

MINUTES OF MEETING
WEST COUNTY BOARD OF ZONING ADJUSTMENTS
MAY 28, 2003
(APPROVED JUNE 11, 2003)

The meeting was held at the hour of 1:30 p.m. in the Public Works Operations Building, 951 Turner Court, Hayward, California.

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Members Dennis Botelho, Chair; Ron Palmeri; Frank Peixoto; Jewell Spalding.

MEMBERS EXCUSED: Sharon Callaham

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director, Staff Planner Richard Tarbell and Nilma Singh, Recording Secretary.

There were eight people in the audience.

CALL TO ORDER:

The meeting was called to order by the Chair at 1:40 p.m.

ANNOUNCEMENTS BY THE CHAIR: The Chair requested that all pagers and cell phones be turned off during the public hearing, and reminded speakers of the three-minute rule.

CONSENT CALENDAR:

1. **BOB MASON, CONDITIONAL USE PERMIT, C-7756** – Application to modify use permit, C-7447 to allow: 1) storage for 20 vehicles; 2) increase from 125 to 145 horses; and 3) to add a feed store at an existing breeding, boarding and training facility for 125 horses, in an “A” (Agricultural) District, located at 24550 Palomares Road, east side, approximately ¼ mile south of Palo Verde Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 085A-2700-001-07. (Continued from December 11, 2002; February 26, March 26 and April 23, 2003; to be continued without discussion to June 25, 2003).
2. **CHEUK FUNG, CONDITIONAL USE PERMIT, C-7920** – Application to allow construction of a service station (Type A) with a convenience mart and car wash facility on a portion of an existing 1.4 acre site, in a C-1 (Retail Business) District, located at 997 Grant Avenue, northeast corner of the intersection with Washington Avenue, unincorporated San Lorenzo area of Alameda County, bearing Assessor’s Parcel Number: 0412-0022-004-03. (Continued from July 24, September 11, October 23, November 13, 2002; January 22, February 5 and 26, March 12 and 26, April 23, 2003; to be continued without discussion to June 25, 2003).
3. **ARNOLD and JOYCE ADAMS, CONDITIONAL USE PERMIT, C-8130** –

Application to allow expansion of an existing auto repair facility with the construction of: 1) an aluminum awning (16 feet x 60 feet); 2) roll-up door and cover of a storage area, and 3) installation of a portable office, in a P-D (Planned Development) District, located at 18811 Lake Chabot Road, southwest side, corner east of Huber Drive, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084B-0502-044-00. (Continued from April 9 and April 23; to be continued without discussion to June 25, 2003).

4. **HOSANNA HOMES, CONDITIONAL USE PERMIT, C-8143** – Application to allow continued operation of a residential care facility adding two modular trailers (Applicant requests a ten year renewal period), in an “A” (Agricultural) District, located at 9998 Crow Canyon Road, west side, approximately one mile north of the intersection with Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 0085-1902-001-00. (Continued from April 28, 2003; to be continued without discussion to July 23, 2003).
5. **BERNARDO BUTTLER, VARIANCE, V-11698** – Application to allow construction of an attached addition thereby reducing the required front yard from 20 feet to 17 feet – 8 inches and retaining a garage conversion providing zero parking spaces where two spaces are required, in a R-1 (Single Family Residence) District, located at 18184 Rainier Avenue, east side, approximately 200 feet southeast of the intersection with Whitney Court, unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 0413-0055-015-00. (Continued from November 20, 2002, February 26 and April 23, 2003; to be continued without discussion to August 27, 2003).
6. **L. FU/DAVID LAU, VARIANCE, V-11708** – Application to allow construction of three new dwellings providing: 1) six feet side yard where 15 feet is required; 2) zero foot setback from the driveway to two dwelling unit walls where 10 feet is required; and 3) 12 feet driveway where 20 feet is required, in a R-3 (Three Family Residence) District, located at 2256 Regent Way, southeast side, approximately 420 feet northeast of Cross Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0270-006-00. (Continued from January 8, February 5, February 26, March 26 and May 14, 2003; to be continued without discussion to June 25, 2003).
7. **GEORGE R. WARREN, VARIANCE, V-11728** – Application to allow construction of an attached two story addition providing a six foot six inch side yard where 10 feet is the minimum, in a R-1-B-E-CSU-RV (Single Family Residence with 10,000 square feet Minimum Building Site Area, Conditional Secondary Unit, Recreational Vehicle) District, located at 18873 Walnut Road, west side corner, south of Vineyard Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084D-1107-066-00. (Continued from May 14, 2003; to be continued without discussion to June 25, 2003).
8. **DONALD B. WALLACE, VARIANCE, V-11739** – Application to allow construction of a single family residence on a parcel without county road

frontage (access to Fairview Avenue will be via an existing private road) in an "A" (Agricultural) District, located on Fairview Avenue, east side, approximately 940 feet north of China Court, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 085A-6100-005-04. (To be continued without discussion to June 25, 2003).

9. **PHILIP R. THOMPSON, VARIANCE, V-11747** – Application to allow construction of an attached deck thereby reducing a rear yard from the required 20 feet to five feet, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 3113 Sunshine Place, south side, approximately 200 feet east of Carlton Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084B-0742-056-00. (Continued from May 14, 2003; to be continued without discussion to June 11, 2003).
10. **SAN LORENZO VILLAGE HOME ASSOCIATION, CONDITIONAL USE PERMIT, C-8167** – Application to allow continued operation of a pre-school and kindergarten for sixty students, in a R-1 (Single Family Residence) District, located at 341 Paseo Grande, north side, approximately 500 feet east of Hesperian Boulevard, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 0412-0034-015-00.

Mr. Gray announced that Item #9, V-11739, has been withdrawn and recommended moving Regular Calendar Item #1 to the Consent Calendar. The Association has concurred with the recommended conditions and no one was available to provide testimony. Member Spalding suggested Item #8 be continued to an evening meeting, perhaps July 9th. Member Peixoto made the motion to approve the Consent Calendar per staff recommendations and with the above modifications. Member Palmeri seconded the motion, which carried 4/0. Member Callahan was excused.

REGULAR CALENDAR:

1. **SAN LORENZO VILLAGE HOME ASSOCIATION, CONDITIONAL USE PERMIT, C-8167** – Application to allow continued operation of a pre-school and kindergarten for sixty students, in a R-1 (Single Family Residence) District, located at 341 Paseo Grande, north side, approximately 500 feet east of Hesperian Boulevard, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 0412-0034-015-00.

This item was moved to the Consent Calendar.

2. **JOAO M. CARDOSO, VARIANCE, V-11734** – Application to allow eight dwelling units (seven new units and one existing) providing a three foot setback from the access driveway where 10 feet is required, in a R-S-D-25 (Suburban Residence, 2,500 square foot Minimum Building Site Area per dwelling unit) District, located at 20161 Royal Avenue, southwest side, approximately 320 feet southeast of the intersection with Bartlett Avenue, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0432-0004-005-02. (Continued from April 23, 2003).

Mr. Tarbell read the project description. Member Peixoto asked when the existing residence was built.

Public testimony was called for. Mr. Cardoso said that the existing house was about 70 years old but was remodeled and brought fully into compliance 1999. He further described the project in detail adding that this proposal was a result of a letter asking property owners for improvement to keep crime rate low in the area. The aim was to keep everything private by providing individual laundry rooms, garages, backyards and a common play area in the rear. A fire hydrant will also be installed, a benefit for all in the area. Mr. Cardoso's plan was to move into the largest rear unit.

Public testimony was closed. In response to Member Palmeri, Mr. Tarbell clarified that the variance was not to build new seven units but for the three foot setback to a dwelling wall. A discussion followed regarding the required and proposed setback, setback from the over-hang of the second floor and the building wall. Member Spalding discussed the second finding and pointed out that recommendations from City of Hayward and Cherryland Home Association were not included in the recommended conditions, such as road widening, geotechnical and soil reports. Member Palmeri said his concerns included the narrow entrance, lack of turn-around area for garbage trucks, open space and high density. He felt that the play area should be conditioned to remain open and accessible to all tenants to avoid being fenced as a private backyard in the future. Member Spalding agreed that a three foot setback and a high density would be detrimental to the public. Mr. Gray explained that this was a setback variance and other recommendations would be dealt under Site Development Review.

Public testimony was re-opened. The Chair asked Mr. Cardoso if he agreed to a continuance during which time staff would work on the problem areas. Mr. Cardoso agreed. Public testimony was closed.

The Chair made the motion to continue the matter to June 11, 2003. Member Peixoto seconded the motion, which carried 4/0. Member Callaham was excused.

3. **MAHMOUD G. AFKHAMI, VARIANCE, V-11743** – Application to allow a 12 foot front yard where 20 feet is required with the addition of an attached garage, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 19056 Stanton Avenue, northeast corner, northwest of Selby Lane, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084B-0460-007-00. (Continued from May 14, 2003).

Mr. Gray read the project description.

Public testimony was opened. Mr. Afkhami further explained his project adding that the measurements on his initial submitted plans were correct. Public testimony was closed.

Member Palmeri pointed out that as a result of future sub-division, any reduced setback variance application would not be acted on favorably. Member Peixoto made the motion to approve the application per staff recommendations. Member Spalding seconded the motion, which carried 4/0. Member Callaham was excused.

4. **STEPHEN MONTEL/MIKE ABLAZA, VARIANCE, V-11744** – Application to allow construction of an attached addition (family room) thereby maintaining a six foot street side yard where ten feet is required, in a R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 16584 Page Street, north

side corner, northwest of 166th Avenue, unincorporated San Leandro area of Alameda County, bearing Assessor's Parcel Number: 080A-0198-012-00.

Mr. Gray read the project description and Member Palmeri requested further clarification on the project.

Public testimony was called for. Mike Ablaza, property owner, concurred with the recommended conditions. Public testimony was closed.

Member Palmeri made the motion to approve the application per staff recommendations. Member Spalding seconded the motion, which carried 4/0. Member Callaham was excused.

Approval of Minutes – April 23 and May 14, 2003.

Member Palmeri made the motion to approve the April 23 Minutes as submitted. The Chair seconded the motion, which carried 3/1. Member Spalding abstained and Member Callaham was excused.

Member Palmeri made the motion to approve the May 14 Minutes as submitted. The Chair seconded the motion, which carried 4/0. Member Callaham was excused.

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.

STAFF COMMENTS & CORRESPONDENCE:

Mr. Gray announced that the Board of Supervisors will discuss the Governance issue at a work session on June 2, 2003. He asked if the Board would like to make a formal presentation. Member Spalding felt that it would be premature to make a decision before the work session. The Board agreed and requested confirmation of the time of the work session and a progress report.

Mr. Gray also announced that a status report on the East and West County Board of Zoning Adjustments would be presented at the Transportation Committee on June 26, 2003. The Board suggested a work session on the status report at the next hearing, June 11, 2003.

CHAIR'S REPORT: None.

COMMISSION ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

ADJOURNMENT: There being no further business, the hearing was adjourned at 3:10 p.m.

JAMES SORENSEN - SECRETARY
WEST COUNTY BOARD OF ZONING ADJUSTMENTS