

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
APRIL 14, 2010
(APPROVED APRIL 28, 2010)

The Regular Meeting was held at the hour of 6:00 p.m. in the Alameda County Building, 224 West Winton Avenue, Hayward, California 94544.

FIELD TRIP: 1:00 p.m.

MEMBERS PRESENT: None. The Field Trip was cancelled. Members visited sites on an individual basis.

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

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner.

FIELD TRIP: The meeting adjourned to the field and the following properties were visited:

1. **WOMEN ON THE WAY, CONDITIONAL USE PERMIT, PLN-2009-00161** - Application to allow renewal of a Conditional Use Permit for an existing recovery center, in an R-1-SU (Single Family Residential with Secondary Unit) District, located at 20424 Haviland Avenue, east side, approximately 154 feet north of Cherry Way, in the unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0019-023-00. **Staff Planner: Carole Kajita.**

2. **PAUL ESCOBAR, CONDITIONAL USE PERMIT, PLN-2009-00177** - Application to allow retention of an existing garage conversion in a rear unit, in an R-S-SU (Suburban Residence with Secondary Unit) District, located at 550 and 552 Cherry Way, north side, approximately 300 feet north east of Haviland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0019-016-04. **Staff Planner: Jeff Bonekemper.**

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Chair, Dawn Clark-Montenegro; Vice Chair, Kathy Gil; Members, Jewell Spalding, Frank Peixoto.

MEMBERS EXCUSED: Ineda Adesanya.

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner; County Counsel, William Fleishhacker; Code Enforcement staff; and Yvonne Bea Grundy, Recording Secretary.

There were approximately 25 people in the audience.

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. **Ma T. Stoica, Via Julia, San Lorenzo, CA 94580**
In violation of the Alameda County Ordinance 6.65.030 A (1&9).
 1. Overgrown weeds and vegetation.

Member Peixoto motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Spalding seconded the motion. Motion carried 4/0.

2. **John and Lila O Sullivan, Wellington Way, San Leandro, CA 94578**
In violation of the Alameda County Ordinance 6.65.030 A (1&9).
 1. Overgrown weeds and vegetation.
 2. Discarded furniture, junk and debris.

The Vice Chair motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Spalding seconded the motion. Motion carried 4/0.

3. **Cynthia L. Striklin, Via Natal, San Lorenzo, CA 94580**
In violation of the Alameda County Ordinance Sections 17.52.520.
 1. Large sign on garage door.

The Vice Chair motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Spalding seconded the motion. Motion carried 4/0.

4. **Herman Cruz, Cherry Way, Hayward, CA 94541**
In violation of the Alameda County Ordinance 6.65.030 A (1).
 1. Overgrown vegetation and weeds in the front, side and rear yards.

Member Peixoto motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Spalding seconded the motion. Motion carried 4/0.

5. **Rosa Amaya, Blossom Way, Hayward, CA 94541**
In violation of the Alameda County Ordinance 6.65.030 A (1).
 1. Overgrown vegetation and weeds in the front, side and rear yards.

Member Spalding motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. The Vice Chair seconded the motion. Motion carried 4/0.

6. **Maria Asturias/CAL-Western Reconveyance, Santos St., Hayward, CA 94541**
In violation of the Alameda County Ordinance 6.65.030 A (1).

1. Overgrown vegetation and weeds throughout the property (vacant residence).

Member Spalding motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Peixoto seconded the motion. Motion carried 4/0.

7. CAA International, Galway Drive/Yale Avenue, San Lorenzo, CA 94580

In violation of the Alameda County Ordinance 6.65.030 A (8), A (9) and A (10)

1. Overgrown vegetation and weeds on vacant lot.

The Vice Chair motioned to uphold the staff recommendation of approval, declare the property a public nuisance require abatement in 10 days. Member Spalding seconded the motion. Motion carried 4/0.

CONSENT CALENDAR:

1. **SAINT ANTONIUS COPTIC CHURCH / SAM HANNA - CONDITIONAL USE PERMIT, PLN- 2009-00102** - Application to allow expansion of a church, with the construction of a 16,200 square foot multi-purpose building on an adjacent parcel to the south requiring a Variance for a 40 foot average building height, where 30 feet is the maximum height allowed, in an R-1-B-E (Single Family Residence, 10,000 and 6,000 square foot Minimum Building Site Area, 60 foot Median Lot Width, 20 foot Front Yard, 7 foot Side Yard Minimum) District, located at 2500 Hansen Road, west side, approximately 300 feet north of East Avenue, unincorporated Fairview area of Alameda County, designated Assessor's Parcel Numbers: 426-0130-072-00 and 426-0130-003-01. **Staff Planner: Richard Tarbell.** (To be continued to May 12, 2010).

The Chair announced that a decision would not be made at the hearing. The Board did not have sufficient information which includes the Initial Study. The Applicant said he did not understand why the application could not be heard. He met with Planning and Public Works many times. Staff apologized for the confusion. The Applicant received an advance draft of the staff report. Currently staff is awaiting final details regarding the public right of way. Staff will complete the CEQA review and send it to the Board with the Initial Study, for their review. The application will come before the Board on May 12, 2010 for a decision. The Applicant said he was disappointed. Many church members are in attendance to testify on behalf of the project. However given the Board has insufficient information to make a decision, they will return on May 12, 2010.

2. **CLEARWIRE LEGACY LLC / CHRISTIE CHAD, CONDITIONAL USE PERMIT, PLN-2009-00145** – Application to allow installation of two 26.1 inch, and one 15.3 inch in diameter microwave antenna dishes; two 42 inch by 12.7 inch panel antennas, and one 4 inch in diameter GPS antenna, on three corners of an existing PG&E transmission tower, with an equipment enclosure located at the base of the tower, in a PD (Planned Development, 1337th Zoning Unit) District, located opposite 17249 San Franciscan Drive, east side, approximately 325 feet south of the T intersection with Bellingham Drive, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085-6311-001-00. **Staff Planner: Andrew Young.** (Continued from January 27 and February 24, 2010; to be continued to May 12, 2010).

Member Peixoto asked if the Applicant and the Homeowners Association had come to an agreement.

Staff confirmed as of yet, there has been no agreement. The application will be continued to May 12, 2010 to allow further negotiation.

Member Spalding motioned to accept the Consent Calendar as presented. The Vice Chair seconded the motion. Motion carried 4/0.

REGULAR CALENDAR

1. **FRED PRICE / EL SHADDI MINISTRIES, CONDITIONAL USE PERMIT, C-8762, PLN-2009-00037, VARIANCE, PLN-2008-00020** – Conditional Use Permit Application to allow continued operation of a church, Variance Application to allow fewer than the required on-site parking spaces in a R-C ABCD (Residential Commercial, Ashland Cherryland Business Specific Plan) District, located at 565 East Lewelling Boulevard, south west side, corner southwest of Wickman Court, unincorporated San Lorenzo, area of Alameda County, designated Assessor's Parcel Numbers: 413-0031-053-00 and 413-0031-054-00. (Continued from November 12, 2008 and January 28, February 25 and May 27, June 10, July 8, September 23, October 28 and December 16, 2009).
Staff Planner: Richard Tarbell.

Staff gave the Board an update on the application. The determination of ownership of the westerly parking lot is still outstanding. At this juncture the BZA can make a finding of approval on the use as it currently exists, which would include the granting of a variance; or the item can be continued until the outcome of the additional 8 parking spaces can be determined. The Chair said one option might be to make a determination with a Sunset Clause. The number of parking spaces required is 46. The Applicant can only provide 11. Counsel said the BZA can grant a variance with the existing number of parking spaces if they can make the required findings. However if the BZA grants a variance now it would be more generous than the variance proposed in the application. If the Applicant can obtain additional spaces, the variance request would be reduced. Public testimony was opened.

The Applicant, Mr. Fred Price told the Board litigation was on-going. The case has been pending since July of last year. The Court will conduct a Summary Adjudication hearing on July 21, 2010. The hearing is scheduled for a period of 2 days. Potentially the judge could find in favor of the church. If a determination cannot be reached, a trial date will be set. Mr. Price believed the Judge will come to a decision, this will prevent a trial. However if the BZA has the authority to grant the variance without a determination by the court, he would prefer that. The Chair asked Mr. Price what steps had been taken thus far to resolve the dispute. Mr. Price said he first attempted a settlement. He then tried mediation with no success. The church then filed a lawsuit. Public testimony was closed.

Member Peixoto announced that he requested the item be placed on the Regular Calendar. He did not believe the application should be continued simply because there is a law suit. Any decision could be appealed. The process could be drawn out forever. Although there have been no complaints recently about parking availability at the church. The church has been operating without a cup for years. He was inclined to take action now. The variance portion of the application should be denied. The use permit should be granted for 3 years. Staff reviewed the history of past permits. The previous church that occupied the site submitted two sets of plans. One indicated 32 parking spaces, the other 36 spaces. It was later determined neither plan matched available spots at the site. Member Spalding reminded the Board in order to grant the use permit, a variance must be granted. She believed the Board should await the court outcome. The Applicant already has a court date. The Vice Chair said she could go either way. Even if the court case is delayed, it could be brief. Member Spalding said the court case appears to be

straight forward. The judge should come to a decision. If the BZA were to deny the variance now, the Applicant may just re-apply based on the court finding. The item will not be on the Consent Calendar indefinitely because there is a set court date. Member Peixoto said he was still inclined to take action. The Chair said she was concerned about the proposed off-site parking. Lewelling Boulevard is a heavily traveled road. She asked staff if there had been any reports of spontaneous events at the site. Staff clarified, complaints of this type were associated with the prior church. Member Peixoto said given a variance is required to grant the cup. The BZA should grant both. The use permit length could be limited to a period of 3 years, as opposed to 5 years. Member Spalding was concerned about the severity of the variance request. Precedence could be set. She believed the best course was to let the court make a determination. The BZA may be able to avoid the precedence of granting a variance in excess of 50% of the zoning requirement. The deficiency is 27 parking spaces. The Applicant is making a good faith effort. Public testimony was re-opened to speak with the Applicant.

Mr. Price told the Board the church has been at this site since 1996. In the beginning they leased the church space. The number of parking spaces was always the same. The original site plan submitted in 1991 by the prior church was grossly inaccurate. He pleaded with the BZA to grant the variance of 19 parking spaces. Even if the church prevails in court, there will never be more than 19 spaces. When Lewelling Boulevard is widened, properties along the street will have to grant 10 to 12 feet to the Public Works Agency. The church is viable ministry. Staff has not informed them of any complaints. There have never been any issues. If the Board can grant the variance it would be appreciated. If not, Mr. Price will accept a continuance, and await the court determination. The Vice Chair asked if the temporary parking agreement was still in effect. Mr. Price said his attorney is unsure. However he is under the impression the church will prevail in the lawsuit. Public testimony was closed.

The Vice Chair noted the church currently has a written agreement that allows access to the parking spaces. Member Spalding responded the BZA has never seen the actual agreement. Use of the parking spaces is what started the controversy. The BZA should allow the court to weigh in. Member Peixoto was concerned as to what are the responsibilities of the BZA, if the Applicant does not prevail. This may put them in a position to shut the church down. Member Spalding said a decision from the court may help the BZA determine a response. The Chair thought the church should develop a parking plan. This is a newer church that was not in existence prior to zoning. The BZA would be granting a severe variance. She believed it would acceptable to wait until the courts make a determination on the matter in August.

Member Spalding motioned to continue PLN 2009-00037, C-8762 to the August 11, 2010 Hearing. Member Peixoto seconded the motion. Motion carried 4/0.

2. **SUSAN MYERS / JULIE ELWOOD & THOMAS PEDEMONTE - CONDITIONAL USE PERMIT, PLN-2009-00172** - Application to allow operation of a commercial indoor recreation facility, in a C-1 (Retail Business) District, located at 15294 Liberty Street, east side, at the eastern terminus of Oriole Avenue, in the unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0035-010-03. **Staff Planner: Damien Curry.**

The staff recommendation was approval. There are 3 tenants in the building. A bar originally occupied the space that now holds the recreational facility. The bar burned down. The entire building has been remodeled. Photographs of the building exterior supplied by the Applicant were distributed. Photographs of the interior were not available. Member Spalding asked if the dirt lot next door was connected to the site. Staff said the Landlord was present. He will provide further information about the site. Public testimony was opened.

Ms. Susan Myers was present. The business is ready to go. Ms. Julie Elwood and Konie Sormento are also parties in the rental agreement. The recreation facility does not have a private dumpster. Board questions for the Applicants were as follows:

- Who will supervise children while at the site
- Will children be signed in and out of the facility
- How many people can occupy the space

Ms. Myers said parents will be responsible for watching their children. She is aware of the need for supervision. She has a 3 year old which she watches like a hawk. Ms. Myers was unsure how many people will be attending classes. They are just getting started currently there are just a few people. Class size will be kept small since there is kicking and stretching. Classes are mostly geared toward adults. However there will be a few children's classes. Adults will sign in and out for children. The Chair proposed they present a Pick Up and Drop Off Plan to the Director of Planning. Ms. Myers said she would fulfill the Chair's request.

Ms. Konie Sormento and Julie Elwood did not have testimony in addition to that provided by Ms. Myers.

The property owner, Mr. Tom Pedemonte has been at the site for 40 years. Staff has done a good job. He has read the staff report, and is agreement with the Conditions of Approval. The dumpsters have been there as long as he has owned the site. One of the dumpsters belongs to him. The other belongs to the Laundromat. Julie Myers is the wife of one his employees. Mr. Myers has worked for him for 25years. The Fire Department had one requirement. The property must be secured by a new fence with a quick release access. The fence was installed yesterday. The recycling center tenant has a month to month lease on the lot next door. They are to keep the area clean daily. He hopes the business will be able to make it in these difficult times. The Vice Chair asked the Landlord specifically if he was in agreement with Condition #3 regarding the landscape plan. The plan is to include a buffer between the right of way and dumpster location. Mr. Pedemonte told the Board he did not completely understand the Condition, however he is willing to comply. The dumpsters are currently against the fence. They were placed there to allow completion of construction work. Prior to reconstruction the dumpsters were always next to the sidewalk. He has visited other commercial sites but does not have a clear understanding on how the garbage dumpsters should be placed. Staff recommended the dumpster be screened from the street with plants at the front edge of the building. Potted plants are acceptable. Member Peixoto asked how many people can occupancy the space. Mr. Pedemonte said when it was a bar, occupancy was 125 people. The building is 1,800 square feet. It has been completely re-done with new wiring, and an accessible bathroom. Public testimony was closed.

Staff told the Board they can work with the Applicant to determine the appropriate plant types to screen the dumpsters. Member Spalding recommended the property also be kept clean, litter and graffiti free. The Applicant should also submit a Fire Access Plan to the Planning Director, in addition to a Business Plan. This should include a Child Pick - Up and Drop-Off Plan. Parents should also have a process of child supervision while participating in classes. Children need to remain inside of the building under supervision. The Chair added, children should not be left outside un-attended without an adult. The Chair re-opened public testimony to obtain further information.

Ms. Julie Elwood told the Board they were in the process of writing a Policy that includes the definition of age limit, and adult supervision requirements. For example is it necessary for a 16 year old to be signed in to and out of the facility. Member Spalding said these parameters ultimately would be up to the business owners. However they should be conscious of kids in parking lot etc. The Chair thought the

community will appreciate this type of use, as opposed to prior use as a bar. A Child Supervision Plan will be helpful. In her opinion they should be conscious of any person under the age of 18. For example if someone does not have a ride. They should not be left alone after closing hours. Public testimony was closed.

Member Spalding motioned to uphold the staff recommendation of approval with the following modifications:

Condition #2, the words, *The Applicant shall keep* will be replaced with the: The premises will be free of litter, garbage and remain graffiti free.

Condition #3, The Applicant shall submit a Landscape Plan and/or Fencing Plan to the Planning Director within 30 days or approval.

Condition #5 shall have language added requiring the posting of signage on the exterior of the building stating: No Loitering.

A new Condition #6 shall be added requiring the Applicant submit a Child Care Supervision Plan to the Director of Planning for final approval, within 30 days of permit approval. This should include a policy that requires Children under the age of 18 be signed in and out of the facility by an Adult.

The Vice Chair seconded the motion. The motion to approve PLN2009-00172-Myers / Pedemonte carried 4/0.

3. **PAUL ESCOBAR, CONDITIONAL USE PERMIT, PLN-2009-00177** - Application to allow retention of an existing garage conversion in a rear unit, in an R-S-SU (Suburban Residence with Secondary Unit) District, located at 550 and 552 Cherry Way, north side, approximately 300 feet north east of Haviland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0019-016-04. **Staff Planner: Jeff Bonekemper.**

Staff reviewed the application and recommended approval. The Applicant seeks a Site Development Review to retain a garage conversion that is used as a bedroom and laundry area. Initial Board questions were as follows:

- What is the Zoning for the property
- When was Zoning established for the area
- How is the property currently being used
- Which unit is proposed to be converted
- Has work converting the space already been completed
- If so when was the work completed
- What does the scope of work entail
- Did the Applicant offer any alternate designs
- How many parking spaces are required

- Which side of the property is considered the front of the site
- Does approval require that all conditions of the Garage Conversion Ordinance be met
- Where will the replacement storage be located
- How much replacement storage is required

Staff explained a complaint regarding an illegal secondary unit was filed. The work was done in the rear unit by the previous owner. The current owner is attempting to legalize the work by incorporating the space into the single family house at the rear of the site. The bedroom and storage area will be incorporated by a hallway connection. One access point will be from the interior of the unit, another from the exterior. Work will only take place in the rear unit. The garage door will be removed and a window added to architecturally incorporate the former garage space. Window trim and siding will match the house. The property is zoned RS-SU (Suburban Residence, 5,000 square feet per unit). The lot is 10,000 square feet, which allows 2 units. According to Assessor's Records, the units were built in 1971. Zoning was established for the area in 1972. It appears each unit is being used for residential use. According to the Zoning Ordinance the widest part of the lot is considered the front. This would be the yard facing Cherry Street. Two parking spaces are required, per unit. Parking is allowed on a portion of the side yard. The lot is 60 feet wide. The front setback from the property line to the front dwelling unit is 22 feet. This leaves 38 feet of the lawn area, and meets Ordinance yard requirements. All conditions of the Garage Conversion Ordinance must be met, to consider approval. The Vice Chair said when she visited the site two vehicles were parked outside of the front unit garage. Access to the rear, appeared to be blocked. The Chair agreed. She observed cars parked there as well, inhibiting access to the rear. Counsel further explained the Garage Conversion Ordinance requires access to parking spaces must be provided. Member Spalding asked if the Applicant could also convert the garage of the front unit. Staff replied sufficient replacement parking is not available. Member Spalding asked staff to confirm the front garage has not already been converted. Public testimony opened.

Mr. Paul Escobar told the Board he was a first time home owner. He purchased the property at the end of 2008. The parking of vehicles in front of the property does not happen all of the time. Periodically the tenants park there to bring things into the house. He has visited the property and no one has been parked there. He purchased the property as-is but the conversion was not disclosed to him. At this juncture he is trying to be responsible, and do the right thing. The garage of the front unit is not converted. He believed there was precedence. He counted numerous garage conversions in the neighborhood but does not know if they are legal. The Vice Chair said she lives down the street. Garage Conversions are a big issue. That is why illegal conversions are not allowed. Mr. Escobar asked the Board to uphold the staff recommendation of approval. In addition to expense, the tenants would be affected. Board questions for the Applicant were as follows:

- How many tenants occupy the property
- When did tenants move into the space
- How much replacement storage space is required
- Where is the access point to the rear house
- When were the two parking spaces in the rear added
- Does the second unit have access to the backyard

- Would Mr. Escobar consider converting the space back into a garage
- Is Mr. Escobar aware there is a bounce house on the property

Mr. Escobar said when he bought the home he planned to live in the rear unit. He lost his job and is now renting the space. The tenant brought the situation to his attention. He used a site map of the property to show the layout of the site. The proposal is to split the garage in half. Now there is one tenant in the rear house. The replacement storage area is about 8 feet wide, approximately the same width as the laundry room. The planner told him that would satisfy storage requirements. Staff confirmed 800 cubic feet is required by the Garage Conversion Ordinance. The back unit of the rear house is empty, awaiting the outcome of the hearing. He would like to make as few changes as possible to keep costs down. Member Spalding pointed out access to the primary house is through a wash and bathroom. If the applicant were to close that off, the unit would be considered illegal. Mr. Escobar said he is not considering converting the space into a secondary unit. He will remove the sink. Converting it back into a garage would be expensive. The proposal is based on the existing situation. The two parking spaces at the rear of the property were there when he purchased the site. A fence separates the two units. The rear unit has a separate back yard. He did not see the bounce house when he visited the site. He will have the tenants remove it immediately.

The Chair believed a continuance was appropriate. She would like alternate designs proposed. She saw two cars parked there today when she visited the site. It does not appear there is sufficient parking. The Applicant told the Board an evening hearing was more convenient if the application were continued.

Mr. Sam Hernandez has lived next door since 1991. Mr. Escobar received the property in its current state. He has improved the site. When Mr. Escobar moved in, he introduced himself and left his phone number in the event there were ever any problems. One time an issue did arise. Mr. Escobar took care of it right away. He was also willing to split replacement cost of a dilapidated fence between the properties. The prior owner never fixed anything. Public testimony was closed.

Member Spalding pointed out that staff could not confirm the Applicant can satisfy the 800 cubic square foot storage requirement. Staff should also verify the garage in the front unit has not been converted. The Chair and the Vice Chair agreed the site plan was incomplete. It lacks dimensions. They visited the site and observed 2 cars parked in front of the garage of the front house. In addition the Chair had reservations about access in the rear unit through a laundry room. She understands there are financial limitations however this could be used as an extra unit. She believed the design could be more integrated. The Chair and Member Spalding asked if there was a mechanism to verify continuing violations, also if continuing violations are considered infractions. Counsel said most likely the matter would be followed by Code Enforcement.

Member Spalding motioned to continue Conditional Use Permit, PLN-2009-00177 to the May 12, 2010 Hearing. The item will be first on the Regular Calendar. Staff shall confirm the front unit garage, is a working garage. The amount of storage required in the revised Garage Conversion Ordinance should be verified. Designs should integrate the converted room into the home. The Applicant should present alternate plans to reflect this, and any other possibilities. Member Peixoto seconded the motion. Motion carried 4/0.

APPROVAL OF MINUTES: The Vice Chair motioned to accept the Minutes of March 24, 2010. Member Peixoto seconded the motion. Motion carried 3/0. Member Spalding abstained.

STAFF COMMENTS & CORRESPONDENCE: The Board of Supervisor's overturned the BZA's decision of denial regarding Application PLN-2009-00061 Rombough / Beck. The Chair asked when the Applicant

was required to submit a landscape plan. One of the issues was the entrance to the proposed home is within the public right of way. There is no place for landscaping. She believed the Applicant made some changes while at the BOS. Staff said the Applicant was anxious to obtain a building permit. Landscaping must be installed as part of the permit. Staff will confirm dates, and follow up with the Board.

Variance, V-12107 – Anthony & Martha Cassini on the Board of Supervisor’s Calendar was continued to May 11, 2010.

BOARD’S ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Spalding asked if the Board of Supervisor’s reconsidered boundary lines for items referred to the East and West County Board of Zoning Adjustments. Staff said a discussion is scheduled on an upcoming BOS Agenda. However it is not as a result of Application, FRANK HAEGELAND, CONDITIONAL USE PERMIT, PLN C-8686/HAEGELAND heard by the East County Board of Zoning Adjustments. County Counsel added the BOS upheld the appeal filed by the Sierra Club. Application, C-8686 was denied.

Application, PLN-2009-00010, VARIANCE, JAMES SILVA was continued to a future BOS Agenda date in May. The Chair asked staff to give an update. Staff told the Board the Senior Planner and the Planning Director are involved in the appeal process. The Vice Chair said she was present at BOS Hearing. The Neighborhood Advisory Group wrote a strong letter in response to the BOS inclination to approve the project. Supervisor Miley said he would send his staff to the neighborhood and garner more feedback. The Vice Chair saw this as a sign the BOS was open to further input, and had not made a final decision. The Chair noted Supervisor Haggerty requested staff further research the possibility of the Planning and Building Departments levying fines when by when illegal construction occurs.

ADJOURNMENT: There being no further business, the hearing adjourned at 8:45 p.m.

ALBERT LOPEZ - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS