

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
JUNE 13, 2007
(APPROVED JULY 25, 2007)

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

MEMBERS PRESENT: The field trip was cancelled.

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

FIELD TRIP: The field trip was cancelled.

1. **BAY AREA COMMON SERVICES, CONDITIONAL USE PERMIT, C-8580** - Application to allow continued operation of a 12 bed residential care facility, in an R-1 (Single Family Residence) District, located at 22505 Woodroe Avenue, west side, approximately 3/10's of a mile north of Kelly Street, unincorporated, Fairview area of Alameda County, designated Assessor's Parcel Number: 417-0080-005-04.
2. **JOHN WENTWORTH, CONDITIONAL USE PERMIT, C-8592** – Application to allow continued operation of a residential care facility, in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 177 Hampton Road, south side, approximately 175 feet east of Harvard Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 413-0047-007-02.
3. **FOSTER FAMILY TRUST, CONDITIONAL USE PERMIT, C-8593** – Application to allow continued operation of a car rental business, in an ACBD-FA (Ashland Cherryland Business Districts Specific Plan) – Freeway Access District, located at 20885 Mission Boulevard, west side corner north of Medford Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0041-039-01.
4. **PEDRO BOADO JR., CONDITIONAL USE PERMIT, C-8596** – Application to allow continued operation of a veterinary clinic, in a P-D (ZU-1683) Planned Development, 1683rd Zoning Unit, located at 1510-150th Avenue, in the unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 080-0020-016-00.
5. **CHERUBIN'S CHILDRENS CENTER, CONDITIONAL USE PERMIT, C-8600** – Application to allow operation of a child care facility for 40 children, in an R-1 (Single Family Residence) District, located at 18651 Via Toledo, west side corner, north west of Hacienda Avenue, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 413-0083-065-00.
6. **LEE'S SIGN/LINDA THAI – VARIANCE, V-12070**- Application to allow a roof sign where otherwise not permitted in a C-O (Administrative Offices) District, located at 1600-150th Avenue, southeast side corner of Lark Street; unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 080-0022-015-01.

7. **JOE & MARIA MENEZES, VARIANCE, V-12072** – Application to allow construction of a residential addition, providing a building height of 28 feet where 25 feet is the maximum allowed, in an R-1-B-E (Single Family Residence, 6,000 square feet Minimum Building Site Area, 60 foot Minimum Lot Width, 70 foot Side Yard) District, located at 3462 Bridle Drive, north side, approximately 100 feet north of Cattle Avenue, unincorporated, Fairview area of Alameda County, designated Assessor's Parcel Number: 425-0090-015-00.

REGULAR MEETING: 6:00 p.m.

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

MEMBERS EXCUSED: Vice Chair; Frank Peixoto

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

There were approximately 5 people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 6:10 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair announced that Member Spalding would arrive a few minutes late. The Chair reported that Vice Chair Peixoto was anticipated back in early September.

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.

Ms. Patricia Pringle commented about the issue of abandoned vehicles. She believed the case heard during the Code Enforcement portion of the meeting was a good example of why the Zoning Ordinance was appropriate in requiring the removal of abandoned vehicles. Abandoned vehicles may create a health issue. Derelict cars may attract vermin, and are an attractive nuisance to children. Open Forum was closed.

CONSENT CALENDAR:

1. **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, February 7, March 28 and April 25, 2007; to be continued to July 11, 2007).
2. **JOSE OLIVAREZ, CONDITIONAL USE PERMIT, C-8559** – Application to allow the continued operation of an indoor recreation facility in an ACBD-FA (Ashland Cherryland Business Districts Specific Plan) Freeway Access District, located at 20613 Mission Boulevard, southwest side, approximately 100 feet,

northwest of Medford Avenue, unincorporated Cherryland Area of Alameda County, designated Assessor's Parcel Number: 414-0041-037-00. (Continued from February 28, March 28, April 25 and May 23, 2007; to be continued to June 27, 2007).

3. **JOE SILVA/RON SILVA, VARIANCE, V-12058** – Application to allow construction of two dwelling units with: 1) seven dwelling units on-site where six units are maximum allowed; 2) three-foot rear yard where 20 feet is required; 3) five-foot side yard where 10 feet is required; 4) 13-foot wide driveway where 20 feet is required; 5) no pedestrian walkway where otherwise required; 6) zero-foot setback from dwelling wall to driveway where 10 feet is required, in a R-S-D-35 (Suburban Residence, 3,500 square feet per Dwelling Unit) District, located at 154 and 156 Blossom Way, north side, approximately 300 feet east of Meekland Avenue, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 429-0010-062-00. (Continued from April 11, 2007). **THIS APPLICATION HAS BEEN WITHDRAWN.**

4. **AC MAHARAJ CONSTRUCTION, VARIANCE, V-12060** – Application to allow the construction of two new single family dwellings with a zero foot setback from the existing dwelling wall to the driveway where 10 feet is required, in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 670 & 672 Hampton Road, north side, approximately 150 feet northwest of Camden Avenue, Unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0026-100-00. (Continued from May 9, 2007; to be continued to June 27, 2007).

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

REGULAR CALENDAR

1. **CHERUBIN'S CHILDRENS CENTER, CONDITIONAL USE PERMT, C-8600** – Application to allow operation of a child care facility for 40 children, in an R-1 (Single Family Residence) District, located at 18651 Via Toledo, west side corner, north west of Hacienda Avenue, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Number: 413-0083-065-00.

Staff recommended the application be continued for 30 days to the July 11, 2007 Meeting. Clarification is needed regarding church operational issues. The church currently rents a meeting hall for events. Although this is not directly connected to the child care facility, this use must be incorporated as a part of the use permit, or that aspect must cease. Staff also wanted to obtain comments from the San Lorenzo Village Homes Association. As of yet, no comments have been received. Member Spalding asked if the use application was for continued operation. Staff responded that the use permit obtained by the prior owner prior was never activated. The current application is under consideration as a new submission. Public testimony was opened.

Ms. Angelita Uy currently operates a Cherubin Child Care Center in Hayward. The center has been in operation for 8 years. Many parents have requested child care services in the San Lorenzo area. Ms. Uy said she was one of a larger group of innovative teachers that want to offer the best child care possible in San Lorenzo. All of the children that graduate from the center have learned to read and write. Board Members had the following questions:

- Will the clientele at the proposed San Lorenzo center be new, or transfers from other facilities
- Have the applicants considered any alternate sites
- Do any of the applicants work directly for the church
- Has the use application been submitted by the church
- What types of events are held in the hall facility
- What types of issues arise when events are held at the site
- Have the applicants met with the San Lorenzo Village Homes Association

Ms. Uy confirmed that the clientele would be new. Ms. Uy told the Board that she also teaches at Head Start in Castro Valley. Head Start is also overflowing with applications. Approximately 10 new applications are received each week for child care. The center has already met the maximum number of students allowed in Castro Valley, per State licensing thresholds. The church site in San Lorenzo would be an excellent location for a child care center, and serve the community well. Ms. Uy explained she is parishioner but she is submitting the applicant as one of the center directors. Her goal as a teacher is to improve the children's quality of life. Thus far she has not talked with anyone from the HOA, but she and the other teachers are open to ideas. Ms. Uy said that she was not involved with any of the social events held at the church but most of the events are family, or debutante functions. Staff confirmed that the church is the property owner.

Another staff member at the Cherubin Child Care Center in Hayward, Ms. Estelita Magbitang spoke to the Board. She explained that there are a lot of young families in the area. The teachers at Cherubim have the educational background and experience to provide a positive influence. Cherubim's goal is to provide loving, quality child care. Public testimony was closed.

Member Spalding motioned to continue the application to July 11, 2007. Member Clark seconded the motion. Motion carried 4/0.

INTERIM BOARD ELECTIONS:

The Chair asked County Counsel if secret ballot or voice ballot was required for the election. Counsel confirmed that voice ballot was acceptable. The Chair opened the floor for nominations of an interim Vice Chair. Member Friedman nominated, Member Dawn Clark as the interim Vice Chair during the absence of Frank Peixoto. No additional nominations were submitted. Member Friedman closed the nominations. Member Spalding was also in support of the nomination. Member Dawn Clark accepted the nomination for Interim Vice Chair. Motion to have the position of Interim Vice Chair held by Member Dawn Clark carried 3/0. Member Clark abstained.

APPROVAL OF MINUTES: The Chair continued the approval of the Minutes of May 23, 2007.

STAFF COMMENTS & CORRESPONDENCE: Staff updated Board Members on recent appeal decisions considered at the Board of Supervisors. The BOS upheld the BZA decision of denial regarding Conditional Use Permit, C-8573, Gurdip Sahota, (Cherryland Grocery). The BOS also upheld the BZA decision of denial regarding Rabit Norzei, CUP-8560.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS: The Chair informed Board Members and staff that he would not be present at the July 11, and the July 25, 2007 Meetings. Member Spalding announced that she will not be available for the June 27, 2007 Meeting.

ADJOURNMENT: There being no further business, the hearing adjourned at 7:44 p.m.

CHRIS BAZAR - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS