

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
APRIL 23, 2003
(APPROVED MAY 28, 2003)

The meeting was held at the hour of 1:30 p.m. in the Public Works Operations Building, 951 Turner Court, Hayward, California.

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Members Dennis Botelho, Chair; Sharon Callahan; Ron Palmeri; Frank Peixoto;

MEMBERS EXCUSED: Jewell Spalding.

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director; Richard Tarbell, Planner II; Kate Conner, Planner I; Sonia Urzua, Planner II and Nilma Singh, Recording Secretary.

There were about seven people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 1:30 p.m.

Announcements by the Chair: The Chair reminded that anyone wishing to speak has to fill out a speaker card and phones/pagers be turned off during the public hearing. A three- minute rule would be applied to all.

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 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, March 26, 2003; to be continued without discussion to May 28, 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, March 12 and 26; to be continued without discussion to May 28, 2003).

3. **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. (Continued from April 9; to be continued without discussion to May 28, 2003).

4. **HOSANNA HOMES, CONDITIONAL USE PERMIT, C-8143** – Application to allow continued operation of a residential care facility adding two modular trailers (Applicant requests a ten year renewal period), in an “A” (Agricultural) District, located at 9998 Crow Canyon Road, west side, approximately one mile north of the intersection with Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 0085-1902-001-00. (To be continued without discussion to May 28, 2003).
5. **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: 0413-0055-015-00. (Continued from November 20, 2002 and February 26, 2003; to be continued without discussion to May 28, 2003).

Mr. Gray recommended that Regular Calendar item #4, which has been withdrawn, be moved to the Consent Calendar. Member Callaham made the motion to approve the Consent Calendar per staff recommendations and with the above modification. Member Palmer seconded the motion, which carried 4/0. Member Spalding was excused.

REGULAR CALENDAR:

1. **FAITH LUTHERAN CHURCH, CONDITIONAL USE PERMIT, C-8118** – Application to demolish a residence and garage while expanding an existing church facility by the construction of fellowship/education, administration and music buildings, 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 Modesto Street, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Numbers: 084C-0766-004-00 and 084C-0766-003-00. (Continued from March 26, 2003).

Ms. Sonia Urzua, staff Planner, read the project description. Mr. Gray added that after looking at the phased construction of the project followed by a discussion with staff, Condition #22 would not be practical once the church was expanded. He suggested deleting the first sentence.

Public testimony was called for. Craig Ragg, church member, agreed with staff recommendations. This was a 40-year old building and, as such, it was time to expand. Several other organizations also use the church for meetings and all the neighbors support the expansion.

Tim Mattheis, Architect, provided an overview of the project's two phases. Phase I included the demolition of old existing residence and replacing it with a new fellowship hall for social activities and the second floor for additional meeting spaces. Phase II included replacing the single story building with a larger administrative office and the second story for a music room. All improvements will compliment the existing building in materials and color. Member Palmeri asked if on-site parking could be re-configured and the Chair asked for the required number of parking spaces. Mr. Mattheis felt that parking would not be an issue as no expansion of the size of the congregation was being proposed. The church was proposing 99 spaces and has an agreement with the library for off-site parking. In response to the Chair that the library could be sold in 1-2 years, Mr. Mattheis added that the church would negotiate with the new owner also. Member Callaham noted the responses from the different agencies and asked if all issues have been resolved. Mr. Mattheis replied that some issues have already been resolved and others would be at the time of construction.

Mr. Ragg added that the church has been in existence for fifty years and has a very good relationship with the neighbors who have no concerns/problems.

Ms. Urzua explained the parking requirements. In response to Member Pexioto, she indicated that these were standard sized spaces. Member Peixoto suggested converting some of these to compact size to increase the total number of spaces. Mr. Mattheis agreed that this would add a few more spaces.

Public testimony was re-opened. The Chair asked if there was any other possibility of another off-site parking agreement. Mr. Ragg thought that perhaps an agreement could be reached with the dentist office. Member Palmeri felt that eventually the increased activities would increase the congregation and pointed out that staff was not recommending an expiration date. He suggested perhaps the use of a van from an off-site parking location. Mr. Ragg asked if an action could be taken on this application with an additional condition to require another off-site parking agreement. Member Pexioto suggested that the parking requirement could be looked at with Phase II.

Public testimony was closed. Member Palmeri made the motion to adopt staff's findings and approve the application with Condition #22 modified to delete the first sentence and addition of another sentence to reflect that subject to the Planning Director, the Applicant would provide some form of written agreement for off-site parking. Member Callaham seconded the motion, which carried 4/0. Member Spalding was excused.

2. **ROBERT A. HILL, CONDITIONAL USE PERMIT, C-8124** – Application to allow continued operation of a veterinary hospital, in a C-1 (Commercial) District, located at 22163 Redwood Road, west side, approximately 280 feet south of the intersection with Lessley Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 0415-0100-048-00.

Ms. Conner read the project description.

Public testimony was called for. Dr. Robert Hill said he has owned his own hospital for 17 years. He requested the following regarding the recommended conditions of approval: regarding Condition #1, he felt that it would be unrealistic to limit overnight visits to just two animals; Condition #2 had not been part of the prior permit and they have had some evening and Saturday appointments as well; and in reference to Condition #4, staff parked off-site along Redwood Road and designated parking was not needed. Dr. Hill requested that all the above conditions be either deleted or modified.

Public testimony was closed. Member Botelho stated that he had made a site visit and confirmed that all business was conducted indoors and that modification of Condition #4 had been recommended by Castro Valley Municipal Advisory Council. Member Palmeri suggested adding a sentence to prohibit boarding of animals day or night. Mr. Gray suggested deleting Condition #2. The Chair discussed the possibility of one-hour parking. Mr. Gray explained that it would be at the expense of the Applicant. He also suggested deleting Condition #4 and the second sentence in Condition #1. Member Peixoto made the motion to approve the application subject to the recommended conditions with the above modifications that would include deletion of the second sentence in Condition #1, deletion of Conditions 2 and 4. Member Palmeri seconded the motion, which carried 4/0. Member Spalding was excused.

3. **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 Lane, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084B-0460-004-00. (Continued from March 26, 2003).

Mr. Gray read the project description. Member Palmeri excused himself from the public hearing since he was also a property owner in the area.

Public testimony was called for. Diane Green, Applicant, indicated that Member Palmeri's property was located on a different hill. Member Palmeri asked why she wanted to retain the existing buildings. Ms. Green replied that she was using them for storage and her prospective buyer would also like to use it for storage. Member Palmeri explained that an approval would allow non-residential buildings on lots that could be subdivided and these buildings could be converted into primary dwellings.

Public testimony was closed. Mr. Gray noted that these buildings were not habitable. He suggested an additional condition could specify that these buildings can be used only for storage and if sold separately, existing storage buildings must be removed prior to being sold. A discussion followed. Member Palmeri suggested adding a condition reflecting that after one year, if these lots were subdivided, the existing buildings would be demolished or new residences built.

Public testimony was re-opened. Ms. Green felt that perhaps this variance application was premature and she should have submitted a subdivision application instead. Hence, she withdrew her application.

The Chair announced a 5-minute break at 2: 40 p.m.

4. **CHRISTINE ARMSON, VARIANCE, V-11731** – Application to allow an accessory structure with a 30 square foot bath where a 20 square foot bath is allowed, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4231 Somerset Avenue, south side corner, south of the intersection with Salem Road, unincorporated Castro Valley

area of Alameda County, bearing Assessor's Parcel Number: 084C-0757-032-00.
Withdrawn.

5. **JAY and CORRINNE GOLDBERG, VARIANCE, V-11732** – Application to allow construction of a 480 square foot addition providing a 20 foot rear yard where 30 feet is required in a PD (Planned Development, 1268th Zoning Unit) District, located at 18745 East Cavendish Drive, west side, approximately 580 feet northeast of the intersection with West Cavendish Drive, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 085-6305-020-00.

Mr. Gray read the project description.

Public testimony was called for. Leticia Niles, Project Designer, described the proposal noting that the addition would not be visible from the street.

Public testimony was closed. Member Palmeri made the motion to approve the application subject to the three recommended conditions. Member Callahan seconded the motion, which carried 4/0. Member Spalding was excused.

6. **JOAO M. CARDOSO, VARIANCE, V-11734** – Application to allow eight dwelling units (seven new units and one existing) providing a three foot setback from the access driveway where 10 feet is required, in a R-S-D-25 (Suburban Residence, 2,500 square foot Minimum Building Site Area per dwelling unit) District, located at 20161 Royal Avenue, southwest side, approximately 320 feet southeast of the intersection with Bartlett Avenue, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0432-0004-005-02.

Mr. Gray read the project description. The Applicant was not available and no other testimony was submitted. He recommended a continuance to May 28th. The Chair asked that the Applicant be notified that a decision will be made at the next hearing with or without his presence. The matter was continued to May 28, 2003.

7. **CLARENCE E. BYAL & CELERITY DEVELOPMENT CO., VARIANCE, V-11740** – Application to expand a non-conforming use (yards, setbacks, parking and driveway width reductions) by the construction of an attached addition in a R-3 (Four-Family Residence) District, located at 2251 – 2255 Regent Way, south side, approximately 375 feet east of the intersection with Cross Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0272-019-02.

Mr. Gray read the project description.

Public testimony was called for. Ernie Byal, representing the Applicant (his father), described the proposal. Currently, there were two single-family homes and a duplex on the property, and the existing dilapidated structure would be replaced.

Public testimony was closed. Member Palmeri asked about required open space on the property. Mr. Gray replied that 600 square foot of open space was required for each unit, a total of 2,400 square feet but

pointed out that Plan A2 reflects proposed construction of an attached addition only. All non-conforming setbacks were existing under a prior variance. Member Palmeri felt that the plans were slightly different. His concerns were lack of open space and parking. An expansion that would increase the total number of people living in this complex, which in turn would increase the number of vehicles. He felt that the property was already over-built. He could not make the findings in the affirmative. The Chair said he had a problem with properties that have too many non-conforming conditions. Member Callaham's concern was the driveway width in reference to emergency vehicle access. Member Peixoto pointed out that the driveway would not change either with an approval or disapproval. His concern was Finding #1.

Public testimony was re-opened. Mr. Byal confirmed that this would be a rental unit. Public testimony was closed.

Member Palmeri made the motion to deny the application since no special circumstances existed, the property was already over-developed, lacked adequate open space and would lead to a detrimental affect to the occupants. Member Peixoto seconded the motion, which carried 3/0/2. Member Callaham abstained and Member Spalding was excused.

Minutes - March 12 and 26, and April 9, 2003. Member Peixoto made the motion to approve the March 12 and April 9 minutes as submitted. Member Palmeri seconded the motion, which carried 4/0. Member Spalding was excused.

The Chair made the motion to approve the March 26 Minutes as submitted. Member Callaham seconded the motion, which carried 3/1/1. Member Peixoto abstained and Member Spalding was excused.

STAFF COMMENTS & CORRESPONDENCE:

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.

CHAIR'S REPORT:

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS:

ADJOURNMENT: There being no further business, the hearing adjourned at 3:20 p.m.

JAMES SORENSEN - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS