

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
FEBRUARY 7, 2007
(APPROVED FEBRUARY 28, 2007)

The Regular Meeting was held at the hour of 6:00 p.m. in the Alameda County Building, 224 West Winton Avenue, Hayward, California.

FIELD TRIP: 1:30 p.m. The Field Trip for February 7, 2007 was cancelled.

MEMBERS EXCUSED: Chair, Ron Palmeri; Vice Chair, Frank Peixoto; Members; Jewell Spalding, Lester Friedman and Dawn Clark-Montenegro.

FIELD TRIP: The following properties were listed however none was visited due to the cancellation of the Field Trip.

1. **COMMUNITY ASSISTANCE for the RETARDED & HANDICAPPED / MARY GIANPOUNOS, CONDITIONAL USE PERMIT, C-8537** – Application to allow the continued operation of an adult care facility with 12 beds, in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 17482 Boston Road, east side, approximately, 100 feet north of Hampton Road, unincorporated Cherryland Area of Alameda County, designated Assessor's Parcel Number: 413-0035-014-03.
2. **KAREN CARTER, CONDITIONAL USE PERMIT, C-8551** – Application to allow the continued operation of a 15 bed residential care facility, in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 237 Cherry Way, south side, approximately, 500 feet east of Meekland Avenue, unincorporated Cherryland Area of Alameda County, designated Assessor's Parcel Number: 441-0090-014-00.
3. **PETER MITCHELL, CONDITIONAL USE PERMIT, C-8553** – Application to allow the continued operation of an outdoor storage facility, in an M-1-B-40 (Light Industrial, 40,000 square feet Minimum Building Site Area) District, located at 24018 Clawiter Road, east side, approximately, 250 feet north of West Street, unincorporated Eden Area of Alameda County, designated Assessor's Parcel Number: 441-0090-014-00.
4. **HORIZON SERVICES, CONDITIONAL USE PERMIT, C-8557** – Application to allow continued operation of a residential care facility and use of an existing office trailer in a PD (Planned Development) District, located at 2595 Depot Road, north side, northwest corner of Monte Vista, Unincorporated Eden Area of Alameda County, Assessor's Parcel Number: 441-0068-040-04.
5. **SACRED ORDER of CHERABRIM & SERAPHIM, CONDITIONAL USE PERMIT, C-8568** – Application to allow the operation of a church, in a C-1 (Retail Business) District, located at 676 Bockman Road, Unit E & F, south side, approximately, 50 feet east of Via Arriba, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 412-0085-006-03.
6. **THOMAS RANFTL, VARIANCE, V-12054** – Application to allow a 12 foot front yard where 20 feet is required with an attached addition, in an R-1-RV (Single Family Residence, Recreational Vehicle Parking) District, located at

16566 Toledo Way, east side, approximately 270 feet north of 166th Avenue, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080A-0197-005-00.

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Chair, Ron Palmeri; Vice Chair, Frank Peixoto; Members, Jewell Spalding, Lester Friedman and Dawn Clark-Montenegro.

MEMBERS EXCUSED: None.

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

There were approximately 13 people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 6:00 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair made no announcements.

OPEN FORUM:

Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes.

No one requested to be heard under open forum.

CONSENT CALENDAR:

1. **FRANCISCO PENA, CONDITIONAL USE PERMIT, C-8389** – Application to allow the operation of a temporary outdoor business (Catering Truck) in a TC (Transit Corridor) District, located at 16211 East 14th Street, southwest end of 162nd Avenue, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080C-0479-003-00. (Continued from January 11, March 22, May 24, September 13 and November 8, 2006; to be continued to April 11, 2007).
2. **MERCEDES BELLORINI, CONDITIONAL USE PERMIT, C-8483** – Application to allow the operation of a church facility, in an ACBD SPECIFIC PLAN – FA (Ashland and Cherryland Business Districts Specific Plan) Freeway Access, located at 45 Lewelling Boulevard, north side, 300 feet, east of Via Granada, in the unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 413-0015-037-00. (Continued from January 10, 2007). **THIS APPLICATION HAS BEEN WITHDRAWN.**
3. **TERESITA LAGUNA, CONDITIONAL USE PERMIT, C-8555** – Application to allow the continued operation of a 22 bed Residential Care Facility, in an R-1 (Single Family Residence) District, located at 268 Lewelling Boulevard, south side, approximately 100 feet east of Tracy Street, , unincorporated, San Lorenzo area of Alameda County, designated Assessor's

Parcel Number: 413-0093-002-00. (Continued from January 24, 2007; to be continued to March 28, 2007).

4. **VERBINA and JAGMOHAN SETHI, VARIANCE, V-11970** – Application to subdivide a parcel so as to provide a one foot side yard where five feet is required in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 3213 Keith Avenue, south side, approximately 524 feet west of Lake Chabot Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0510-011-01. (Continued from July 12, September 27 and October 25, 2006). **THIS APPLICATION HAS BEEN WITHDRAWN.**
5. **JOE TEIXEIRA, VARIANCE, V-12023 and PARCEL MAP, PM-9237** – Application to subdivide one parcel into three lots and a variance to allow a four foot setback from a private street where 10 feet is required, in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 19448 Lake Chabot Boulevard, east side, approximately, 250 feet north of Barlow Drive, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0529-038-04. (Continued from October 25, December 13, 2006 and January 10, 2007; to be continued to March 14, 2007).

Vice Chair Peixoto motioned to accept the Consent Calendar with the confirmed amendment that applications #2, C-8483 and #4, V-11970 have been withdrawn. Member Clark seconded the motion. Motion carried 5/0.

REGULAR CALENDAR

1. **COMMUNITY ASSISTANCE for the RETARDED & HANDICAPPED / MARY GIANPOUNOS, CONDITIONAL USE PERMIT, C-8537** – Application to allow the continued operation of an adult care facility with 12 beds, in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 17482 Boston Road, east side, approximately, 100 feet north of Hampton Road, unincorporated Cherryland Area of Alameda County, designated Assessor's Parcel Number: 413-0035-014-03.

Staff recommended approval of the application and distributed an addendum which included additional referral responses. Condition #3 has also been revised to require that the property be inspected, and obtain clearance certification from the Alameda County Fire Department within 30 days of approval. Prior conditions that specifically relate to the old permit have also been removed. Member Friedman said that his observation regarding Tentative Finding #1 was that the finding was unreasonable. The Chair asked about the applicant's compliance track record related to past Conditions of Approval. Staff confirmed that the applicant had satisfied all past conditions, including the requirement that the building be painted. The property has remained clean and is well maintained. There have been no complaints registered against the facility. Public testimony was opened.

Member Spalding asked the applicant how long the facility had been in operation. Ms. Mary Gianopolis responded that the facility has been in operation since 1993. Ms. Gianopolis is the Executive Director of Community Assistance for the Retarded and Handicapped, which is owned by "Boston House". CARH is the fund raising entity. Ms. Gianopolis has also been the Facility Manager at the 17482 Boston Road

location since 2003. Public testimony was closed.

Vice Chair Peixoto motioned to approve the application which shall include the revised conditions submitted in addendum. The applicant shall obtain an inspection and fire clearance from the Alameda County Fire Department within 30 days of approval. Member Friedman seconded the motion with a requested modification to Tentative Finding #1. The language stating the number of persons over 55 years of age in Cherryland shall be omitted from Tentative Finding #1. Vice Chair Peixoto accepted the modification. Motion carried 5/0.

2. **VINCENT ROOFING COMPANY, CONDITIONAL USE PERMIT, C-8545** – Application to allow the continued operation of a contractor’s storage yard, in an M-1 (Light Industrial) District, located at 2181 Dunn Road, north side, approximately, 350 feet west of Clawiter Road, unincorporated Eden Area of Alameda County, designated Assessor’s Parcel Number: 439-0016-016-02. (Continued from January 24, 2007).

Staff requested a continuance to the February 28, 2007 Hearing. The applicant was not able to attend today’s hearing. Public testimony was opened. No one requested to be heard during public testimony. Public testimony was closed. Member Spalding motioned to continue the application to February 28, 2007. Member Friedman seconded the motion. Motion carried 5/0.

3. **HAYWARD AREA RECREATION & PARK DISTRICT, CONDITIONAL USE PERMIT, C-8552** – Application to allow the continued use of a caretakers dwelling, in an R-1 (Single Family Residence) District, located at 1970 Via Buena Vista, west side, terminating west of Via Buena Vista, unincorporated, San Lorenzo area of Alameda County, designated Assessor’s Parcel Number: 411-0078-001-00. (Continued from January 24, 2007).

Staff recommended approval of the application. Public testimony was opened. Mr. Karl Zabel was present to answer questions on behalf of Hayward Area Parks and Recreation District. Member Friedman commented that he had visited the park facility, and that it was very nice. Member Friedman’s questions for the applicant were as follows:

- Does the Via Buena Vista facility still contain a dog park
- Has access to water for animal visitors been added to the facility

Mr. Zabel told Members that the Via Buena Vista Park was the first facility to include a dog park. He believed the park now has a water outlet for the dogs. Earl Warren Park in Castro Valley was the second H.A.R.D. facility to include a dog park. Public testimony was closed.

Member Spalding motioned to adopt the staff recommendation of approval. Vice Chair Peixoto seconded the motion. Motion carried 5/0.

4. **ANTHONY FURLONG, VARIANCE, V-12045** – Application to allow a 16 foot, five inch rear yard where 20 feet is required with the construction of a new Single Family Dwelling, in an R-S-D-20 (Suburban Residence, 2,000 square foot, Minimum Building Site Area per Dwelling Unit Density) District, located on Meadow Lark Drive, south side terminus of Meadow Lark Drive, in the unincorporated Castro Valley area of Alameda County, designated Assessor’s

Parcel Number: 084C-0724-148-00. (Continued from January 10 and January 24, 2007).

Staff reminded the Board that the application had come before them on January 10 and January 24, 2007. The recommendation was approval. Member Clark asked if the easement that runs along the front of the property was created in conjunction with the original subdivision. Staff confirmed that the easement was created with the subdivision to allow access to a corner lot. Public testimony was opened.

The applicant, Mr. Furlong was present but did not give testimony in addition to the staff presentation. Public testimony was closed.

Member Friedman motioned to accept the staff recommendation of approval. Member Spalding seconded the motion. Motion carried 5/0.

APPROVAL OF MINUTES: January 24, 2007.

Member Friedman motioned to approve the Minutes of January 24, 2007 with the stated amendments and corrections. Member Clark seconded the motion. Motion carried 5/0.

STAFF COMMENTS & CORRESPONDENCE: Staff made no announcements.

CHAIR'S REPORT: Vice Chair Frank Peixoto reported that 114 Regular Calendar items were heard by the West County Board of Zoning Adjustments in 2006. There were 22 appeals, which resulted in a 19.2% appeal rate. In comparison, the West County Board of Zoning Adjustments had a 20% appeal rate in 2005. Member Spalding asked staff what types of cases had been appealed. For example are the appeals as a result of pending ordinance review and/or revision, like the Garage Conversion Ordinance. Addition background information which includes the original Board of Zoning Adjustment's decision and the finding of the Board of Supervisor's would be helpful in assisting BZA Members in determining why cases were appealed. Staff said they would obtain more specifics and report back at a future date.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Friedman and Vice Chair Peixoto stated their respective 1099's Forms appeared to be incorrect. Staff will contact the County Auditor's Office for clarification.

ADJOURNMENT:

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

CHRIS BAZAR - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS