

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
NOVEMBER 8, 2006
APPROVED, DECEMBER 6, 2006

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

FIELD TRIP: 1:00 p.m.

MEMBERS PRESENT: Vice Chair; Frank Peixoto and Member, Dawn Clark-Montenegro.

MEMBERS EXCUSED: Chair; Ron Palmeri; Jewell Spalding and Lester Friedman.

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner

FIELD TRIP: The meeting adjourned to the field and the following property was visited:

1. **RAYMOND CHOY, CONDITIONAL USE PERMIT, C-8444-** Application to renew the terms and conditions set forth in Conditional Use Application, C-7599 which authorized the placement of a radio transmission facility (Cellular phone transmission tower) on the site, in a C-N (Neighborhood Business) District, located at 22253 Redwood Road, west side, corner north of Grove Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 415-0100-054-00.
2. **SPRINT / NEXTEL COMMUNICATIONS, CONDITIONAL USE PERMIT, C-8488** – Application to allow a telecommunications facility, in an R-1 (Single Family Residence) District, located at 820 Bockman Road, south side, approximately, 50 feet east, of Via Media, unincorporated San Lorenzo, area of Alameda County, designated Assessor's Parcel Number: 412-0082-001-00.
3. **LENORE STORMES, VARIANCE, V-12028** – Application to allow a boundary adjustment between two parcels resulting in a five foot, six inch side yard where seven feet is required, in an R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 18646 Crest Avenue, east side, approximately 80 feet north of Easy Street, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0370-007-22.
4. **CENTURY PATIO VILLAGE, VARIANCE, V-12030** – Application to allow expansion of a nonconforming use (street side yard setback) with construction of two patio covers (one conforming patio cover, and one with a two foot street side yard where 10 feet is required in an, R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 2687 Grove Way, south east corner, northeast of Lantana Court, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 416-0090-045-02.
5. **ROBERT TARRANT, VARIANCE, V-12032** – Application to allow installation of a school identification and information sign 40 feet in area and 11 feet in height where 24 square feet and six feet in height is the maximum allowed in an, R-S-D-20 (Suburban Residence, 2,000 square foot, Minimum Building

Site Area) District, located at 15980 Marcella Street, southeast side, approximately, 700 feet, southeast of 159th Avenue, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0051-003-02.

6. **HASIJA and SEAD SISIC, VARIANCE, V-12040** – Application to allow a boundary adjustment between two parcels resulting in a five foot, seven inch, side yard where six feet is required, in an R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 18652 Crest Avenue, east side, approximately, 80 feet north of Easy Street, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0370-007-19.

REGULAR MEETING: 6:00 p.m.

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

MEMBERS EXCUSED: Jewell Spalding.

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

There were approximately 7 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, and September 13, 2006; to be continued without discussion to February 14, 2007).

Vice Chair Peixoto asked staff if the business had continued to operate during the application process. Staff confirmed that the Mr. Pena was not conducting business, pending the outcome of the application.

2. **PHOI PHAN, VARIANCE, V-11951** – Application to allow construction of four dwelling units with: a) A five foot side yard; b) a two foot driveway set

back, raised to four feet; c) 1,536 square feet of open space where 2,400 square feet of open space is required; d) no sidewalk; and e) A 13 foot wide driveway where 16 feet is required in an R-S-D-20 (Suburban Residence, 2,000 square feet Minimum Building Site Area per Dwelling Unit) District, located at 230 Laurel Avenue, north side, approximately 400 feet west of Princeton Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0091-058-00. (Continued from April 26, June 28, July 26, September 13 and October 11, 2006; to be continued without discussion to December 13, 2006).

3. **ARNOLDO HERNANDEZ / PETTIT, VARIANCE, V-11978 and SITE DEVELOPMENT REVIEW, S-2051**– Application to allow the conversion of an existing attached one car garage to living space and provision of two uncovered spaces in the rear, in an R-1-CSU-RV (Single Family Residential) District, located at 4421 Alma Avenue, south side, approximately, 770 feet west of Brickell Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0820-014-00. (Continued from September 27, 2006; to be continued to January 10, 2007).

Staff explained that a revision of the Garage Conversion Ordinance will be heard by the Planning Commission this month. The revised Ordinance should go before the Board of Supervisor's in December. The January hearing date allows staff time to review possible impacts.

4. **PATRICK LOVE, VARIANCE, V-11982** – Application to allow a garage conversion with on-site parking in the side yard, in an R-1-SU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 3773 Cottage Court, north side, approximately, 284 feet west of Parsons Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1329-017-00. (Continued from April 12, May 24, July 12, July 26 and September 27, 2006; to be continued without discussion to January 10, 2007).

Vice Chair Peixoto asked staff why the project had been delayed since April with a proposed continuance to January 10, 2007. Staff explained that a revision of the Garage Conversion Ordinance will be heard by the Planning Commission this month. The revised Ordinance should go before the Board of Supervisor's in December. The January hearing date allows staff time to review possible impacts.

5. **RAYMOND WONG / TONY TANG / FONG & FONG, PARCEL MAP, PM – 8605 – and VARIANCE, V-11987** - Application to subdivide one parcel measuring 20,568 square feet (0.47 acres) into two parcels, resulting in median lot widths respectively of 62 feet, six inches and 47 feet, six inches where 80 feet is required in an R-1-B-E-CSU-RV (Single Family Residence, 10,000 square foot Minimum Building Site Area, 80 feet Median Average Width, Secondary Unit with Recreational Vehicle) District, located at 17472 Almond Road, north side, approximately 600 feet southwest of Vineyard Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084D-1250-031-01. (Continued from June 14, July 12, August 9, September 13 and October 11, 2006; to be continued without discussion to November 15, 2006).

Member Friedman asked for an explanation regarding the ongoing continuance of the application. Staff

explained that the project will return to CVMAC for review on November 13, 2006. The updated recommendation will come before the BZA on November 15, 2006.

6. **ALFREDO GONZALEZ, VARIANCE, V-11989** – Application to allow construction of a seven foot, six inch high fence where four feet, zero inches is the maximum height allowed, in an “A” (Agricultural) District, located at 22469 Eden Canyon Road, north west side, approximately 0.65 miles north east of Hollis Canyon Road, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Number: 085A-0100-003-00. (Continued from May 24, June 14, July 12, September 13 and October 11, 2006; to be continued without discussion to December 13, 2006).

Staff told the Board they had yet to receive an updated topographical map as requested at the October 11, 2006 Meeting. They anticipate the applicant will be present at the December 13, 2006 meeting.

Member Friedman asked staff why items on the Consent Calendar state “continued without discussion”. Staff responded that a staff report is not prepared for continued items. In addition, public testimony can be submitted however no action is taken on continued items. Member Friedman recommended staff modify the continuance language to clearly reflect that testimony may be submitted.

Vice Chair Peixoto motioned to accept the Consent Calendar as submitted. Member Clark, seconded the motion. Motion carried 4/0. Member Spalding was excused.

REGULAR CALENDAR

1. **SPRINT / NEXTEL COMMUNICATIONS, CONDITIONAL USE PERMIT, C-8488** – Application to allow a telecommunications facility, in an R-1 (Single Family Residence) District, located at 820 Bockman Road, south side, approximately, 50 feet east, of Via Media, unincorporated San Lorenzo, area of Alameda County, designated Assessor’s Parcel Number: 412-0082-001-00.

The staff recommendation was approval. San Lorenzo Village Homes Association said they were concerned about an existing communications tower on the property. They believe the tower had only been given approval for a limited period of time. Staff interjected that the tower is owned by T Mobile. The temporary CUP expires on November 21, 2006. The permanent T Mobile pole will be installed in November. Board questions were as follows:

- Will the Sprint tower and the T Mobile tower be within 1,000 feet of one another
- Does the 300 foot distance requirement between telecommunication poles and residences apply to this installation
- Did the applicant attempt co-location
- Why is staff recommending a ten year permit expiration
- What is the cause of the increasing number of telecom applications

Staff confirmed that the towers would be within 1,000 feet of one another. Alameda County Development Standards recommend that façade mounted equipment be a minimum of 300 feet from residences. Development Standards have been in place since 1997. All Telecommunication CUP’s of this type have been set to expire in a 10 year period. This will facilitate coordination of future

telecommunications needs. It may also create co-location opportunities. Public testimony was opened.

Mr. James Singleton spoke to the Board on behalf of Sprint/Nextel. Mr. Singleton was in agreement with the staff report and Conditions of Approval. He confirmed that Sprint will not use a temporary pole in the installation process. The proposed 57 foot communications pole would be installed directly. In general temporary poles are used to test frequencies. This allows companies to comply with FCC regulations regarding frequencies used for emergency communications etc. The 57 foot pole design at this location is necessary to off load signals to other sites. Co-location was not considered at the onset of the project as Sprint was the only carrier that had a lease agreement at that time. T Mobile could have considered the proposed Sprint pole for co-location as their lease was negotiated after Sprint's. The increased public demand for communication frequencies are being driven by contemporary uses. Cell phones are used for the internet, music and text messaging. This increases the demand for capacity at all sites. Additional Board questions were as follows:

- Are there frequency issues at all telecommunications sites or are they limited to specific locations
- What is the anticipated installation date for the tower
- What are some of the barriers to co-location
- How many other carrier's equipment may be compatible with the Sprint tower
- How can an over proliferation of communications equipment be prevented

Mr. Singleton responded that the Sprint installation would be approximately 200 feet from the existing, T Mobile pole. Interference is not present at all locations; each network is designed differently. Communication objectives come in to play as well and depend on the end use, such as bringing a signal into the area, boosting capacity or coverage. Increasing capacity on existing poles may be a solution if they are close enough to other poles within the same communications ring. In order for the Sprint communication pole to operate in that area it must be at least 55 feet tall to prevent interference with existing equipment. The tower at the site will be installed within 6 months.

Member Friedman motioned to accept the staff recommendation of approval and the expiration date of February 22, 2016. Condition #7 shall be modified to reflect Sprint / Nextel. Vice Chair Peixoto seconded the motion. Motion carried 4/0. Member Spalding was excused.

2. **LENORE STORMES, VARIANCE, V-12028** – Application to allow a boundary adjustment between two parcels resulting in a five foot, six inch side yard where seven feet is required, in an R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 18646 Crest Avenue, east side, approximately 80 feet north of Easy Street, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0370-007-22.

The Chair announced that Variance, V-12028 and V-12040 would be considered jointly. Staff recommended approval of V-12028 and V-12040. Member Spalding commented that the existing wrought iron fence at 18652 Crest Avenue incorporated with landscaping and a water fall was a good example of why the Ordinance Review Committee should reconsider fence heights. The fence is well designed and adds to the overall look of property. Public testimony was opened.

Doug Rogers, from Greenwood and Moore represented both applicants. Greenwood and Moore conducted a survey on the home at 18646 Crest Avenue and discovered the abnormal layout. The proposal to correct the southeast property line which currently runs alongside the dwelling is to move it northwest. This would split the approximate 12 feet of space between the two homes, and bring each setback within a foot of the zoning requirement. The Chair asked when the two homes were originally

built. Mr. Rodgers confirmed the homes were built in 1953. The original property line placement probably occurred due to lack of a survey or a construction error. Public testimony was closed.

Member Friedman motioned to adopt the staff recommendation of approval for Variance, V-12028 and V-12040. Vice Chair Peixoto seconded the motion. Motion carried 4/0. Member Spalding was excused.

3. **CENTURY PATIO VILLAGE, VARIANCE, V-12030** – Application to allow expansion of a nonconforming use (street side yard setback) with construction of two patio covers (one conforming patio cover, and one with a two foot street side yard where 10 feet is required in an, R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 2687 Grove Way, south east corner, northeast of Lantana Court, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 416-0090-045-02.

Staff recommended approval of the request to expand a non-conforming use by allowing construction of an attached patio cover at the rear of the home, and denial of a patio cover in the street side yard. The Castro Valley Municipal Advisory Council concurred with the staff recommendation. Public testimony was opened.

Mr. Mike Nagey of Century Patio Village was present on behalf of the applicant, Ms. Yvonne Bassard. Mr. Nagey was also in agreement with staff findings regarding the project. Public testimony was closed.

Vice Chair Peixoto motioned to adopt the staff finding to allow the expansion a non-conforming use by constructing an attached patio cover at the rear of the home, and denial of a patio cover in the street side yard. Member Clark seconded the motion. Motion carried 4/0. Member Spalding was excused.

4. **ROBERT TARRANT, VARIANCE, V-12032** – Application to allow installation of a school identification and information sign 40 feet in area and 11 feet in height where 24 square feet and six feet in height is the maximum allowed in an, R-S-D-20 (Suburban Residence, 2,000 square foot, Minimum Building Site Area) District, located at 15980 Marcella Street, southeast side, approximately, 700 feet, southeast of 159th Avenue, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0051-003-02.

The staff recommendation was approval. Public testimony was opened. No one came forward to offer public comment on the application. Public testimony was closed.

Vice Chair Peixoto said he tended to agree with the staff finding that the property serves an educational function. The sign would assist in disseminating information from the extended property frontage. Member Friedman motioned to approve the application, and to adopt the staff Tentative Findings. Member Clark seconded the motion. The Chair was not in agreement with the motion of approval. He did not believe the applicant had made the required findings. Motion to approve the application carried 3/1. Member Spalding was excused.

5. **HASIJA and SEAD SISIC, VARIANCE, V-12040** – Application to allow a boundary adjustment between two parcels resulting in a five foot, seven inch, side yard where six feet is required, in an R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 18652 Crest Avenue, east side, approximately, 80 feet north of Easy Street, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0370-007-19.

The Chair announced that Variance, V-12040 would be considered jointly with V-12028.

APPROVAL OF MINUTES: Vice Chair Peixoto motioned to accept the Minutes of October 25, 2006 as submitted. Member Clark seconded the motion. Member Friedman did not participate in the vote as he was not present at the October 25, 2006 Meeting. Motion carried 3/0/2. Member Spalding was excused.

STAFF COMMENTS & CORRESPONDENCE: Staff circulated the proposed 2007 West County Board of Meeting Calendar. The Board will vote on acceptance at the December 6, 2006 Hearing.

Seminar information was distributed to Board Members regarding required Ethics Training for Public Officials.

CHAIR'S REPORT: No Chair's Report was submitted.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS: There were no Board announcements.

ADJOURNMENT: There being no further business, the hearing adjourned at 7:00 p.m.

CHRIS BAZAR - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS