

**MINUTES OF MEETING  
WEST COUNTY BOARD OF ZONING ADJUSTMENTS  
MARCH 8, 2006  
APPROVED APRIL 12, 2006**

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

**FIELD TRIP: 1:30 p.m.**

1. **SUSAN REGAL, CONDITIONAL USE PERMIT, C-8448** – Application to allow continued operation of a community care facility for up to 25 elderly adults in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 629 Hampton Road, south side, approximately 400 feet north east of Western Boulevard, unincorporated, Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0036-006-00.
2. **T MOBILE USA, CONDITIONAL USE PERMIT, C-8474** – Application to allow continued operation of a wireless communications facility (cell-site) in an ACBD Specific Plan – TC (Ashland 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 Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0035-104-00.
3. **FIRST BAPTIST CHURCH, CONDITIONAL USE PERMIT, C-8476** - Application to allow continued operation of a church, in an R-1 (Single Family Residence) District, located at 22979 Maud Avenue, west side, approximately 300 feet south of Kelly Street, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Number: 416-0180-002-02.
4. **KIPTIATU ISCANDARI, VARIANCE, V-11983** – Application to allow construction of three Single Family Dwellings; and an addition to an existing Single Family Dwelling with: A) a 14 foot wide driveway where 20 feet is required; and B) a zero foot setback from the access driveway where 20 feet is required in an R-S-D-3 (Suburban Residence, 3,000 square feet Minimum Building Site Area per Dwelling Unit) District, located at 19635 Meekland Avenue, south west side, approximately 125 feet south of Cherry Way, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0005-021-00.

**MEMBERS PRESENT:** Members Frank Peixoto, Chair.

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

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

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

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

**MEMBERS PRESENT:** Members Frank Peixoto, Chair; Ron Palmeri; Jewell Spalding and Lester Friedman.

**MEMBERS EXCUSED:** None.

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

There were approximately 6 people 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 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. **TRINH HOANG, CONDITIONAL USE PERMIT, C-8443** – Application to allow continued operation of an auto service facility for minor auto repair in a C-N (Neighborhood Commercial) District, located at 20009 Meekland Avenue, west side, corner southwest of Blossom Way, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0032-001-04. (Continued from January 11, 2006; to be continued without discussion to April 24, 2006).
2. **SON X. HOANG, CONDITIONAL USE PERMIT, C-8469** – Application to allow the operation of a an alcohol outlet (Tony and Ted's Liquor) in conjunction with a convenience store, in a CVCBD – Sub-area 3 (Castro Valley Central Business, Sub-area-3) District, located at 2688 Castro Valley Boulevard, north side corner of Park Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0181-057-03. (Continued from January 25, 2006; to be continued without discussion to March 22, 2006).

**REGULAR CALENDAR**

1. **FIRST BAPTIST CHURCH, CONDITIONAL USE PERMIT, C-8476** - Application to allow continued operation of a church, in an R-1 (Single Family Residence) District, located at 22979 Maud Avenue, west side, approximately 300 feet south of Kelly Street, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Number: 416-0180-002-02.

Staff recommended approval. Board questions to staff were as follows:

- Is a permit without a term limit appropriate
- What is the definition of "Commercial Kitchen"

Staff responded that the church had been at the location since 1969 and there have been no issues. The

prior permit was issued for a period of 15 years. A permit can always be taken up for revocation if the applicant does not follow the Conditions of Approval. The kitchen would be used to prepare food for church activities and special events like weddings and funerals. County Counsel added that language which captures staff's intent can be drafted for use as a Condition of Approval. Public testimony was opened.

Deacon, Lester Van Buren said the kitchen stove and microwave are mainly to warm food after funeral repasts. Cabinet space is limited and there are no plans to expand the use. The Chair asked if the appliances were residential or commercial grade. Mr. Van Buren confirmed the stove was a standard residential model. Public testimony was closed.

Member Friedman motioned to adopt the staff finding of approval with a modification to the expiration date of the permit. The permit shall expire in 15 years. Member Palmeri asked for a clarification to the motion. Condition #8 should state: kitchen facilities shall be used solely for on-site events such as weddings and funerals and not used for the preparation of food for the general public. Member Spalding asked the applicant how the church used the large RV parked near the property. Mr. Van Buren clarified that the RV parked in the next block belonged to another church. Member Palmeri seconded the motion. Motion carried 3/0. Member Spalding abstained due to late arrival.

2. **OMNIPOINT DBA/T MOBILE, CONDITIONAL USE PERMIT, C-8478** - Application to allow a cellular telecommunications facility, in an R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 2301 Miramar Avenue, north side, approximately zero feet west of Crest Avenue, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080A-0191-034-04 (Continued from February 22, 2006).

The Staff recommendation was approval. Castro Valley Municipal Advisory Board was also in favor of the approval. Member Friedman asked for clarification regarding the identity of the applicant. Staff said typically communication companies hire outside firms to process their applications. In this case, T Mobile is the applicant. Omnipoint DBA is processing the application with the Planning Department. Public testimony was opened.

Mr. Javier De La Garza thanked Sonia Urzua in Planning for her assistance. He was in agreement with the Conditions of Approval in the staff report. Board Members had the following questions:

- Where is the nearest T Mobile site to the proposed location
- Would T Mobile object to another company co-locating at the site

Mr. De La Garza said the closest T Mobile site was a quarter of a mile away. In an area that is hilly or contains other obstructions, reception could be more difficult. Member Spalding commented that the cross design would blend well with the existing church. Public testimony was closed.

Member Palmeri motioned to adopt the staff recommendation subject to the Conditions of Approval. Member Spalding seconded the motion. Motion carried 4/0.

3. **XUE QIANG CHEUNG, VARIANCE, V-11985** – Application to allow subdivision of one site into four parcels where, one parcel contains an existing dwelling with a 15 foot rear yard setback where 20 feet is required in an R-S-D-35 (Suburban Residence, 3,500 square feet per Dwelling Unit) District, located at 836 Blossom Way, north side, approximately 550 feet west of Montgomery Avenue, unincorporated Cherryland area of Alameda County, designated

Assessor's Parcel Numbers: 414-0071-032-02 and 414-0076-017-00.

Staff recommended approval of the application. Board Questions were as follows:

- How does the age of the property, referred to in Tentative Finding #1 create a special circumstance
- What is the current zoning density of the property
- Can secondary units be built on the property

Staff said the property had been subdivided prior to the R-S District requirements instituted in the 1960's. The current zoning R-S-D-35 allows 5,000 square feet MBSA with 3,500 square feet of land per dwelling unit. If the property is subdivided, a minimum lot size of 5,000 square foot would be required. Each unit would have be a minimum of 3,500 square feet. Secondary units would not be allowed but the applicant could propose a duplex or triplex under the current zoning. The applicant's proposal is four lots. Each lot meets the 5,000 square foot minimum. Lot #3 with the existing home is the only lot that requires a variance for a reduced rear yard of 15 feet instead of 20 feet. The proposed 32 foot side yard will make up for the 5 foot difference with compensating open space. Public testimony was opened.

The applicant, Mr. Xue Qiang Cheung confirmed that the maximum number of lots slated for the parcel were four. The variance request for lot #3 is as a result of the rear, corner placement of the existing home. The Cherryland Homeowners Association is in favor of the project. Further Board questions were:

- What is the total width of the driveway on lot #3
- Will a Home Owners Association be formed to manage the upkeep for the private roads on the parcel

Mr. Cheung said the width is 27 feet, including the walkway and driveway. A Home Owners Association will be created to maintain the private roads within the parcel. Public testimony was closed.

Member Palmeri motioned to adopt the staff finding, subject to the modification of Pre- Hearing Recommendation #1. The permit authorizes a 15-foot rear yard setback on lot 3, with the subdivision of one site into four parcels, as described on plans marked, Exhibit "A" submitted by RW Engineering, dated, December 21, 2005" on file with the Planning Department. Member Friedman seconded the motion. The Chair asked for a modification to Tentative Finding #1. The word "age" shall be removed. Member Spalding asked a question to the motion. Will existing utilities require re-location, and will new utilities be placed underground or above ground. Staff confirmed all utilities would be placed underground. Member Palmeri accepted the modification. Motion passed 4/0.

**APPROVAL OF MINUTES:** February 8 and 22, 2006. Member Palmeri motioned to postpone approval of the Minutes of February 8 and 22, 2006 to the next meeting. Member Friedman seconded the motion. Motion carried 4/0.

**STAFF COMMENTS & CORRESPONDENCE:** The new Board Member, Dawn Clark has been sworn in and will participate at the next meeting.

**CHAIR'S REPORT:** No Chair's Report was submitted.

**BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS:**

Member Spalding recommended that future staff reports discuss the under grounding and relocation of existing utilities, and what impact they may have on the community. Often times, utility poles are placed 10 feet from each other which can diminish the project. The State of California also classifies utility poles as blight. With staff guidance, applicants can begin to incorporate utility placement early in the planning stages and comply with the Sub-division Map Act.

**ADJOURNMENT:**

There being no further business, the hearing adjourned at 7:15 p.m.

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**CHRIS BAZAR - SECRETARY**  
**WEST COUNTY BOARD OF ZONING ADJUSTMENTS**