

**MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
DECEMBER 08, 2010
(APPROVED JANUARY 12, 2011)**

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

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 and Frank Peixoto.

OTHERS PRESENT: Phil Sawrey-Kubicek, Senior Planner

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

1. **VALLEY POINTE PREIM HEALTH SERVICES LLC / JEREMY GRIMES, CONDITIONAL USE PERMIT, PLN-2010-00065** – Application to allow continued operation of 50 bed skilled nursing facility in an R-S-D-3 (Suburban Residence, 1,500 square foot Minimum Building Site Area per Dwelling Unit) District, located at 20090 Stanton Avenue, east side, approximately 75 feet northeast of Stanton Hill Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0279-003-00. **Staff Planner: Shahreen Basunia.**

2. **ANCHOR EDUCATION / HUGH FUSSELL, CONDITIONAL USE PERMIT, PLN-2010-00085** – Application to allow operation of a K-12 school for up to 30 children in an R-1-SU-RV (Single Family Residence, Secondary Unit Permitted, Recreational Vehicle Parking Regulations) District, located at 19234 Lake Chabot Road, east side approximately 75 feet north of Barrett Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0529-011-02. **Staff Planner: Christine Greene.**

3. **WU HUI, VARIANCE, PLN-2010-000176** - Application to maintain a two story accessory structure where one story is permitted, in a R-1-RV (Single Family Residence, Recreational Vehicle Parking Regulations) District, located at 16027 Gramercy Drive, southwest side approximately 200 feet south of Selborne Drive, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 080A-0170-011-00. **Staff Planner: Christine Greene.**

REGULAR MEETING: 6:00 p.m.

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

MEMBERS EXCUSED: None.

OTHERS PRESENT: County Counsel, Andrea Weddel; Code Enforcement staff; and 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 announced the Alcoholic Beverage Sale Regulations Calendar would be heard prior to the Neighborhood Preservation Ordinance Calendar to allow a staff person to assist with translation for Agenda Item #1.

Neighborhood Preservation Ordinance Abatement Hearing

- 1. Richard A & Eloise N Kateton, Via Esmond, San Lorenzo, CA 94580**
In violation of Alameda County Ordinance 6.65.030 A(8), A(9), A(10) & B(6).
 1. Overgrown vegetation and weeds in the front yard.

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

- 2. Eight Pac Company, Mission Blvd., Hayward CA 94541**
In violation of the Alameda County Ordinance 6.65.030 A(1), A(11) & B(6).
 1. Dilapidated cyclone fence, one section hanging by hinges and the other sections mission the wire mesh.
 2. Accumulation of debris & miscellaneous items throughout the vacant lot.

Member Peixoto motioned to uphold the staff recommendation . Declare the property a public nuisance, and require abatement to be complete within 10 days. Member Spalding seconded the motion. Motion carried 4/0.

- 3. P J & F J Selmecki Trust, Castro Valley Blvd., Castro Valley CA 94546**
In violation of the Alameda County Ordinance 6.65.030 A(7) & B(6).
 1. Graffiti on the Southwestern wall of building, facing Carrow's restaurant parking lot.

The Vice Chair motioned to uphold the staff recommendation . Declare the property a public nuisance, and require abatement to be complete within 10 days. Member Spalding seconded the motion. Motion carried 4/0.

- 4. Cecilia Soares Trust, Hampton Rd., Hayward CA 94541**
In violation of the Ashland & Cherryland Business District Plan Land Use for Freeway Access.
 1. Storage of commercial vehicles (rental trucks) on vacant lot.

Member Spalding motioned to declare the property a public nuisance, and require abatement to be complete within 60 days or fines will commence. Member Peixoto seconded the motion. Motion carried 4/0.

Alcoholic Beverage Sale Regulations Administrative Hearings

- 1. Raja Liquor and Grocer, East 14th Street, San Leandro, CA 94578**
Alameda County Ordinance Section 6.104.060 B(4):

Violations of Chapter 6, Title 12 of the Alameda County General Code, or any other applicable provision of any other county, state or federal regulation, ordinance or statute.

Member Peixoto motioned to uphold the staff recommendation. Declare Raja Liquor and Grocer, 1M in violation of General Code Section 6.104.060 B(4); Order Raja Liquor and Grocer, 1M to pay a civil penalty of \$750.00 within 60 days. Order the cashier identified in Report #10-017351 who sold the alcohol beverage to our minor decoy to attend the County run Responsible Beverage Service training within 60 days. Member Spalding seconded the motion. Motion carried 4/0.

2. Shooter's Lounge, 150th Avenue, San Leandro, CA 94578

Alameda County Ordinance Section 6.104.060 B (4):

Violations of Chapter 6, Title 12 of the Alameda County General Code, or any other applicable provision of any other county, state or federal regulation, ordinance or statute.

Member Spalding motioned to uphold the staff recommendation. Declare Shooter's Lounge in violation of General Code Section 6.104.060 B(4); Order Shooter's Lounge to pay a civil penalty of \$750.00 within 60 days; Order the bartender, Identified in Report #10-17345, who sold an alcoholic beverage to our minor decoy attend the County run Responsible Beverage Service training. The Vice Chair seconded the motion. Motion carried 4/0.

3. Tito's Restaurant, East 14th Street, San Leandro, CA 94578

Alameda County Ordinance Section 6.104.060 B(4):

Violations of Chapter 6, Title 12 of the Alameda County General Code, or any other applicable provision of any other county, state or federal regulation, ordinance or statute.

The Vice Chair motioned to uphold the staff recommendation. Declare Tito's Restaurant in violation of General Code Section 6.104.060 B(4); Order Tito's Restaurant to pay a civil penalty of \$750.00 within 60 days. Member Spalding seconded the motion. Motion carried 4/0.

4. Trader Joe's #84, Redwood Road, Castro Valley, CA 94546

Alameda County Ordinance Section 6.104.060 B (4):

Violations of Chapter 6, Title 12 of the Alameda County General Code, or any other applicable provision of any other county, state or federal regulation, ordinance or statute.

Member Peixoto motioned to uphold the staff recommendation. Declare Trader Joe's, in violation of General Code Section 6.104.060 B(4); Order Trader Joe's to pay a civil penalty of \$750.00 within 60 days. Order the cashier identified in Report #10-016974 who sold the alcohol beverage to our minor decoy to attend the County run Responsible Beverage Service training within 60 days. The Vice Chair seconded the motion. Motion carried 4/0.

5. El Burrito Loco, Redwood Road, Castro Valley, CA 94546

Alameda County Ordinance Section 6.104.060 B (4):

Violations of Chapter 6, Title 12 of the Alameda County General Code, or any other applicable provision of any other county, state or federal regulation, ordinance or statute.

Member Spalding motioned to uphold the staff recommendation. Declare El Burrito Loco, in violation of General Code Section 6.104.060 B(4); Order El Burrito Loco to pay a civil penalty of \$750.00 within 60 days. Order the waitress identified in Report #10-016978 who sold the alcohol beverage to our minor decoy to attend the County run Responsible Beverage Service if she returns to work from layoff.

Training must take place within 60 days of return to work. Member Spalding seconded the motion. Motion carried 4/0.

6. **China Garden, Redwood Road, Castro Valley, CA 94546**
Alameda County Ordinance Section 6.104.060 B (4):
Violations of Chapter 6, Title 12 of the Alameda County General Code, or any other applicable provision of any other county, state or federal regulation, ordinance or statute.

The Vice Chair motioned to uphold the staff recommendation. Declare China Garden, in violation of General Code Section 6.104.060 B(4); Order China Garden to pay a civil penalty of \$750.00 within 60 days. Order the waitress identified in Report #10-016975 who sold the alcohol beverage to our minor decoy to attend the County run Responsible Beverage Service training within 60 days. Member Peixoto seconded the motion. Motion carried 4/0.

7. **Town & Country Liquors, East 14th Street, San Leandro, CA 94578**
Alameda County Ordinance Section 6.104.060 B(4):
Violations of Chapter 6, Title 12 of the Alameda County General Code, or any other applicable provision of any other county, state or federal regulation, ordinance or statute.

The Vice Chair motioned to uphold the staff recommendation. Declare Town & Country Liquors, in violation of General Code Section 6.104.060 B(4); Order Town & Country Liquors to pay a civil penalty of \$750.00 within 60 days. Order the cashier identified in Report #10-017349 who sold the alcohol beverage to our minor decoy to attend the County run Responsible Beverage Service training within 60 days. Member Spalding seconded the motion. Motion carried 4/0.

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. **AILIAN LU / CHINESE HEALTH CENTER, CONDITIONAL USE PERMIT, PLN-2010-00135** - Application to allow operation of a massage therapy business (Chinese Health Center) offering acupuncture, acupressure, pressure point massage and foot reflexology, in a C-1 (Retail Business) District, located at 17780 Hesperian Boulevard, east side, south of Hacienda Avenue, in the unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 412-0071-024-04. **Staff Planner: Andy Young.** (Continued from October 27 and November 10, 2010; to be continued to December 15, 2010).

Staff announced the application will be placed on the January 12, 2011 Calendar. Elements of previous Site Development Review, S-1702 remain outstanding. The property owner is working with Redevelopment.

2. **T MOBILE USA / ANA GOMEZ, CONDITIONAL USE PERMIT, PLN-2009-00142** – Application to allow installation of a telecommunications facility including one 65 foot high mono-pine (artificial tree), in an R-S-D-25 (Residential-Suburban, 2,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at the southeast corner at the intersection of Nielsen and Grant Avenues (no street number) in the unincorporated San Lorenzo area of Alameda County, designated

Assessor's Parcel Number: 411-0030-001-05. (Continued from November 10, 2010; to be continued to January 26, 2011). **Staff Planner: Andy Young.**

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

REGULAR CALENDAR

There were no items scheduled for the Regular Calendar.

APPROVAL OF MINUTES: Member Peixoto motioned to accept the Minutes of November 10, 2010 with submitted corrections. The Vice Chair seconded the motion. The motion carried 4/0.

The Vice Chair motioned to accept the Minutes of November 17, 2010 with submitted corrections. Member Peixoto seconded the motion. The motion carried 4/0.

STAFF COMMENTS & CORRESPONDENCE: Staff made no announcements.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS: Board Members asked if staff would work with the property owner at Hampton Road and Mission Boulevard to find a suitable use. Counsel said the property owner can speak with Redevelopment to determine the future development intentions for the area. They can also speak with Planning. There are a number of viable uses.

ADJOURNMENT: There being no further business, the hearing adjourned at 7:30 pm.

ALBERT LOPEZ - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS