

**MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
FEBRUARY 11, 2009
(APPROVED FEBRUARY 25, 2009)**

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

FIELD TRIP: 1:00 p.m.

FIELD TRIP: The Field Trip was cancelled. Members visited the site on an individual basis.

1. **MARTHA HERRERA, CONDITIONAL USE PERMIT, PLN-2009-00002 -** Application to allow continued operation of a mobile outdoor business (taco truck) in an M-1 (Light Industrial), Ashland, Cherryland Redevelopment District, located at 22221 Hathaway Avenue, southwest side, approximately 400 feet, northwest of West "A" Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0077-018-04. **Staff Planner: Richard Tarbell.**

MEMBERS PRESENT: None.

MEMBERS EXCUSED: Chair; Dawn Clark-Montenegro; Vice Chair, Kathy Gil; Members, Jewell Spalding and Ineda Adesanya.

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner.

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Chair, Dawn Clark-Montenegro; Vice Chair, Kathy Gil; Members, Jewell Spalding and Ineda Adesanya.

MEMBERS EXCUSED: Staff: Andrea Weddle.

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

There were no members of the public present.

CALL TO ORDER: The meeting was called to order by the Chair at 6:15 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair made no special 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.

Neighborhood Preservation Ordinance Abatement Hearing

1. **GEORGE A., PACHECO, 2289 Regent Way, Castro Valley, CA 94552**
In violation of Alameda County Ordinance Sections 6.65.030 A(1, 3), C(1, 2), F(1, 5, 6) G(1) and M (1).
 1. Debris, furniture and miscellaneous items in rear yard
 2. Broken windows
 3. Vacant, unsecured units
 4. Dilapidated fence in rear of property

The Vice Chair motioned to uphold the staff recommendation. Declare the property a public nuisance, require abatement to be completed within 10 days. Member Adesanya seconded the motion. Motion carried 3/0. Member Spalding arrived late, and did not participate in the vote.

CONSENT CALENDAR:

1. **DARYL DWAYNE MANGRUM – VARIANCE, V-12123, PLN- S-2173 -**
Application to reduce the front yard setback from 30 feet to 20 feet for the construction of a new single family dwelling in an “A” (Agricultural) District, located at the 4.7 mile marker on Palomares Road, south of Palo Verde Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Numbers: 085A-4100-009-28 and 085A-4100-009-30. (Continued from October 22, November 12, December 10 and 17, 2008; January 14, 2009; to be continued to April 8, 2009). **Staff Planner: Jana Beatty.**
2. **FRANK PHAM / MILL LIQUORS & DELI, PLN-2008-00054 –** Conditional Use Permit application to allow off-site alcohol sales as part of a grocery store use, in an ACBD - TA (Ashland Cherryland Business District Specific - Transit Access) District located at 15984 East 14th Street, north east side, approximately 500 feet south west of 159th Avenue, unincorporated Ashland area of Alameda County, bearing Assessor’s Parcel Number: 080-0057-035-00. (Continued from January 28, 2009; to be continued to March 11, 2009) **Staff Planner: Howard Lee.**

The Vice Chair motioned to accept the Consent Calendar as submitted. Member Adesanya seconded the motion. Motion carried 3/0. Member Spalding arrived late, and did not participate in the vote.

REGULAR CALENDAR

There were no items scheduled for the Regular Calendar.

APPROVAL OF MINUTES: Member Adesanya motioned to accept the Minutes of November 5, 2008 with submitted corrections. Member Spalding seconded the motion. Motion carried 3/0. The Vice Chair did not participate in the vote, as she was not present at the November 5, 2008 Hearing.

Member Adesanya motioned to accept the Minutes of November 12, 2008 with submitted corrections. Member Spalding seconded the motion. Motion carried 3/0. The Chair did not participate in the vote, as she was not present at the November 12, 2008 Hearing.

Member Adesanya motioned to continue the Minutes of January 28, 2009. Staff shall add full discussion to the Neighborhood Preservation Ordinance Abatement Hearing Action Minutes of RANELL C. JONES, 25785 Fairview Avenue, Hayward, CA. The Board of Zoning Adjustment decision has been appealed to the Board of Supervisor's. The Vice Chair seconded the motion. Motion carried 4/0.

STAFF COMMENTS & CORRESPONDENCE: None.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Spalding asked staff to follow up on the appeal of 25785 Fairview Avenue, Hayward, Ranell Jones. The Board of Zoning Adjustments did grant the property owner additional time to abate the site. She was unsure what aspect of the ruling could be appealed. Enforcement staff responded, the Neighborhood Preservation Ordinance allows a property owner to appeal any decision made by the Board of Zoning Adjustments to the Board of Supervisor's. The appeal must take place within 10 Calendar Days of the BZA decision. In the event a case is appealed to the Board of Supervisor's, a letter outlining the case and the details of the Board of Zoning Adjustment's decision is submitted.

The Chair asked staff to add discussion of the Alameda County District 4, Eden Area 2009 Community Leadership Forum Series as a future agenda item. Member Adesanya clarified that Supervisor Miley requested Board Members officially report out, to inform the community.

ADJOURNMENT: There being no further business, the hearing adjourned at 6:45 p.m.

ALBERT LOPEZ - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS