

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
FEBRUARY 26, 2003
(APPROVED MARCH 12, 2003)

The meeting was held at the hour of 1:30 p.m. in the Auditorium of the Alameda County Administration Building, 224 West Winton Avenue, Room 160, Hayward, CA.

Workshop - Canceled

Time: 12:00 p.m. – 1:00 p.m.

Place: County of Alameda, Administration Building, Room 160
224 West Winton Avenue, Hayward, California

Neighborhood Preservation Ordinance Abatement Hearing - Canceled

Time: 1:00 p.m. – 1:30 p.m.

Place: County of Alameda, Administration Building, Room 160,
224 West Winton Avenue, Hayward, California

REGULAR MEETING: 1:30 p.m.

Time: 1:30 p.m.

Place: County of Alameda, Administration Building, Room 160
224 West Winton Avenue, Hayward, California

MEMBERS PRESENT: Members Dennis Botelho, Chair; Sharon Callaham; Ron Palmeri

MEMBERS EXCUSED: Jewell Spalding and Frank Peixoto

OTHERS PRESENT: Ronald Gee, Senior Planner, Richard Tarbell, Planner II, Brett Lucas, Planner II, Kate Conner, Planner I, Shahreen Basunia, Planner I and Nilma Singh, Recording Secretary.

There were nine 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 Chair reminded the audience that cell phones and pagers should be turned off during the public hearing.

A. Roll Call

B. Consent Calendar

1. **BOB MASON, CONDITIONAL USE PERMIT, C-7756** – Application to modify use permit C-7447 to allow: 1) storage for 20 vehicles; 2) increase from 125 to 145 horses; and 3) to add a feed store at an existing breeding, boarding and training facility for 125 horses, in an “A” (Agricultural) District, located at 24550 Palomares Road, east side, approximately 0.25 mile south of Palo Verde Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 085A-2700-001-07. (Continued from December 11, 2002; to be continued without discussion to March 26, 2003).
2. **NANCY D. MASSA, CONDITIONAL USE PERMIT, C-8087 and VARIANCE, V-11715** – Application to retain a 864 square foot secondary dwelling unit where 640 square feet is the maximum in a R-1-L-B-E-CSU-RV (Single Family Residence, Limited Agriculture, 5 Acre Minimum Building Site Area, 100 feet MLW, 30 feet Front Yard, Conditional Secondary Unit, Recreational Vehicle) District, located at 6950 Crow Canyon Road, west side, approximately 0.4 mile south of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 085-1700-003-07. (Continued from December 11, 2002; to be continued without discussion to March 12, 2003).
3. **FAITH LUTHERAN CHURCH, CONDITIONAL USE PERMIT, C-8118** – Application to expand an existing church facility by the construction of a new residence/garage, administration and music building, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 20080 Redwood Road, east side, approximately 300 feet north of the intersection with Modesto Street, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 084C-0766-004-00. (To be continued without discussion to March 26, 2003).
4. **JUVENAL ARTEAGA, CONDITIONAL USE PERMIT, C-8120** – Application to allow operation of a mobile drive-in business (catering truck) in a TA (Transit Access) District, located at 16035A East 14th Street, west side, corner southwest of the intersection with Ashland Avenue, unincorporated San Leandro area of Alameda County, bearing Assessor’s Parcel Number: 080C-0476-001-00. (To be continued without discussion to March 26, 2003).
5. **ZEPHYR CORPORATION, VARIANCE, V-11671** – Application to allow construction of a residence having a building height of 30 feet 6 inches where 25 feet is the maximum in a R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 2139 – 167th Avenue, north side, approximately 300 feet east of the intersection with Robey Drive, unincorporated San Leandro area of Alameda County, bearing Assessor’s Parcel Number: 080A-0215-012-00. (Continued from November 20, 2002 and January 8, 2003; to be continued without discussion to March 12, 2003).

6. **ZEPHYR CORPORATION, VARIANCE, V-11672** – Application to allow construction of a residence having a building height of 30 feet 6 inches where 25 feet is the maximum in a R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 2149 – 167th Avenue, north side, approximately 300 feet east of the intersection with Robey Drive, unincorporated San Leandro area of Alameda County, bearing Assessor's Parcel Number: 080A-0216-012-00. (Continued from November 20, 2002 and January 8, 2003; to be continued without discussion to March 12, 2003).
7. **BERNARDO BUTTLER, VARIANCE, V-11698** – Application to allow construction of an attached addition thereby reducing the required front yard from 20 feet to 17 feet – 8 inches and retaining a garage conversion providing zero parking spaces where two spaces are required, in a R-1 (Single Family Residence) District, located at 18184 Rainier Avenue, east side, approximately 200 feet southeast of the intersection with Whitney Court, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 413-0055-015-00. (Continued from November 20, 2002; to be continued without discussion to April 23, 2003).
8. **CHEUK FUNG, CONDITIONAL USE PERMIT, C-7920** – Application to allow construction of a service station (Type A) with a convenience mart and car wash facility on a portion of an existing 1.4 acre site, in a C-1 (Retail Business) District, located at 997 Grant avenue, northeast corner of the intersection of Grant Avenue and Washington Avenue, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 0412-0022-004-03. (Continued from July 24, September 11, October 23, November 13, 2002, January 22 and February 5, 2003). **(Moved from Regular Calendar)**
9. **GERARD DEVELOPMENT, VARIANCE, V-11667** – Application to allow construction of a new single family dwelling providing 31 feet 6 inches front yard where 25 feet is required (Lot 9) in a R-1-B-E (Single Family Residence, 10,000 square feet Minimum Building Site Area) District, located at Twin Creeks Place, south side, approximately 140 feet south of the intersection with Twin Creeks Place, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 0426-0061-011-00. **(Moved from Regular Calendar)**
10. **L. FU/DAVID LAU, VARIANCE, V-11708** – Application to allow construction of three new dwellings providing: 1) six feet side yard where 15 feet is required; 2) zero foot setback from the driveway to two dwelling unit walls where 10 feet is required; and 3) 12 feet driveway where 20 feet is required, in a R-3 (Three Family Residence) District, located at 2256 Regent Way, southeast side, approximately 420 feet northeast of Cross Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0270-006-00. (Continued from January 8 and February 5, 2003). **(Moved from Regular Calendar)**.
11. **MARDELL, INC., VARIANCE, V-11719** – Application to allow a 25 feet front yard setback where 30 feet is required, in a R-1-B-E (Single Family

Residence) District, located at 3109 Vista Lane, southeast side, approximately 98 feet of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 0417-0250-058-00. **(Moved from Regular Calendar).**

12. **MARDELL, INC., VARIANCE, V-11720** – Application to allow a 25 feet front yard setback where 30 feet is required, in a R-1-B-E (Single Family Residence) District, located at 3121 Vista Lane, southeast side, approximately 298 feet of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 0417-0250-056. **(Moved from Regular Calendar).**

Mr. Gee recommended that the following Regular Calendar items be moved to the Consent Calendar: Item #1, C-7920, to be continued to March 26; Item #3, V-11667, at the Applicant's request and for re-noticing purposes, be continued to March 12; Item #5, V-11708, at the Applicant's request, to be continued to March 26; and Items #7 and #8 to be continued to March 12, 2002. Member Palmeri moved the motion to approve the Consent Calendar with the above modifications. Member Callahan seconded the motion, which carried 3/0/2 with Members Peixoto and Spalding excused.

C. Regular Calendar

1. **CHEUK FUNG, CONDITIONAL USE PERMIT, C-7920** – Application to allow construction of a service station (Type A) with a convenience mart and car wash facility on a portion of an existing 1.4 acre site, in a C-1 (Retail Business) District, located at 997 Grant Avenue, northeast corner of the intersection of Grant Avenue and Washington Avenue, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 0412-0022-004-03. (Continued from July 24, September 11, October 23, November 13, 2002, January 22 and February 5, 2003).

This item was moved to the Consent Calendar.

2. **TUCKER HOFFMAN, VARIANCE, V-11641** – Application to subdivide one parcel into three lots thereby providing a 3,644 square foot Minimum Building Site Area where 5,000 square feet is required (parcel 2) and 6.5 foot rear yard where 20 feet is required (parcel 2), in a R-S-SU (Suburban Residence, Secondary Unit) District, located at 18347 Standish Avenue, west side, approximately 300 feet north of Alden Road, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 413-0047-040-00. (Continued from December 18, 2002, January 22 and February 5, 2003).

Mr. Brett Lucas, Planner, read the project description and summarized the revised project proposal.

Public testimony was called for. Doug Rogers, representing Greenwood & Moore, stated that at the prior hearing, the Board had voiced concerns regarding the size of Lot 2. After further discussion with staff, alternative plans were submitted that more closely conform with Ordinance requirements. The major revision was the property line location between Lots 1 and 2 and minor adjustment to the size of Lots 2 and 3. Lot 1 would be exactly 5,000 square feet and Lot 2 would increase in size from 3,644 square feet to 4,265 square feet.

Public testimony was closed. Mr. Gee said there were circulation/turnaround area concerns with the proposed site plan, particularly for Lot 3 since adequate vehicle turnaround area could not be provided if fencing was installed on the proposed property lines. A lengthy discussion followed.

Public testimony was re-opened. The discussion continued with Mr. Hoffman, Mr. Rogers, Mr. Gee and the Board. Mr. Rogers explained that their goal was to retain the existing dwellings but was not sure how to address the turnaround issue. Public testimony was closed.

Member Palmeri asked if the reduced rear yard setback would affect the decision on the concurrent subdivision request and if similar variances for lots less than 5,000 square feet have been approved in the past. In response to Member Callaham regarding Cherryland Homeowner's Association's comments on the project, he added that he was not sure if revised plans had been submitted to the Association. Mr. Gee explained that other approved variances were for development on pre-existing, nonconforming lots and that the plans had only recently been revised. Member Palmeri added that he had concerns whether special circumstances applicable to the site could be identified for the first finding. Member Callaham agreed with his concerns. She moved the motion to deny the application and Member Palmeri seconded the motion. Motion carried 3/0/2 with Members Peixoto and Spalding excused.

3. **GERARD DEVELOPMENT, VARIANCE, V-11667** – Application to allow construction of a new single family dwelling providing 31 feet 6 inches front yard where 25 feet is required (Lot 9) in a R-1-B-E (Single Family Residence, 10,000 square feet Minimum Building Site Area) District, located at Twin Creeks Place, south side, approximately 140 feet south of the intersection with Twin Creeks Place, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 0426-0061-011-00.

This item was moved to the Consent Calendar.

4. **THUAN DUC TRAN, VARIANCE, V-11691** – Application to allow construction of two dwelling units providing a zero-foot setback from the driveway to both dwelling walls where 10 feet is required and a 16 foot wide driveway where 20 feet is required, in a R-S-SU (Suburban Residence, Secondary Unit) District, located at 251 Medford Avenue, south side, approximately 200 feet west of Lowell Avenue, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0429-0014-001-00. (Continued from November 20, December 18, 2002).

Shahreen Basunia, Planner, read the project description and added that a verbal response had been received from the Cherryland Homeowner's Association in opposition. Mr. Gee pointed out a staff report error on Page 2, under Grading Department. This site is not located within the Alquist-Priolo Special Study Zone.

Public testimony was called for. Mr. Tran, Applicant, further explained his proposal and concurred with the recommended conditions. Member Palmeri felt that the new middle unit could be built within the Ordinance requirements. A discussion followed regarding parking, guest parking, future variance requests if a later tentative parcel map was submitted to subdivide the property, existing and new driveway layout alternatives. Member Callaham's concern was that the site had insufficient open space.

Public testimony was closed. Member Palmeri noted that Fire Department and Public Works Agency's

requirements could be accommodated by the removal of the existing driveway to the front house, creation of another, wider driveway on the other side of the front house and providing sprinklers to the new units. He felt that the records should clearly reflect this situation and that the minimum driveway setback could not later be reduced in any future driveway setback variance based on these special circumstances. The Chair requested clarification on the first finding. Mr. Gee suggested replacing the word 'prohibits' with 'limits'. Member Palmeri moved the motion to approve the zero foot setback from the driveway for the first dwelling only because it was already existing subject to the revised conditions of approval and deny the zero foot setback for the second dwelling as it was a design choice. Mr. Gee explained that partial approval would require new plans and asked if the Board wanted to see the revised plans before the final decision was made. Public testimony was re-opened. The Chair asked the Applicant if he was willing to work further with staff to redesign or if he wanted an action today. Mr. Tran opted for a continuance. The matter was continued to March 26, 2003.

The Chair announced a ten minute break at 2:40 p.m.

5. **L. FU/DAVID LAU, VARIANCE, V-11708** – Application to allow construction of three new dwellings providing: 1) six feet side yard where 15 feet is required; 2) zero foot setback from the driveway to two dwelling unit walls where 10 feet is required; and 3) 12 feet driveway where 20 feet is required, in a R-3 (Three Family Residence) District, located at 2256 Regent Way, southeast side, approximately 420 feet northeast of Cross Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0270-006-00. (Continued from January 8 and February 5, 2003).

This item was moved to the Consent Calendar.

6. **AARON SELINGER, VARIANCE, V-11712** – Application to allow a zero foot setback from the access driveway where ten feet is required, in a R-S-SU (Suburban Residence with Secondary Unit) District, located at 19231 Lowell, west side, approximately 230 feet north of the intersection bearing Assessor's Parcel Number: 0413-0043-020-00.

Ms. Kate Conner read the project description.

Public testimony was called for. Aaron Selinger, on behalf of the property owner, pointed out that since numerous variances have been granted, an approval would not be granting of special privileges. He agreed to submit a drainage plane as required in Condition #3. The Chair asked staff for the blue print since the map included in the Board's package did not clearly indicate details, such as the location and width of the driveway and turnaround. Ms. Conner replied that no blue print plan was available. The Chair suggested a continuance during which time such a plan could be submitted. Mr. Selinger asked if the Board would approve his application today with an additional condition requiring a revised site plan. The Chair explained that the Board could not take an action as he would abstain from voting and, as such, the motion would not pass. He requested that, in the future, staff should ensure that more detailed and better quality plans be included as project exhibits since it was difficult for the Board to make decisions based upon shoddy and inaccurate plans. Mr. Selinger agreed to a continuance. The matter was continued to March 26, 2003.

7. **MARDELL, INC., VARIANCE, V-11719** – Application to allow a 25 feet front yard setback where 30 feet is required, in a R-1-B-E (Single Family Residence) District, located at 3109 Vista Lane, southeast side, approximately 98

feet of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 0417-0250-058-00.

8. **MARDELL, INC., VARIANCE, V-11720** – Application to allow a 25 feet front yard setback where 30 feet is required, in a R-1-B-E (Single Family Residence) District, located at 3121 Vista Lane, southeast side, approximately 298 feet of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 0417-0250-056.

Both items 7 and 8 were moved to the Consent Calendar.

- D. **Approval of Minutes** – January 8, January 22 and February 5, 2003.

The Board continued the approval of the above minutes to March 12, 2003.

- E. **Open Forum** – No one requested to be heard under open forum.

- F. **Staff Comments & Correspondence**

- G. **Board Announcements, Comments & Reports**

The Chair stated that the Board would like to be included in future meetings regarding the new auditorium.

- H. **Adjournment** - There being no further business, the meeting adjourned at 3: 10 p.m.

JAMES SORENSEN - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS