

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
MARCH 12, 2003
(APPROVED APRIL 23, 2003)

The meeting was held at the hour of 6:00 p.m. in the Auditorium of the Public Works Building, 951 Turner Court, Hayward.

FIELD TRIP: 1:00 p.m.

MEMBERS PRESENT: Sharon Callaham and Jewell Spalding.

MEMBERS EXCUSED: Members Dennis Botelho, Chair; Ron Palmeri; Frank Peixoto

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director.

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

1. **REY PAGARIGAN, CONDITIONAL USE PERMIT, C-7267** – **Consideration of Revocation of an approved permit** allowing: 1) operation of a residential care facility (44 beds) and 2) use of a camper as a resting place for employees of the facility, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 17926 Apricot Way, east side, approximately 70 feet north of the intersection with Seaview Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084C-0921-108-02.
2. **PETER BROOKS, CONDITIONAL USE PERMIT, C-8127** – Application to allow continued motorcycle parts sales and salvage, and auto transmission repair use, in a PD (Planned Development, 2059th Zoning Unit) District, located at 21065 Foothill Boulevard, southwest side, approximately 150 feet northwest of Ash Street, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 0414-0051-037-00 and 0414-0051-037-00.
3. **REDWOOD CHRISTIAN SCHOOL/SAN LORENZO UNIFIED SCHOOL DISTRICT, CONDITIONAL USE PERMIT, C-8128** – Application to allow continued operation of a church facility and a school facility expanding from 500 to 525 students, grades K-12, in a R-1 (Single Family Residence) District, located at 100 Paseo Grande, west side, approximately 100 feet west of Via Alamos, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 411-0030-047-00.
4. **RANDALL ASHBY, VARIANCE, V-11711** – Application to allow: 1) expansion of a nonconforming use (driveway 10 feet wide where 12 feet is required); 2) a 16 feet front yard where 20 feet is the minimum, and 3) garage door opening 18 feet from the driveway easement where 20 feet is the minimum in a R-1-B-E (Single Family Residence, per Fairview Plan) District, located at 23513 Maud Avenue, northeast side, approximately 820 feet northwest of 'D' Street, unincorporated Fairview area of Alameda County, bearing Assessor's

Parcel Number: 0417-0220-045-00.

5. **VILLA SANTA MARIA HOMEOWNERS ASSOCIATION, VARIANCE, V-11714** – Application to allow a eight foot high fence where six feet is the maximum allowable, in a R-S-D-25 (Multiple Suburban Residential) District, located at 20215-20237 Santa Maria Avenue, west side, approximately 16 feet south of Jamison Way, unincorporated Castro Valley area of Alameda, bearing Assessor’s Parcel Numbers: 084A-0108-036-00, 084A-0108-032-00, 084A-0108-033-00 and 084A-0108-031-00.
6. **AMARJIT S. MANN, VARIANCE, V-11721** – Application to allow a 22 foot front yard where 30 feet is required and to allow a 12 foot six inch side yard where 15 feet is required, in a R-1-B-E (Single Family Residential, 10,000 square foot Minimum Building Site Area) District, located on Courtney Lane (Lot 2), west side, approximately 91 feet northwest of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor’s Parcel Number: 0417-0270-024-00.
7. **AMARJIT S. MANN, VARIANCE, V-11722** - Application to allow a 25 foot front yard where 30 feet is required and a 10 foot side yard where 15 feet is required, in a R-1-B-E (Single Family Residential, 10,000 square foot Minimum Building Site Area) District, located on Courtney Lane (Lot 3), northeast side, approximately 91 feet northwest of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor’s Parcel Number: 0417-0270-023-00.
8. **AMARJIT S. MANN, VARIANCE, V-11723** – Application to allow a 20 foot yard where 30 feet is required and a 11 foot side yard where 15 feet is required, in a R-1-B-E (Single Family Residential, 10,000 square foot Minimum Building Site Area) District, located on Courtney Lane (Lot 4), northeast side, corner of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor’s Parcel Number: 0417-0270-022-00.
9. **AMARJIT S. MANN, VARIANCE, V-11724** – Application to allow a 20 foot front yard where 30 feet is required and a 11 foot side yard where 15 feet is required, in a R-1-B-E (Single Family Residential, 10,000 square foot Minimum Building Site Area) District, located on Courtney Lane, (Lot 5), southwest side, corner of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor’s Parcel Number: 0417-0270-025-00.
10. **DIANE GREEN, VARIANCE, V-11725** – Application to allow retention of two accessory structures on a parcel without a primary dwelling, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicles) District, located at 2757 Talbot Lane, southeast side, approximately 190 feet northeast of Stanton Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 084B-0460-004-00.
11. **PAULETTE CROSSLEY, VARIANCE, V-11726** – Application to allow expansion of a non-conforming structure (15 foot front yard where 20 feet is

required, two feet-four inch, three feet-eight inch, four feet-nine inch side yards where five feet is required and 17 feet between units where 20 feet is required) with the construction of an addition, in a R-1-SU (Single Family Residence) District, located at 1530 Thrush Avenue, east side, approximately 240 feet northeast of Oriole Avenue, unincorporated San Leandro area of Alameda County, bearing Assessor's Parcel Number: 080-0040-082-00.

Presentation by James Sorensen, Planning Director, on Governance in Unincorporated Alameda County.

Time: 5:00 p.m. – 5:30 p.m.

Place: 951 Turner Court, Hayward, California

Neighborhood Preservation Ordinance Abatement Hearing

Time: 5:30 p.m. – 6:00 p.m.

Place: County of Alameda, Public Works Operations Building,
951 Turner Court, Hayward, California

REGULAR MEETING: 6:30 p.m.

MEMBERS PRESENT: Members Dennis Botelho, Chair; Sharon Callaham; Ron Palmeri; Frank Peixoto; Jewell Spalding.

MEMBERS EXCUSED: None

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director, Nilma Singh, Recording Secretary

There were approximately 62 people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 6:30 p.m.

ANNOUNCEMENTS BY THE CHAIR:

The Chair reminded the audience that cell phones and pagers be turned off during the hearing and the three minute limit for public testimonies. At his request, Mr. Gray explained the purpose of the Consent Calendar and moving items from the Consent Calendar to the Regular Calendar.

A. Roll Call

B. Consent Calendar

1. **DOMINICK and LINDA CUEVAS, CONDITIONAL USE PERMIT, C-7780** – Application to allow operation of a commercial horse boarding facility for up to 20 horses in an “A” (Agricultural, 100 acre Minimum Building Site Area Per Dwelling Unit) District, located at 1151 Calhoun Street, approximately 0.5 miles east of Mission Blvd, unincorporated South Hayward area of Alameda County, bearing Assessor’s Parcel Number: 083-0100-001-03. (Continued from January 23, February 27, May 8, July 24, September 25, October 23, November 20, 2002, January 22, February 5, 2003; to be continued without discussion to April 9, 2003).
2. **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 with 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, February 5 and 26, 2003; to be continued without discussion to March 26, 2003).
3. **ST. ANTONIUS COPTIC ORTHODOX CHURCH, CONDITIONAL USE PERMIT, C-7978 and VARIANCE, V-11623** – Application to allow the expansion of an existing church facility by: 1) an addition below the parking structure providing three guest rooms and four storage areas; 2) construction of a multipurpose building, and 3) to retain two free standing signs 9 feet 3 inches in height where 4 feet maximum is allowed, in a R-1 (Single Family Residence) District, located at 2500 Hansen Road, west side, approximately 400 feet north of East Avenue, unincorporated Fairview area of Alameda County, bearing Assessor’s Parcel Number: 426-0130-072-00. (Continued from October 23, December 11, 2002; to be continued without discussion to March 26, 2003).
4. **FRANCES SHERMAN, CONDITIONAL USE PERMIT, C-8017** – Application to allow continued operation of an outdoor storage facility in a M-1 (Light Industrial) District, located at 2227 Dunn Road, north side, approximately 650 feet west of the intersection with Clawiter Road, unincorporated Mt. Eden area of Alameda County, bearing Assessor’s Parcel Number: 439-0016-019-02. (Continued from November 13, 2002, January 8, February 5, 2003; to be continued without discussion to April 9, 2003).
5. **ARNOLD and JOYCE ADAMS, CONDITIONAL USE PERMIT, C-8130** – Application to allow expansion of an existing auto repair facility with the construction of: 1) an aluminum awning (16 feet x 60 feet); 2) roll-up door and

cover of a storage area, and 3) installation of a portable office, in a P-D (Planned Development) District, located at 18811 Lake Chabot Road, southwest side, corner east of Huber Drive, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084B-0502-044-00. (To be continued without discussion to April 9, 2003).

6. **SANTA FE SPECIAL EVENTS, VARIANCE, V-11637** –Application to expand a non-conforming use (commercial assembly hall and catering business in a residential district) by the addition of a patio cover and interior remodeling, in a R-1 (Single Family Residence) District, located at 18310 Ricardo Avenue, east side, corner of Hacienda Avenue, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0412-0065-001-00. (Continued from July 24, August 14 & 28, September 11, 2002, and January 8, 2003; to be continued without discussion to April 9, 2003).
7. **ZEPHYR CORPORATION, VARIANCE, V-11671** – Application to allow construction of a residence having a building height of 30 feet six 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, January 8, and February 26, 2003; to be continued without discussion to March 26, 2003).
8. **ZEPHYR CORPORATION, VARIANCE, V-11672** – Application to allow construction of a residence having a building height of 30 feet six 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, January 8 and February 26, 2003; to be continued without discussion to March 26, 2003).
9. **PETER WONG, VARIANCE, V-11694** – Application to allow retention of a 5 foot high fence where 4 feet and 2 feet are the maximums, in a R-S-D-35 (Suburban Residence, 3,500 square feet Minimum Building Site Area per unit) District, located at 21264 Western avenue, northeast corner of Blossom Way, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 0414-0071-078-00. (Continued from November 20, 2002). **Withdrawn**
10. **VICENT CONDE, VARIANCE, V-11717** – Application to expand a non-conforming use (two dwellings on one parcel) by construction of a new roof and exterior façade improvements to one of the two dwellings, in a R-1 (Single Family Residence) District, located at 2684 'D' Street, north side, approximately 80 feet west of Mayville Road, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0416-0190-051-00. (To be continued without discussion to June 11, 2003).

Member Peixoto made the motion to approve the Consent Calendar per staff recommendations. Member

Spalding seconded the motion which carried 5/0.

C. Regular Calendar

1. **ELIZABETH RACASA, CONDITIONAL USE PERMIT, C-8051** – Application to allow continued operation of an existing residential care facility for 22 persons in a R-S-U (Suburban Residence, Secondary Unit) District, located at 241 Cherry Way, south side, approximately 600 feet east of Meekland Avenue, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 0429-0010-046-00. (Continued from October 9 and December 11, 2002).

Mr. Gray presented the staff report adding that per Fire Marshall, the Applicant has to secure approval with additional improvements within 90 days.

Public testimony was called for. Elizabeth Racasa said she was the owner/administrator of the facility and submitted a letter of support from the new adjacent neighbor. She pointed out that since noise from the transportation buses had been the main concern at the last hearing, representatives from the East Bay Regional Center were available to provide an up-date.

Ben Hayman, property owner at 241 Cherry Way, indicated that since the Fire Marshall has no concerns, he did not have any either. He applauded the Applicant for responding to the noise problem and suggested the same for the other residential homes in the area.

Lynn Petty on behalf of Fred Niesen, Staff Attorney for Protection Advocacy, Inc., read his written testimony. Although the number of buses, as requested at the December 11th hearing, has been reduced to three, the same could not be done for the size.

Francine Davis, Director of Community Services, Regional Center of the East Bay, commended the Center staff for resolving the noise concern as it is important for their consumers to have good neighbor relationships. Starting April 1st, the number of buses will be reduced to three and the Applicant will be using her own van to provide transportation.

Jeffrey Nagafuji, Case Manager, Regional Center of the East Bay, also read his written testimony and further explained case management process.

Sandy Pimperton, Regional Center of the East Bay, said that having an employee in the front of the property has dramatically improved the problematic areas and the Applicant has submitted a petition from twelve neighbors who do not have any concerns now.

John Rodriguez said he had made an unannounced visit to the facility and had observed the following: seven buses/vans came to pick up residents and none of them had honked; one van made a U-turn but did not pick up any residents; a Head Start van came to an adjacent facility; although one van was parked for six minutes, the resident had come out of the facility within a minute of the van's arrival. He felt that the Sheriff Department's recommendation to reduce the number of large vans was unfair as some residents needed larger vans.

Public testimony was closed. Members Spalding and Palmeri both had concerns with the number of service calls. Member Callahan disagreed adding that 1 ½ calls per month was low. Mr. Gray also

agreed with Member Callaham pointing out that the neighbors who had opposed the project earlier, were now satisfied with the improvements and although U-turns were not illegal but only unsafe, the Applicant has proposed no U-turns. Member Spalding re-stated that this was a high number of calls, especially for missing residents and suggested that perhaps transportation could be coordinated with the adjacent facility. The Chair agreed and recommended a progress report in a year. Member Peixoto concurred with the Chair's suggestion but suggested a year and a half to two years. He made the motion to approve the application with an additional condition to reflect the above suggestion. Mr. Gray suggested the following wordings, "The Applicant shall submit within 18 months of this action to the Planning Director a report on service calls to the Sheriff's Department which shall be verified and filed as part of the record. Member Callaham seconded the motion, which carried 4/1. Member Palmeri voted no.

The Chair announced a 5 minute break at 7:15 p.m.
Hearing reconvened at 7:25 p.m.

2. **SHEANNA ROGERS, CONDITIONAL USE PERMIT, C-8074** – Application to allow operation of a child care facility for 24 children in a R-1 (Single Family Residence) District, located at 23443 Maud Avenue, west side, approximately 300 feet north of Romagnolo Street, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 416-0190-001-00. (Continued from November 13, 2002 and January 8, 2003).

Mr. Gray presented the staff report. He apologized for making an incorrect statement at the February 26th hearing regarding childcare policy. The Board of Supervisors has not adopted any such policy. Christine Greene, staff Planner, provided correction to the site address, which should have read 23243 Maud Avenue. Per Public Works, Condition #12 should be implemented at the Applicant's expense. Bruce Jensen, Senior Planner, stated that the Mitigated Negative Declaration should include the word "Draft". Member Palmeri requested the missing pages 7 and 15-18 for the Alameda County Childcare Land Use Report.

Public testimony was called for. Sheanna Rogers pointed out the following: Woodroe Woods, the nearest facility, was full and had a waiting list; her program was different from the Montessori Schools, she had no intention for selling the facility in the future; it would serve the working parents for a fee; no physical change was being proposed and in reference to increase of traffic, felt that perhaps these motorists already use Maud Avenue. Member Peixoto voiced parking concerns. Ms. Rogers explained that staff would not be parking on the property but on Maud Avenue with one handicap space in front also. Ms. Greene explained that this was Public Works Traffic Division recommendation. Member Palmeri said he had public safety concerns during the school hours. He asked for the possibility of a staff member in front during drop-off and pick-up periods.

Ann Ra Buchanan, project architect, pointed out that almost all drop-offs would be before school time and all pick-ups would be after school hours. She confirmed that the handicap blue section in the front of the property was recommended by Traffic Division.

Lea Bowers, on behalf of Michelle Sherry, ECD Faculty Coordinator, Chabot College, read her letter of commendation. She was appalled that the senior citizens of the neighborhood opposed this proposal.

A representative from the Montessori Schools also spoke in support and provided statistics from City of Hayward. She agreed that the two facilities offered different programs.

Jammie Shreve-Antonini, Chabot Children's Center and a neighbor, said she would be utilizing the Center. She submitted and discussed the Attendance Agreement and the enrollment information sheet. The community needed this type of a facility. In response to Member Spalding, she said her address was 2778 Hidden Lane.

Kathy Bolich, 1160 D Street, described her experience in locating childcare for her child. She felt that the Applicant would be offering what the community wants and that it would not have problems.

Kathy Kelly, a Chabot College instructor, also described her experience in locating childcare for her child. She read her written testimony regarding the Applicant's history and education.

Charles Snipes, President of Fairview Community Club, Inc., spoke in opposition. He disagreed with the last sentence of the fourth paragraph on Page 8 and the second Finding. He further listed other child care facilities in the area and their vacancies. There was already a high density of such facilities in the Fairview area and another one was not needed. The three off-street parking spaces would not be sufficient. The study did not include any suggestions to prevent parents from making illegal U-turns, noting that the new development on Maud Avenue would increase the traffic. He asked why the Fairview area would be the dumping ground for the shortage of such facilities in the County. Mr. Snipes urged a denial.

Kent and Susan Schillerstrom, property owner at 23271 Maud Avenue, spoke against the proposal. Mr. Schillerstrom concurred with Mr. Snipes. The neighborhood group represents fifty-one homes in the area. His concerns included insufficient parking for drop-offs and pick-ups, canyon noise, busy street, traffic and neighborhood preservation. The parking plan was not consistent with prior County requirements and the proposal was not consistent with the Fairview Specific Plan. He disagreed with the traffic count on Page 9. Mrs Schillerstrom said there were 29 other childcare centers in the immediate area. She wished to retain the standard of living and property values and urged a denial.

Kenya Rhiney, Health Educator, also described her anxiety in finding quality care for her child. She noted that testimony submitted today had been based on numbers and not the quality. She felt that having a choice made a big difference. She asked if the community was concerned with numbers and not quality.

John Baker, property owner at 23197 Maud Avenue, said his opposition was based mainly on safety and submitted statistics on the number of cars traveling on Maud Avenue. He pointed out that the staff report did not include Blue Rock Development and/or any other development in the area that would increase traffic.

Bruce Jefferson, former public safety officer, in support, said he was willing to volunteer as traffic controller and would allow staff to park on his property. He felt that we lived in such an area where there was traffic.

Darlene Emmel, 2896 Berta Drive, read her written testimony in opposition adding that a Planning staff member had advised her not to write her opposing letter since 'it was a done deal'.

Keiko Nakamura pointed out that Berta Drive was a small private street, maintained by the residents of Berta Drive. Her concern was that in future Berta Drive would be used for parking. Maud Avenue did not have sidewalks with poor visibility. Currently, no cars were parked on Maud Avenue but if this center was approved, staff will be parking on the street that will affect visibility significantly. Safety was a significant issue. Her other concern was the use of the term "extended care" in the staff report.

Eva Blackbird said her property, 2875 Romagnolo Street, was behind the school. Parents would have to park their cars, walk to the center and sign their children in. She pointed out the lack of sidewalks adding that safety was also a concern.

Jacqueline Fernandez also spoke in support. With all the newer developments in the area, there was a need for quality childcare. She urged an approval.

Maria Raff, First 5 Alameda County, described the funding process. Upon approval, they would continue to support the Applicant financially for site improvements.

Yolanda Booker, 23350 Maud Avenue, in support, pointed out that the Applicant had bought an 'eye-sore' and improved the property/neighborhood. Options for childcare was important. She felt that the focus was on problems rather than solutions, adding that focus should also be on quality instead of quantity. She also urged an approval.

Rosemary Obeid, 4 C's of Alameda County, said she had submitted a letter dated March 2, 2003. She submitted written information and further explained the different types of childcare. Many other centers do not serve infants and the Applicant would be providing this service. There was only one similar center in the Fairview area for 76 children but had a waiting list for 25 children. Ms. Obeid also agreed that options were needed.

LaShonda Williams said she resides in San Lorenzo in a similar neighborhood with a childcare center. Such facilities were needed. She also thought that numbers were not important.

Margarita Herrera also spoke in support. At this time, parents need to feel comfortable with their childcare. Ms. Herrera asked if the community would support a country club instead of a quality childcare.

Jamila Jackson, in support, said that an approval would allow all her children to be together at the same center.

Janice Brooks, a San Leandro resident, pointed out that neighbors were not against childcare. But this was a land use issue. Her concerns included parking, adequate egress and ingress and she thought that disability parking was required for businesses.

Brandy Taylor, 2869 Romagnolo Street, stated that her property was adjacent to the Fairview School with 300 students, teachers, volunteers with 30 parking spaces. Although there were no problems associated with this school as there is always parking available, noise of happy children and school bells, the neighbors around this childcare would not have any of the above.

Liz Noda read a letter of support from another neighbor. She was concerned with the phrase 'dumping ground', adding that her concern was quality child care and parking was the least of all her concerns.

Public testimony was closed. Member Palmeri indicated that although he had parking and safety concerns, there were alternatives. This center would be for toddlers that would not have the same kind of exposure as an elementary school. Maud Avenue was a congested street already and he agreed that handicap parking should not be on the street but on-site. His concern was access and parking but felt that it could be resolved by having a staff member directing traffic. He suggested that a progress report be submitted in one year and deleting Condition #12. Members Callahan and Peixoto both agreed with the

deletion suggestion. Mr. Gray responded with the following: if the Applicant agrees and to keep neighbors satisfied, Condition #12 be included; staff had used Traffic Engineer's numbers; two on-site parking be provided and any additional parking be at an off-site location as the number of children increased; impacts of all new projects would be taken into consideration upon approval and that he would look into the testimony of Ms. Emmel regarding Planning staff's comment to her. At Member Peixoto's request, Mr. Jensen explained the Mitigate Negative Declaration that allows 14 children outside at one time and the Applicant was proposing only 10. A discussion followed. Member Spalding described her concerns including parking, inconsistency with the Fairview Specific Plan; Berta Drive would suffer if used for parking; 174 vacancies in the existing facilities within the Fairview area; traffic; staggering drop-offs and pick-ups; Public Works and Planning Department's conflicting recommendations and a sign in the middle of a residential area. She felt that the church would be an ideal location for such an operation. Member Palmeri suggested an additional condition to reflect that a plaque like sign be attached to the building, not exceeding eight feet with the approval of the Planning Director. The Chair stated that he also had parking concerns.

Member Palmer made a motion to adopt the Negative Declaration and approve the application as recommended by staff with the following changes: Condition 6 modified to read "...ADA accessible parking space shall be designated on the property" and include "Applicant shall provide a contract for five off-site parking spaces; Condition 8 to reflect an 8 square foot attached plaque; Condition 10 to include that a staff member be present to provide pedestrian and traffic safety; Condition 12 be deleted and an additional condition be added to reflect that there will be a review/progress hearing. Member Peixoto thought Conditions 8 and 9 could be combined. Mr. Gray added that based on the testimony received today, the first finding could be reworded to reflect that there is a public need and an additional condition regarding a review hearing to include that the cost of review not be borne by the Applicant. Member Callahan seconded the motion, which carried 3/2. The Chair and Member Spalding voted no.

3. **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 Median Lot Width, 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 and February 26, 2003).

Mr. Gray presented the staff report. The Chair stated that without a plot plan, he could not make a decision. He removed himself from the room. Mr. Gray further explained that no new buildings were being proposed.

Member Peixoto called for public testimony. Nancy Massa, Applicant, stated that the secondary unit was built before 1946 and the newer unit in 1964 and the purpose of this was to bring the two units into compliance.

Public testimony was closed. Member Palmeri discussed the first finding. Mr. Gray suggested adding 'existing legal non-conforming structure.' Member Spalding made the motion to approve the application per staff recommendation. Member Palmeri seconded the motion, which carried 4/1. The Chair abstained.

4. **DON HENDERSON, FIRST BAPTIST CHURCH, CONDITIONAL USE PERMIT, C-8126** – Application to allow expansion of an existing church use in a commercial building, in a C-N (Neighborhood Business) District, located at 4274 Seven Hills Road, north side, southwest corner of Watters Drive, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084D-1212-001-11.

Mr. Gray read the project description.

The Chair called for public testimony. Mr. Henderson pointed out that this was the second renewal. This expansion request was due to lack of space and there would be no change in the use.

Public testimony was closed. Member Peixoto made the motion to approve the application as recommended by staff. Member Callahan seconded the motion. The motion carried 5/0.

5. **PETER BROOKS, CONDITIONAL USE PERMIT, C-8127** – Application to allow continued motorcycle parts sales and salvage; and auto transmission repair use, in a PD – ZU-2059 (Planned Development, 2059th Zoning Unit) District, located at 21065 Foothill Boulevard, southwest side, approximately 150 feet northwest of Ash Street, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0414-0051-037-00.

Mr. Gray read the project description and provided a summary of the past history of this use. Member Palmeri asked if this was Redevelopment area and noted that no referral was made to the Cherryland Homeowner's Association. He was unsure if there were any run-off and/or environmental issues.

Public testimony was called for. Peter Brooks, Applicant, said he had not been aware of Condition 4 and in reference to Condition 5, indicated that it would be completed by July when his tenant would be out of town. In response to the Chair, Mr. Brooks said he was aware that the improvement had to be installed within 60 days adding that it was not logically or financially possible. He would be able to when his tenant was not operating his business.

Public testimony was closed. Member Peixoto made the motion to approve the application subject to the recommended conditions with Condition 5 modified to read 120 days instead of 60 days. Member Palmeri felt that the application should be continued considering the past history and suggested a shorter permit. Member Spalding seconded the motion which carried 3/2. The Chair and Member Palmeri voted no.

6. **REDWOOD CHRISTIAN SCHOOLS, CONDITIONAL USE PERMIT, C-8128** – Application to allow continued operation of a church facility and a school facility expanding from 500 to 525 students, in a R-1 (Single Family Residence) District, located at 1000 Paseo Grande, west side, approximately 100 feet west of Via Alamos, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 0411-0030-047-00.

Mr. Gray read the project description adding that the third finding could be made in the affirmative and, as such, recommendation 'A' be deleted or the matter could be continued to obtain a written response from the Fire Marshall. Member Peixoto agreed.

Public testimony was called for. Gus Enderlin, representing Redwood Christian School, disagreed with the first sentence on Page 3, that the school was in violation of any codes and with the last sentence on Page 2. He pointed out that a fire inspection was completed in December 2001 at the request of the School; there has not been any complaints from the neighbors; and, the fire hydrant requirement had been waived. He was also not sure of the Traffic Division recommendation. Mr. Enderlin asked for a 5 year permit since the school has a contract till 2007 with the School District.

Public testimony was closed. Mr. Gray suggested deleting Recommendation A, Conditions 2 and 3© and approval of a 5 year permit. Member Peixoto made the motion for an approval subject to the recommended conditions with the above modifications as suggested by Mr. Gray. Member Spalding seconded the motion, which carried 5/0.

7. **GERARD DEVELOPMENT, VARIANCE, V-11667** – Application to allow construction of a new residence providing a 31.5 feet high building where 29 feet is allowed, in a R-1-B-E (Single Family Residential, 10,000 square feet Minimum Building Site Area) District, located at Twin Creeks Place, east side, approximately 220 feet south of Twins Creeks Court, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 426-0061-011-02. (Continued from February 26, 2003).

The Chair requested that the matter be continued to March 26, 2003, as recommended by staff. Member Callahan seconded the motion, which carried 5/0.

8. **RANDALL C. ASHBY, VARIANCE, V-11711** – Application to allow: 1) expansion of a non-conforming use (10 feet wide driveway where 12 feet is required); 2) a 16 feet front yard where 20 feet is required; and 3) garage door opening 18 feet from easement where 20 feet is required, in a R-1-B-E (Single Family Residence) District, located at 23518 Maud Avenue, northeast side, approximately 820 feet northwest of the intersection with 'D' Street, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0417-0220-045-00.

Mr. Gray read the project description and explained staff recommendation. Member Palmeri asked how the Applicant had access from Maud Avenue. The Chair pointed out that the staff report states two different easement widths, 10 and 12 feet. Mr. Gray provided an explanation.

Public testimony was called for. Randall Ashby, Applicant, stated that a 10 foot easement was adequate. In response to Member Spalding, he replied that he was unsure of the access point for the property behind him.

Lily Toney, on behalf of her mother, indicated that the Applicant and her mother shared a private driveway. In response to Member Spalding, she said that Mr. Ashby's rear adjacent property had no access, hence, it has not been sold. Her mother would support the variance as long as the easement remained 10 feet. If an additional 2 feet was added, then she would oppose the proposal.

Mr. Snipes, President of Fairview Community Club, stated that the Club would recommend approval if the easement remained 10 feet.

Public testimony was closed. Member Palmeri suggested replacing the word location with configuration in the first Finding. Member Spalding made the motion to approve the application as recommended by staff (Recommendation B) with the above change. Member Peixoto seconded the motion, which carried 5/0.

9. **JOSE NUNEZ, VARIANCE, V-11716** – Application to allow the construction of a new residence with a 30 feet building height where 25 feet is the maximum and a six foot side yard where seven feet is the minimum, in a R-1-B-E (Single Family Residence) District, located at 2926 Winchester Drive, northeast side, approximately 670 feet east of Windfelt Road, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number; 0425-0170-012-03.

Mr. Gray read the project description adding that Condition #1 would also include 40 feet setback. A discussion followed on view easement. Member Spalding indicated that since a neighbor who had concerns had to leave before providing his testimony, she asked if this matter could be re-noticed. The Chair pointed out that the adjacent neighbor has submitted a written requested for a continuance. No public testimony was submitted. Member Peixoto made the motion to continue the matter to March 26, 2003. Member Palmeri seconded the motion, which carried 5/0.

10. **ARON and JANNIFER CAMP, VARIANCE, V-11718** – Application to allow the attachment of an accessory structure to the primary residence providing a six foot side yard where 10 feet is required, in a R-1 (Single Family Residence) District, located at 119 Via Bolsa, northeast side, approximately 256 feet southwest of Via Arroyo, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 413-0086-094-00.

Mr. Gray read the project description and added that although the Applicants were not able to attend today's hearing, they have requested an approval or the matter could be continued for 30 days. No testimony was submitted. Member Peixoto made the motion to approve the application per staff recommendation. Member Spalding seconded the motion, which carried 5/0.

11. **MARDELL, INC., VARIANCE, V-11719** – Application to allow construction of a new single family dwelling thereby providing 25 foot front yard 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 east of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 0417-0250-058-00. (Continued from February 26, 2003).
12. **MARDELL, INC., VARIANCE, V-11720** – Application to allow construction

of a new single family dwelling thereby providing 25 foot front yard 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 east of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 0417-0250-058-00. (Continued from February 26, 2003).

Mr. Gray read the project description for both applications, #11 (V-11719) and #12 (V-11720).

Public testimony was called for. Terence Walker, Architect, stated that they had met with neighbors initially and their concerns regarding rear elevation and view have been resolved.

Mr. Snipes, Fairview Community Club, said that since his concerns have been resolved, he supported the proposal.

Public testimony was closed. Member Palmeri made the motion to approve both the applications subject to the one condition as recommended by staff. Member Callaham seconded the motion, which carried 5/0.

D. Approval of Minutes – January 8 and 22 and, February 5 and 26, 2003.

Regarding the January 8 Minutes, Member Callaham made a correction on Page 6 regarding her name and the Chair pointed out a typo on the last paragraph on Page 11. Member Palmeri made the motion to approve the minutes with the above two corrections and Member Callaham seconded the motion. Motion carried 4/1. Member Spalding abstained.

Member Palmeri made the motion to approve the January 22 and February 5 Minutes as submitted. Member Peixoto seconded the motion, which carried 4/1. Member Spalding abstained.

Member Callaham made the motion to approve the February 26 Minutes as submitted. Member Palmeri seconded the motion, which carried 3/2. Members Peixoto and Spalding abstained.

E. 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.

F. Staff Comments & Correspondence

G. Board Announcements, Comments & Reports

H. Adjournment

There being no further business, the hearing was adjourned at 11:15 p.m.

JAMES SORENSEN - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS