

**MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
NOVEMBER 12, 2008
(APPROVED FEBRUARY 11, 2009)**

REGULAR MEETING: 1:30 p.m.

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

MEMBERS EXCUSED: Chair, Dawn Clark-Montenegro.

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

There were approximately 4 people in the audience.

CALL TO ORDER: The meeting was called to order by the Vice Chair at 1:35 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Vice 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. **MATTHEW ESPINOZA, 17050 Rolando Ave., Castro Valley, CA 94546**
In violation of Alameda County Ordinance Section 6.65.030 A (1), D (1, 3), M (1).
 1. Unlawful outdoor storage of debris and miscellaneous items in front, side and rear yards
 2. Weeds

Member Spalding motioned to uphold the staff recommendation. Declare the property a public nuisance, and require abatement to be complete in 10 days. Member Adesanya seconded the motion. Motion carried 3/0.

2. **LAVOY HUTCHINSON & LARRY ANDERSON, 2012-2014 166th Ave., San Leandro, CA 94578**
In violation of Alameda County Ordinance Section 6.650.030 A (1, 3), D (1,3), F(1) and M (1)
 1. Unlawful outdoor storage of debris and miscellaneous items in front and rear yards.
 2. Overgrown vegetation in public right of way & weeds
 3. Unsecured dwelling
 4. Sagging/leaning rear fence

Member Spalding motioned to uphold the staff recommendation. Declare the property a public nuisance, and require abatement to be complete in 10 days. Member Adesanya seconded the motion. Motion carried 3/0.

CONSENT CALENDAR:

1. **CAMBRA / EL SHADDI MINISTRIES, CONDITIONAL USE PERMIT, C-8762, PLN-2008-00020** - Application to allow continued operation of a church, in a R-C ABCD (Residential Commercial, Ashland Cherryland Business) District Specific Plan, 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 to January 28, 2009). **Staff Planner: Pat Anekayuwat.**

2. **RICHARD GOLD, CONDITIONAL USE PERMIT, C-8640** – Application to allow continued operation of a “B” Type Service Station, in an ACBD – BDI (Ashland and Cherryland Business District Specific Plan- Business Industrial) District, located at 594 East Lewelling Boulevard, north side, terminus, north of Boston Road, unincorporated San Lorenzo area of Alameda County, designated Assessor’s Parcel Number: 413-0027-058-02. (Continued from September 26, October 24, November 14 and December 5, 2007; January 9, February 27, April 23, July 9, August 27, October 8 and October 22, 2008; to be continued to December 17, 2008). **Staff Planner: Pat Anekayuwat.**

Member Spalding asked what was the cause of further delay. Staff explained the Public Works Agency had not been able to locate the draft agreement between the parties. A copy has now been located, and is now under staff review.

3. **DARYL DWAYNE MANGRUM – VARIANCE, V-12123** – Application to determine building site status and the reduce front yard setback from 30 feet to 20 feet with 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 Number: 085A-4100-009-28. (Continued from October 22, 2008; to be continued to December 10, 2008) **Staff Planner: Donna Vingo.**

Member Adesanya moved to accept the Consent Calendar as submitted. Member Spalding seconded the motion. Motion carried 3/0.

REGULAR CALENDAR

1. **T-MOBILE, CONDITIONAL USE PERMIT, C-8774, PLN-2008-00040** - Application to allow the continued use of an existing telecommunication facility, in an M-2 (Heavy Industrial) District, located at 16520 Worthley Drive, east side, approximately .38 miles southeast of Grant Avenue, unincorporated San Lorenzo, area of Alameda County, designated Assessor’s Parcel Number: 438-0010-004-19. **Staff Planner: Damien Curry.**

Staff recommended approval. The Vice Chair asked if the San Lorenzo Homeowners Association had submitted a referral response. Staff placed follow-up calls on Monday and Wednesday. There has been no response. Public testimony was opened.

There were no requests to speak. Public testimony was closed

Member Spalding asked that a Condition requiring the site be kept graffiti free, be added. Staff pointed out that graffiti was addressed in Condition #15. Member Spalding asked if a continuation would be appropriate. The applicant is not present. In addition the San Lorenzo HOA has yet to respond. The facility is, fairly large. Member Adesanya said she would be inclined to act on the matter. However she asked staff the following:

- Is an Applicant’s presence was required to act on a permit application
- Is the operation a continuing use

- Have any complaints been lodged about the facility
- Has the Applicant been notified

Staff told the Board the Applicant had been contacted. The Applicant's presence is not a requirement. However if the Board felt a continuance was in order. The December 17 2008 Hearing, is available. The use has been in effect since 1999. No complaints have been received, regarding the facility.

Member Spalding said she hesitated to act now. The HOA may want to impose further Conditions. The Applicant's presence would allow them to respond to possible modifications.

Member Spalding motioned to continue, C-8774 to December 17, 2008. Member Adesanya seconded the motion. Motion carried 3/0.

2. **CLIFFORD OLSON, VARIANCE, V-12129, PLN-2008-00021** – Application to allow a detached garage (accessory structure) with a building height of 17.25 feet where 15 feet is the maximum allowed, in an R-1-B-40-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle Parking Regulations) District, located at 5212 Wildrose Lane, east side, approximately 313 feet east of Madison Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0895-008-00. **Staff Planner: Damien Curry.**

Staff reviewed the application. The Castro Valley Municipal Advisory Council recommended approval, of the application. Planning also recommended approval. Public testimony was opened.

The Applicant, Mr. Clifford Olson described the project. He would like to accommodate a motor home in his garage. In order to keep the garage uniform with the dwelling, an extension of 17.2 inches in height would be needed. This would also accommodate a pitched roof. When the application was reviewed at the CVMAC A neighbor was unhappy. They believed views, would be blocked. Mr. Olson explained that his home is located in topography shaped like a bowl. As a result, surrounding views would not be impacted. Board questions for the Applicant were as follows:

- Has Mr. Olson read the staff report
- Will any trees be removed from the site

Mr. Olson confirmed that he read the staff report. He is agreement with Conditions of Approval. No trees will be removed. A neighbor from Center Street expressed concern that she be able to retain a view over trees located on Mr. Olson's property. Mr. Olson agreed to keep the trees on the down slope of the property, at a height of 15 feet. This allows clear visibility.

Ms. Roxanne Lewis from 17550 Madison Avenue was present. Ms. Lewis confirmed through the staff report. The site is located within the Madison Avenue Specific Plan. She attended a community meeting where neighbors had no objections. The project is not within an area of 30% slope. Grading will remove an estimated, 30 cubic yards of earth. Ms. Lewis was present to show the Board that when reasonable projects that blend with existing surrounding, are proposed. There is support. Public testimony was closed.

Member Spalding thought Condition #2 should be modified. The verb *deliberately* should be removed. In the event a tree were to fall, become sick or damaged. Preferable language could read *as long as trees remain healthy*. Staff accepted the modification.

Member Spalding motioned to accept the staff recommendation of approval. Condition #2 shall be modified. The word deliberately shall be stricken. The end of the sentence shall read as follows: as long as the trees remain healthy

Member Adesanya seconded the motion. The motion to approve Variance, V-12129 carried 3/0.

APPROVAL OF MINUTES: Member Spalding motioned to adopt the Minutes of September 24, 2008. Member Adesanya seconded the motion. Motion carried 3/0.

The Minutes of October 8 were continued to the next Hearing. Member Adesanya was not present at the October 8th Hearing. Therefore she could not participate in the vote. The Minutes of October 22, 2008 were continued to the next Hearing.

STAFF COMMENTS & CORRESPONDENCE: The appeal of Conditional Use Permit, C-8478, T Mobile will be heard by the Board of Supervisors on December 9, 2008. The Homeowners Association would like the facility moved to another location, on the site.

BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Spalding announced that sadly the wife of retired Board Member, Frank Peixoto passed away. Members will send an acknowledgement. Staff may participate if they like.

ADJOURNMENT: There being no further business, the hearing adjourned at 2:15 p.m.

ALBERT LOPEZ - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS