

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
MARCH 26, 2003
(APPROVED APRIL 23, 2003)

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

REGULAR MEETING: 1:30 p.m.

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

MEMBERS EXCUSED: Members Frank Peixoto; Jewell Spalding.

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director; Ronald Gee, Senior Planner; Richard Tarbell, Planner II; Christine Greene, Planner II; Nilma Singh, Recording Secretary

There were approximately eighteen people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 1: 45 p.m.

ANNOUNCEMENTS BY THE CHAIR:

The Chair announced that all cell phones and/or pages should be turned off during the public hearing and speaker cards need to be filled by anyone wishing to provide testimony.

CONSENT CALENDAR:

1. **REY PAGARIGAN, CONDITIONAL USE PERMIT, C-7267** – **Consideration of Revocation** of Conditional Use Permit, C-7267, that allows operation of a residential care facility up to 44 beds subject to 23 conditions. A condition of approval requires that residents of Valley Manor Community Care Home that exhibit violence or participate in the harassment of neighbors be immediately discharged as described under the State of California government code. It has been alleged that the facility is not in compliance with the above condition. The subject property is located 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 Seaveiw Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 84C-0921-108-02. (To be continued without discussion to April 9, 2003).

2. **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 ¼ 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, February 26, 2003; to be continued without discussion to April 9, 2003).

3. **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, and March 12; to be continued without discussion to April 23, 2003).
4. **RICHARD and LAURIE LINDBERGH, CONDITIONAL USE PERMIT, C-7988, VARIANCE, V-11605 and SITE DEVELOPMENT REVIEW, S-1813** – Application to allow construction and operation of a Type A service station and to construct a convenience store 10 feet within a Special Building Line (SBL) in a "TC" (Transit Corridor) District, located at 20925 Mission Blvd, southwest corner of Medford Avenue, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 414-0061-033-00. (Continued from October 9, January 8 and 22, 2003; to be continued without discussion to July 23, 2003).
5. **BEHZAD BARFEEL, CONDITIONAL USE PERMIT, C-7992** – Application to allow operation of an auto sales and minor service facility in the ACBDSP (Ashland Cherryland Business District Specific Plan) and TA (Transit Access) Districts, located at 21265 and 21273 Mission Blvd, southwest side, approximately 150 feet northwest of Blossom Way, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 414-0076-028-00. (Continued from May 22, 2002 and January 22, 2003; to be continued without discussion to November 19, 2003).
6. **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).
Withdrawn.
7. **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 and February 26, 2003; to be continued without discussion to April 9, 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. (Continued from February 26, 2003).

8. **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, February 5 and 26, 2003).

Member Palmeri made the motion to approve the Consent Calendar as recommended by staff and added Regular Calendar items 3 and 8 to the Consent Calendar since both were recommended for a continuance. Member Callahan seconded the motion, which carried 3/0. Members Peixoto and Spalding were excused.

REGULAR CALENDAR:

- 1. GERRY ESPINOZA/ADELINE G. CASTRENCE, REFERRAL FROM THE BOARD OF SUPERVISORS REGARDING THE APPEAL OF CONDITIONAL USE PERMIT and C-8077, VARIANCE, V-11704** – A referral from the Board of Supervisors regarding the Appeal of Applications for a Conditional Use Permit, C-8077 and Variance, V-11704, to allow expansion of an existing residential care facility by the construction of a new two-story 3,344 square foot building on an additional parcel, in a R-S-SU (Suburban Residence, Secondary Unit) District, located at 259, 263, 267 and 269 Medford Avenue, south side, approximately 100 feet west of Lowell Avenue, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Numbers: 429-0014-002-01, 429-0014-002-03, 429-0014-002-04 and 429-002-003-00.

Mr. Gray read the project description adding that the Board of Supervisors had noted that there would be no expansion of the number of residents but only an improvement. Findings and recommended conditions of approval have been included in the staff report.

Public testimony was called for. Gerry Espinoza, Applicant, stated that the facility was licensed for 36 residents, a plan has been submitted for a 20-foot driveway and that this expansion was for the better of the residents. In response to Member Palmeri, he also clarified that currently there were eleven staff members using six bedrooms, the existing buildings were at 263, 267 and 269 Medford Avenue and only one employee drove. The Chair asked for the total number of staff members at one given time and how many lived off-site. Mr. Espinoza replied that six staff members were on site at one time and only lived off-site.

Adeline Castrence, co-appellant, said she was the licensee, and further explained the staffing arrangement and the reasons for the expansion. Member Callahan asked who was going to occupy the master suite. Ms. Castrence said her family would occupy it when making site visits since they lived in Stockton. In response to Member Palmeri, she said the current kitchen was located at 265 Medford Avenue and would be converted into a living room.

Jeffrey Nagafugi, case manager, Regional Center for East Bay, said he works closely with the facility with 2-3 site visits monthly. Member Palmeri asked if any family members visited during his visits and the parking situation. Mr. Nagafugi replied that visitations were scheduled for the weekends normally and, patients visited doctors and therapists off-site. On most occasions, he has parked on the street during which time he has seen three vans and one car in the parking lot.

Sandy Pimperton, case manager, Regional Center for East Bay, pointed out that the Applicants have installed considerable up-grading and were providing quality care which were the concerns raised at the last hearing. She also parks on the street during her visits and added that only two families came regularly to take patients out

Public testimony was closed. A discussion followed regarding the required number of parking spaces and the spaces available on site currently. Mr. Gray read the relevant portion from the Zoning Ordinance and pointed out that the Board could require a higher number of spaces. Member Palmeri noted that the revised recommended conditions of approval did not include the removal of the old kitchen and/or

conversion into living room. His other concern was conversion of new space into more bed area for additional patients, and lack of restrictions related to the expansion. He noted that the above testimony had not been provided at the last hearing. The Chair asked if there was a restriction on the number of staff. His concern was lack of parking in reference to eleven staff members with eight parking spaces which would result in a street over-spill. Member Callaham's said she had improvement concerns. Currently, there were eleven on-site staff members with six bedrooms. A discussion followed regarding parking. With the aid of the revised plot plan, Mr. Gray pointed out the location of the 15 parking spaces and noted the possibility of two additional spaces. The Chair stated that he now had no parking concerns. Member Palmeri felt that the master suite was not consistent with staffing accommodations and, as such, suggested an additional condition to reflect that its uses be solely for employees accommodations, and the permit be approved for only a year. He did not think that a master suite would solve the accommodation problem. Mr. Gray replied that he would have to check with County Counsel as substantial improvements did not balance a one-year permit. Member Palmeri then suggested a one-year review period. He made the motion to approve the application subject to the recommended conditions with the above modifications. Member Callaham seconded the motion, which carried 3/0 with Members Peixoto, and Spalding excused.

2. **ST. ANTONIUS COPTIC ORTHODOX CHURCH, CONDITIONAL USE PERMIT, C-7978 and VARIANCE, V-11623** – Application to allow: 1) expansion of an existing church facility by construction of an enclosed addition below the parking structure to provide one guest room with bathroom and shower, five storage areas, and two work room with bathrooms, and 2) to retain two freestanding signs 9 feet-3 inches in height where 4 feet is the maximum permitted, 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, and March 12, 2002).

Ron Gee, Senior Planner, read the project description, adding that as a result of a neighborhood meeting and a conference call, several changes have been made to the recommended conditions of approval.

Public testimony was called for. Stewart Fahmy representing the church, concurred with Mr. Gee. Under the supervision of Mr. Gee and Richard Tarbell, Staff Planner, the church had a neighborhood meeting with about thirty attendees and most of the suggestions have been incorporated in the conditions of approval. Most of the issues have been corrected and in reference to the parking issue, curbside painting was suggested. Member Palmeri asked how long would the visiting clergy occupy the guestroom during each stay. Mr. Fahmy replied that it would be mostly a 4-7 days stay, 6-7 times yearly.

Maciel Chall, President of Creekside Homeowners Association, said the association had no objections to the additional buildings. She commended Planning staff for the neighborhood meeting.

MaryLou Vincent concurred with Ms. Chall, requested clarification on the number of storage rooms and pointed out that a cross has been added to the sign. Mr. Gee replied that there would be five storage rooms.

Public testimony was closed. In reference to Condition #1(a), Member Palmeri suggested adding a sentence to reflect that the guest rooms not be used continuously for over a month at one given time and in reference to the expiration date, a review period for compliance of conditions. He made the motion to approve the application as recommended by staff with modifications to conditions 1(a) and 12. Member Callaham seconded the motion that passed 3/0. Members Peixoto and Spalding were excused.

The Chair announced a 5 minutes break at 3:00 p.m.

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. (Continued from February 26, 2003).

This item was moved to the Consent Calendar to be continued without discussion to April 23, 2003.

Public hearing reconvened at 3:10 p.m.

4. **JUVENIAL 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. (Continued from February 26, 2003).

Mr. Gray read the project description.

No public testimony was submitted. Member Palmeri made the motion to deny the application as recommended by staff. Member Callaham seconded the motion, which carried 3/0 with Members Peixoto and Spalding excused.

5. **SOLOMON SAVALI, VARIANCE, V-11655** – Application to allow construction of a 3,648 square foot, two-story addition to an existing retain commercial building providing 18 parking spaces where 21 parking spaces are required in a PD (Planned Development, 1546th Zoning Unit) District, located at 790 Bockman Road, south side, approximately 150 feet west of Via Arriba, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 412-0085-066-00. (Continued from November 13, December 11, 2002 & January 22, 2003).

Mr. Gray read the project description adding that revised plans have been distributed now. Staff still has questions regarding tandem parking. Member Palmeri requested clarification on restrictions as to how close commercial buildings can be to a residence.

Public testimony was called for. The applicants were not available.

Mr and Mrs Frank Mitchell, adjacent property owner at 750 Bockman Road, said he disagreed with the findings adding that neighboring properties were residential homes and his other concerns included the following: Bockman Road was a very busy street hence a five foot setback was not sufficient; proposed addition would be detrimental to the neighborhood; although most businesses close at 6:00 p.m., businesses at this site could have longer hours which would generate more traffic; view would be affected; driveway has been narrowed from 30 feet to 20 feet and he felt that it should be maintained at 30 feet due because of heavy traffic; the location of the utility pole would restrict turnaround and he suggested putting it underground; the existing commercial buildings were under-utilized currently; the project did not enhance the quality of life and was inconsistent with the Eden Area General Plan. Mr. Mitchell submitted signed copies of his written testimony on behalf of the neighbors and urged a denial. Mrs Mitchell noted that the lack of sidewalk made it difficult for pedestrians and a building would worsen the situation. Another commercial building was not needed but perhaps residential building.

Mary Blythe-Lou, 782 Bockman Road, said she was the rear property owner. She opposed the proposal as it would have an adverse affect on the quality of life and, have noise and light disturbances.

Public testimony was closed. Mr. Gray explained that the residential uses were non-conforming and the zoning change from Residential to Commercial had been approved by the Board of Supervisors; the project was consistent with the General Plan; Public Works Agency has also recommended that the utility wires be installed underground and although the retail use would generate more traffic but it would be sustained by Bockman Road. Member Palmeri agreed that a retail use would create additional foot and traffic, especially located adjacent to a school. The staff report does not indicate the type of retail use. His other concerns were access and inadequate parking spaces. The proposed setback was not consistent with the area and the buffer between this use and the residences have not been addressed since the neighbors would be negatively impacted. He could not make the first and second findings in the affirmative adding that this was a design choice. Mr. Gray pointed out that if the required 20-foot setback was provided, this variance would not be needed and it would not be a grant of special privileges as the area was zoned for commercial uses. Member Callaham pointed out that the Eden Area Specific Plan was currently in draft form only. The Chair stated that he had questions for the Applicant who was not available and recommended that the Applicant and the community meet to discuss all the concerns noted above. Mr. Gray explained that without some relaxation of the standards, this project could have a more severe impact. A lengthy discussion followed regarding the setbacks. The Chair requested that the matter be continued to May 14, 2003 and asked staff to inform the Applicant that a decision would be made in his absence at the next hearing. Member Callaham seconded the motion, which carried 3/0 with Members

Peixoto and Spalding excused.

6. **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, February 26 and March 12, 2003)
7. **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, February 26 and March 12, 2003).

Mr. Gray read the project description.

Public testimony was called for. The Project Architect concurred with the staff recommended conditions adding that these variances had been approved previously but not implemented due to health problems.

Member Palmeri pointed out that the special circumstances would be the steep slope. Motion was moved and seconded by Members Palmeri and Callaham to approve the applications as recommended by staff. Motion carried 3/0 with Members Peixoto and Spalding excused.

8. **L. FU/DAVID LAU, VARIANCE, V-11708** – Application to allow construction of three new dwellings providing: 1) six foot 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, February 5 and 26, 2003).

This application was moved to the Consent Calendar to be continued without discussion to April 9, 2003.

9. **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 Avenue, west side, approximately 230 feet north of the intersection with Medford Avenue, unincorporated Ashland area of Alameda County, bearing Assessor's Parcel Number: 413-0043-020-00. (Continued from February 26, 2003).

Mr. Gray read the project description adding that this item was continued from the prior hearing in order for the Applicant to submit a better site plan.

Public testimony was called for. Aaron Selinger, Applicant, stated that a new site plan had been submitted. The owners were willing to install sprinklers for the two rear units if required.

Public testimony was closed. Member Palmeri requested clarification on the first finding in reference to the special circumstances and asked when the existing dwelling was constructed. Public testimony was re-opened. Mr. Selinger replied that it was built in 1946 but he bought this property five months ago.

Public testimony was re-closed. Member Palmeri pointed out that the special circumstances would be that the house was pre-existing. The Chair stated that the conditions include installation of sprinklers for safety. Member Callahan made the motion to approve the application as recommended by staff. Member Palmeri seconded the motion, which carried 3/0. Members Peixoto and Spalding were excused.

10. **VILLA SANTA MARIA HOMEOWNER'S ASSOCIATION, VARIANCE, V-11714** – Application to allow an 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 County, bearing Assessor's Parcel Numbers: 084A-0108-036-00, 084A-0108-032-00, 084A-0108-033-00 and 084A-0108-031-00.

Mr. Gray read the project description and noted a correction that this property was located in Castro Valley.

Public testimony was called for. Barry Miller, Association President, said the fence has existed for the last ten years and had to be replaced. He was concerned with the time frames in the recommended conditions of approval.

Coreen Tasto, property owner, concurred with Mr. Miller and submitted photographs of the old and new fence. Although the new fence was installed in last October, it still looks new but will be either stained or painted. The Chair thought that parts of the fence looked to be 6 feet, 8 feet high with lattice in some areas. Mr. Miller explained that it was due to the elevation and safety concerns. Mr. Gray indicated that the time frames would provide some record for the future.

Public testimony was closed. Member Palmeri made the motion to approve the application subject to the five recommended conditions. Member Callahan seconded the motion, which carried 3/0. Members Peixoto and Spalding were excused.

11. **JOSE NUNEZ, VARIANCE, V-11716** – Application to allow the construction of a new residence with a 30 foot 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. (Continued March 12, 2003).

Mr. Gray read the project description adding that this application was continued from the last hearing since the neighbors could not stay to provide testimonies and to clarify the easement concern. He explained that the County was under obligation to honor this easement since it was a private document. A discussion followed regarding the side yard requirement.

Public testimony was called for. The Applicants were not available and no other testimony was submitted. Public testimony was closed. Member Palmeri made the motion to approve the application as recommended by staff. The Chair seconded the motion, which carried 3/0. Members Peixoto and Spalding were excused.

12. **AMARJIT S. MANN, VARIANCE, V-11721**– Application to allow a 22 foot front yard where 30 feet is required and a 12 foot six inch side yard where 15 feet is required (Lot 2), in a R-1-B-E (Single Family Residential, 10,000 square foot Minimum Building Site Area) District, located on Courtney Lane, northeast side, approximately 91 feet northwest of Fairview Avenue, unincorporated Hayward area of Alameda County, bearing Assessor’s Parcel Number: 0417-0270-023-00.
13. **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), west side, approximately 91 feet northwest of Fairview Avenue, unincorporated Hayward area of Alameda County, bearing Assessor’s Parcel Number: 0417-0270-024-00.
14. **AMARJIT S. MANN, VARIANCE, V-11723** – Application to allow a 20 foot front yard where 30 feet is required and an 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 Hayward area of Alameda County, bearing Assessor’s Parcel Number: 0417-0270-022-00.
15. **AMARJIT S. MANN, VARIANCE, V-11724** – Application to allow a 20 foot front yard where 30 feet is required and an 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), southwest side, corner of Fairview Avenue, unincorporated Hayward area of Alameda County, bearing Assessor’s Parcel Number: 0417-0270-025-00.

Mr. Gray suggested acting on items 12, 13, 14 and 15 simultaneously. He read the project descriptions adding that the same site plan was applicable to all the variances. The Chair asked if these projects were consistent with the Fairview Specific Plan and Member Palmeri requested clarifications on the side yard setbacks.

Public testimony was called for. Stephen Montel, Project Designer representing the Applicant, urged an approval.

Public testimony was closed. Member Palmeri made the motion to adopt the findings and approve all four variances as recommended by staff. Member Callahan seconded the motion, which carried 3/2. Members Peixoto and Spalding were excused.

16. **DIANE GREEN, VARIANCE, V-11725** – Application to facilitate the subdivision of one parcel into two lots thereby retaining two accessory structures without a principle use (main dwelling) on the new parcel and maintain one accessory structure in the front half of the lot where not otherwise allowed, in a

R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) 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.

Mr. Gray read the project description adding that the Applicant has not filed an application to subdivide.

Public testimony was called for. Diane Green explained her reasons for this variance which she said was filed on the advice of a civil engineer. She also described the layout and the location of the existing dwellings adding that she would like to retain the two existing buildings. Member Palmeri requested clarification on the site plan.

Gordon Browning, property owner at 19056 Stanton Avenue, said he has lived on his property for 44 years. Although he supports the variance, Mr. Browning said there was a serious run-off problem from the subject property. He wanted assurance that this issue would be resolved.

Public testimony was closed. Member Palmeri pointed out that since he owned a property about 300 feet from the subject property, he would abstain from voting on the application. The Chair explained that the matter would have to be continued due to lack of quorum and that additional clarification was needed. Ms. Green opted for an afternoon hearing. The matter was continued to April 24, 2003 due to the lack of a quorum and further clarification.

17. **AULETTE 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-three 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 (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.

Mr. Gray read the project description. He noted that Member Callaham lived more than 300 feet from the subject property. Member Callaham added that she was comfortable to remain as part of the quorum.

Public testimony was called for. Jack Little, representing the Applicant, provided the history of the property. The proposed addition was not necessarily a new addition. The existing bedroom was not built to code and was very small, hence, the proposal was to replace it but would remain within the same building line.

Public testimony was closed. The Chair asked what the nonconforming use was as he had concerns with expansion of a nonconforming use. Mr. Gray said he did not support the reduction of space between the two units.

Public testimony was re-opened. Mr. Little explained that the existing bedroom was not built on a foundation but just a slab that was added to the house. Public testimony was closed.

Member Callaham said she knew the property and the occupants. She felt that because the same family occupied the two units and it was not a rental, some added consideration should be given. Member Palmeri disagreed pointing out that family relations did not run with the property. The proposal was more

a design choice than a necessity.

Public testimony was re-opened. The Chair asked if the garage was attached to the rear unit. Mr. Little replied no. A discussion followed on different options. Member Callaham made the motion to approve the application as recommended by staff. Member Palmeri seconded the motion adding that a condition be added to reflect that no further additions be approved for both the units. Motion carried 3/0 with Member Peixoto and Spalding excused.

APPROVAL OF MINUTES - March 12, 2002. Minutes were not available.

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.

STAFF COMMENTS & CORRESPONDENCE:

Mr. Gray stated that the revised Garage Conversion Policy has been presented at the Transportation Committee meeting. And in the interim, he suggested having it as part of the next workshop.

CHAIR'S REPORT:

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:

ADJOURNMENT:

There being no further business, the hearing was adjourned at 6:00 p.m.

JAMES SORENSEN - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS