REGULAR CALENDAR**

There were no items on the Regular Calendar.

**ELECTION OF CHAIR AND VICE CHAIR OF THE WEST COUNTY BOARD OF ZONING ADJUSTMENTS**

The Vice Chair, Kathy Gil placed a motion to nominate the Chair, Dawn Clark for a second term as Chair Person of the West County Board of Zoning Adjustments.

There were no further nominations submitted. Member Peixoto seconded the motion.

The motion to elect Dawn Clark as Chair Person of the West County Board of Zoning Adjustments passed 3/0/1. Dawn Clark accepted the position of Chair Person.

Member Peixoto placed a motion to nominate the Vice Chair, Kathy Gil for a second term as Vice Chair of the West County Board of Zoning Adjustments.

There were no further nominations submitted. Member Adesanya seconded the motion.

The motion to elect Kathy Gil as the Vice Chair of the West County Board of Zoning Adjustments passed 3/0/1. Kathy Gil accepted the position of Vice Chair.

**APPROVAL OF MINUTES:** The Vice Chair motioned to accept the Minutes of June 10, 2009 as submitted. Member Adesanya seconded the motion. Motion carried 3/0. Member Peixoto abstained as he was not a Member of the Board on June 10, 2009.

The Chair continued the Minutes of June 24, 2009 and July 22, 2009 to August 26, 2009. There was not a quorum of Members present that were in attendance at June 24 and July 22, 2009 Hearings.

**STAFF COMMENTS & CORRESPONDENCE:** Staff confirmed that a representative of the Redevelopment Agency will come and speak to the Board at an upcoming meeting.

**BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS:** The Vice Chair announced the COP Shop Flea Market will be held on August 30, 2009. Tickets are also on sale for the COP Shop BBQ and raffle to be held October 2, 2009.

The Farm Bureau Public Official Appreciation BBQ will be held on Friday, September 11, 2009.

The Chair asked the Code Enforcement to verify compliance at the automotive business located on Ashland Avenue, across from Saint John's Church. It does not appear to Conditions of Approval that require landscaping have been met. Vehicles are also being stored overnight.

Member Adesanya asked fellow Board Members for an update from the most recent ELAI Meetings. Staff said the August Meeting was cancelled due to the Board of Supervisor's recess. However the technical staff did conduct an advisory meeting and discussed the Community Center.

The Vice Chair will forward a list of the September 2009 meeting dates. Per Member Adesanya's request, the Chair briefly reviewed some of the topics discussed at past EALI Meetings amongst the Governance Sub Committee. At the present it was decided to put consideration of forming Advisory Councils for the non Castro Valley Eden Areas, on hold. The Vice Chair added further comments: Three Members of the Castro Valley Municipal Advisory Council were present at a meeting, and again raised the issue of the Castro Valley Municipal Advisory Council gaining, Board of Zoning Adjustment powers. The idea had been rejected at past meetings, and was again voted down. The concept is now a non-issue. A new committee was formed (Neighborhood Advisory Group). Everyone is invited to participate. A structure has yet to be established. The hope is to first get more people involved. The next NAG committee meeting will be held on Monday August 17, 2009. In addition to developing future Unincorporated Service Meeting agenda items, Medical Marijuana will be a topic of discussion. Many people were unhappy with the Ordinance language. Staff clarified the proposals were amendments to the Medical Marijuana Ordinance. The amendments as proposed are not going forward. The Chair asked staff to explain the definition of a "dispensary" versus a "cooperative". Staff responded the proposed amendments look to definitions provided in the State Attorney General's Opinion. Staff will forward a copy of the detailed State Opinion to Board Members.

**ADJOURNMENT:** There being no further business, the hearing adjourned at 7:00 p.m.

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ALBERT LOPEZ - SECRETARY  
WEST COUNTY BOARD OF ZONING ADJUSTMENTS