

BOAR OF SUPERVISORS APPEAL SUMMARY - WEST COUNTY - 2004

	APPLICATION	WBZA DECISION	PC DECISION	CVMAC DECISION	BOS DECISION
#1	V-11780, Mahjoridad	Deny the project		Deny the project	Deny the project
#2	C-8160 & V-11748, Kennedy	Deny the project		Deny the project	Deny the project
#3	C-8141, Vargas	Deny the project			Approve the project
#4	V-11792, Caro	Tie vote	Deny the project		Deny building variance cont. fence
#5	C-7990, RFC Investments	Approve the project		Approve project	Approve the project subject to conc
#6	TR-7305, Delco			Approve the project	Approve the project
#7	ZU-2169th, Hoffman&Vaughn		Conditional approval	Conditional approval	Denied the project
#8	ZU-2146th, Marchand		Deny the project		Approve with conditions
#9	TR-7270, Van Eeghen		Approve the project		Approve the project w/changes
#10	ZU-2187th, Bhukhan/Payne		Approve the project		Approve the project
#11	ZU-2186th, Crawford		Approve the project	Approve the project	Approve the project
#12	V-11708, Lau	Deny the project		Deny the project	Deny the project
#13	V-11821, Tim Green	Deny the project			Approve the project
#14	V-11832, Edward Leon	Deny the project			Approve the project
#15	V-11833, Michael Rich	Deny the project			Approve the project
#16	V-11836, Jeffrey Johnson	Deny the project			Approve the project
#17	V-11839, Shu-Tong Yuen	Deny the project			Approve the project
#18	V-11846, Jack Shane	Deny the project			Approve the project
#19	ZU-2191st, Bain		Approve the project		Approve the project
#20	V-11838, Tenny Lee	Deny the project			Approve the project
#21	V-11841, Hayward Church of God	Deny the project			Approve the project
#22	V-11854, Christine Thomas	Deny the project			Approve the project
#23	V-11859, Theisen	Deny the project			Approve the project
#24	C-8305, Valley Baptist Church	Approve the project		Approve the project	Approve the project
#25	ZU-2195th, Langon Homes		Approve the project		Approve the project
#26	MZU-1557 & C-8275, Adams		Deny the project		Approve the project
#27	V-11792, Caro	Tie vote	Deny the project		Approve the variance for the fence

Board of Supervisors items for 2004 - 2007

The following describes all of the items heard by the West Board of Zoning Adjustments, the Planning Department, Castro Valley Municipal Advisory Council and the subsequent final action by the Board of Supervisors.

2004

JANUARY

#1. VARIANCE, V-11780, SOOSAN MAHJORIRAD – Appeal of Soosan Mahjoridad from the decision of the Board of Zoning Adjustments (West) to deny the application to build a single family residence on a 2,385 square foot lot where the minimum allowed is 5,000 square feet, to provide a ten foot front yard where 20 feet is required and to provide a 12 foot six inch rear yard where 20 feet is required, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located on Foxboro Drive, north side, approximately 555 feet east of Redwood Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084C-0970-007-11

Castro Valley Municipal Advisory Council recommends: Deny the project

Board of Zoning Adjustments (West County) recommends: Deny the project

Board of Supervisors action: Denied the appeal and sustained the denials of the CVMAC and the BZA. President Steele suggested to staff a creation of a document for appellants/petitioners to sign indicating their understanding of the planning process in which they decide to pursue

#2. CONDITIONAL USE PERMIT, C-8160 and VARIANCE, V-11748, DAVID J. KENNEDY – Appeal of David J. Kennedy from the decision of the Board of Zoning Adjustments (West) to deny the application to allow expansion of a non-conforming lot (parcel lacks frontage on a County road) to allow retention of a second unit (520 square feet), with: 1) 24 feet – six inch building height where 15 feet is permitted, and 2) five foot rear yard where 20 feet is required, in a R-1-L-B-E-CSU-RV (Single Family Residence, Limited Agricultural, 5 Acre Minimum Building Site Area, 100 feet Median Lot Width, 30 feet Front Yard, Conditional Secondary Unit, Recreational Vehicle) District, located at 8371 Norris Canyon Road, south side, approximately 130 feet east of Oak Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 0085-4025-010-01

Castro Valley Municipal Advisory Council recommends: Deny the project

Board of Zoning Adjustments (West County) recommends: Deny the project

Board of Supervisors: Denied the project.

APRIL

#3. CONDITIONAL USE PERMIT, C-8141, RONALD VARGAS – Appeal of Ronald Vargas from the decision of the Board of Zoning Adjustments (West) to deny a conditional use permit for the continued operation of an outdoor storage yard in an M-1 (Light Industrial) District, located at 22035 Meekland Avenue, southwest side, 65 feet southeast of the intersection with Poplar Avenue, in the unincorporated Cherryland area of Alameda County, bearing Assessor's Parcel Number: 429-0064-019-02

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Upheld the appeal allowing the conditional use permit to include conditions 1-3 of Planning Staff, reflecting the expiration of the conditional use permit in 3 years, 4/1/07, in condition #13.

#4. VARIANCE, V-11792 – JOSE CARO – Appeal of Jose Caro from the decision of the Planning Commission to deny the application to allow construction of an attached addition to an existing detached garage, thereby covering 38% of the required rear yard, where 30% is maximum, and a fence five feet, one half inch high, where four feet is maximum, in an R-2-B-E (Two Family Residence, 8,750 square foot m.b.s.a.) District, located at 1445 – 168th Avenue, north side, approximately 427 feet east of East 14th Street, unincorporated Ashland area of Alameda County, bearing County Assessor's designation: 080A-0100-026-00.

Board of Zoning Adjustments (West County) decision: Tie vote

Planning Commission decision: Deny the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Denied the variance for the building structure and continued the matter relative to the fence to October 7, 2004

#5. CONDITIONAL USE PERMIT, C-7990 – RFC INVESTMENTS, GENE RAPP - Appeal of Gene Rapp from the decision of the Board of Zoning Adjustments (West County) to approve an application to modify a conditional use by the deletion of one single family parcel from an aged care facility subject to 12 conditions, in an R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 22424 Charlene Way, north side, approximately 120' east of Redwood Road, Castro Valley, Assessor's Parcel Number: 416-30-19.

Board of Zoning Adjustments (West County) decision: Approve the project

Castro Valley Municipal Advisory Council recommends: Approve the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Denied the appeal and approved the project subject to the modified conditions with no expiration date on the permit

#6. VESTING TENTATIVE MAP, TRACT 7305, ALCORN/DELCO BUILDERS – Appeal of Castro Valley Preservation Society regarding the Planning Director's approval of an application to subdivide one parcel containing approximately 3.99 acres into 17 separate parcels, to permit the development of 16 new single family homes, located at 4605 Malabar Avenue, approximately 200 feet west of Pepper Street, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084C-835-001-07.

CVMAC recommends: Approve the project

Planning Staff recommends: Denial of the appeal and approve the project

Board of Supervisors action: Denied the appeal and approved the project.

#7. 2169TH ZONING UNIT AND VESTING TENTATIVE MAP, TRACT 7370, HOFFMAN & VAUGHN FAMILY TRUST - Petition to reclassify from a PD (Planned Development) District allowing Commercial Uses to a PD (Planned Development) to allow eight residential units, on one site containing approximately 1.28 acres, located on Villareal Drive, south side, approximately 75 feet west of Clement Drive, unincorporated Castro Valley area of Alameda County, bearing County Assessor's Designation: 085A-6405-166-00. (Continued from July 11, 2003.)

Castro Valley Municipal Advisory Council recommends: Conditional Approval

Planning Commission decision: Conditional approval

Planning Staff recommends: Approve the project

Board of Supervisors action: Denied the reclassification

JUNE

#8. 2146th ZONING UNIT – DAN MARCHAND – Petition to reclassify from the R-1-L-B-E-CSU-RV (Single Family Residence, Limited Agricultural, 5 acre minimum building site area, 100 feet median lot width, 30 feet front yard, Conditional Secondary Unit, Recreational Vehicle Regulation) district to a PD (Planned Development) District, allowing a 1,280 square foot secondary unit, on one site containing approximately 11.45 acres, located at 8600 Oak Tree Lane, southwest side, approximately 340 feet southeast of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 085-5000-001-19.

Planning Commission decision: Deny the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approved the rezoning with conditions

#9. TENTATIVE MAP, TRACT 7270 – VAN EEGHEN/PETER HELLMANN - Appeal of **East Hills Rural Neighborhood Association**, of the approval of the application of Paramount Homes, to divide one site containing approximately 3.44 acres into 12 parcels, in an R-1-B-E (Single Family Residence, 6,000 square feet minimum building site area, as per the Fairview Area Specific Plan) District, at 25329 Second Street, south side, approximately 300' west of Windfeldt Road, in the unincorporated Fairview area of Alameda County, bearing County Assessor's Parcel Numbers: 0425-0160-006-00 and 0425-0160-007-00.

Planning Commission decision: Approve the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approved the application for 9 single family homes

#10. 2187th ZONING UNIT - MAHENDRA BHUKHAN/PAYNE DEVELOPMENT - Petition to reclassify one site containing approximately 2.45 acres from a PD (Planned Development), previously zoned R-S-D-20, Suburban Residence, 2,000 square foot m.b.s.a.) to a PD (Planned Development) District, to allow a 151-unit affordable senior housing complex, located at 22056 Arbor Avenue, northeast side, approximately 300 feet north of West "A" Street, unincorporated Cherryland area of Alameda County, bearing County Assessor's designations: 429-0077-027-00, -028-00 and -029-00.

Planning Commission decision: Approve the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approve the project

JULY

#11. 2186th ZONING UNIT – CRAWFORD - Application to reclassify an approximately 1.4-acre property from R-1-SU-RV to PD to allow construction of 20 townhouse-type apartment units with one-car attached garages for each unit, in 7 two-unit buildings and 3 three-unit buildings, with 21 uncovered parking spaces, located at 2854 Grove Way, north side, approximately 250 feet east of Betlen Way, in the unincorporated Castro Valley area of Alameda County, having County Assessor's Parcel Number: 0416-0060-030-02.

Castro Valley Municipal Advisory Council recommends: Approve the project

Planning Commission decision: Approve the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approve the project

#12. VARIANCE, V-11708 – L.FU/DAVID LAU – Appeal of David Lau of the decision of the West Board of Zoning Adjustments to deny the construction of three new dwellings providing: 1) six foot side yard where 15 feet is required; 2) zero foot setback from the driveway to two dwelling unit walls where ten feet is required; and 3) 12 foot 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---6-00. (Continued from January 8, February 5 and 26, March 26, May 27, August 27, October 8, November 5 and 19, 2003; January 14 and 28, February 11 and 25, 2004).

Castro Valley Municipal Advisory Council recommends: Deny the project

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Conditional Approval

Board of Supervisors action: Denied the project

#13. VARIANCE, V-11821 – TIM GREEN/HOME DESIGNS/HARRY D. HARRIG – Appeal of Tim Green of the decision of the West Board of Zoning Adjustments to deny the expansion of an existing non-conforming residence, with an existing one-foot side yard setback, in a C-O (Administrative Office) District, located at 22591 Center Street, west side, 110 feet north of the intersection with B Street, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 416-0110-009-00.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Conditional Approval

Board of Supervisors action: Approved the variance, therefore allowing the addition.

#14. VARIANCE, V-11832 - EDWARD LEON – Appeal of Edward Leon of the decision of the West Board of Zoning Adjustments to deny the construction of a second dwelling providing a ten foot rear yard where 20 feet is required and four parking spaces (one existing and three uncovered) located 13 feet into Special Building Line where not allowed, in a R-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area/Dwelling Unit) District, located at 15568 Lorenzo Avenue, east side approximately 203 feet north of Via Enrico, unincorporated San Lorenzo area of Alameda County, bearing the Assessor's Parcel Number: 0411-0021-002-00.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Conditional Approval

Board of Supervisors action: Approved the variance subject to Exhibit C and the 7 conditions contained in the staff report

#15. VARIANCE, V-11833 – MICHAEL RICH – Appeal of Michael W. Rich of the decision of the West Board of Zoning Adjustments to deny the construction of a detached garage covering 52% of the required rear yard where 30% is the maximum, and two stories, 24 feet three inches in height where one story at 15 feet are the maximums, in a R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle Regulations) District, located at 4904 Seaview Avenue, north side corner of Beardsley Street, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084C-0922-044-00.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Deny the project

Board of Supervisors action: Approved the variance subject to an Exhibit B that would have the revised building elevations as well as three conditions typically imposed on this type of project

#16. VARIANCE V-11836 – JEFFREY K. JOHNSON – Appeal of Jeffrey Johnson of the decision of the West Board of Zoning Adjustments to deny an existing accessory structure (shed) in a side-yard, two feet from a residence where six feet is required, in a R-1 (Single Family Residence) District, located at 17411 Via Carmen, west side, approximately 129 feet south of Via Buena Vista, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel Number: 0411-0084-003-00.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Deny the project

Board of Supervisors action: Approved the variance subject to: 1) concurrence that there is no opposition from the San Lorenzo Village Homes Association; 2) the requirement of the applicant to meet all the provisions of the fire department, building inspection, land development; and 3) a 5-year time limitation on the variance

#17. VARIANCE, V-11839 – SHU-TONG YUEN – Appeal of Shu-Tong Yuen of the decision of the West Board of Zoning Adjustments to deny the conversion a five unit multi-family dwelling to a five unit condominium complex requiring a variance to reduce the side yard setback from the required ten feet to 9.47 feet, a reduction of the required distance between Unit 522 and Unit 524 from twenty feet to zero feet, a reduction of the required distance between Unit 526 and Unit 528 from the required twenty feet to 9.92 feet, and a reduction of the required distance between parking spaces and building walls from four feet to one foot in a R-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area, Dwelling Unit) District, located at 520 and 528 Blossom Way, north side, approximately 485 feet west of Western Boulevard, unincorporated Cherryland area of Alameda County, bearing Assessor's designation: 0429-0019-049-00.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Conditional Approval

Board of Supervisors action: Approved the variance subject to the 5 conditions in Exhibit C

#18. VARIANCE, V-11846 – JACK SHANE – Appeal of Jack Shane of the decision of the West Board of Zoning Adjustments to deny the construction of a single family residence that is 43 feet in height where 30 feet (maximum) is allowed in an "R-1-L-B-E" (Single Family Residential, Limited Agriculture, Five Acre minimum building site area) District, located at 3755 Arbutus Court, south side, about 1,000 feet west of Fairview Avenue, unincorporated Fairview area of Alameda County, bearing Assessor's Parcel Number: 0425-0470-007.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Conditional Approval

Board of Supervisors action: Approved the variance subject to a 10' high retaining wall with appropriate landscaping

#19. 2191st ZONING UNIT – HAROLD E. BAIN – Petition to reclassify from an R-1 (Single Family Residence) District to a C-1 (General Commercial) District, to allow ice machine rental and sales, on one site containing approximately 5,227 square feet (0.12 acres), located at 1600 Fairmont Drive, north side, corner of Lark Street, unincorporated Lark Street, unincorporated San Leandro area of Alameda County, bearing County Assessor's designation: 0080-0035-031-03.

Planning Commission decision: Approve the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approved the project

AUGUST

#20. VARIANCE, V-11838 – TENNY LEE – Appeal of Tenny Lee of the decision of the West Board of Zoning Adjustments to deny an application to expand a non-conforming building (reduced setbacks and parking) by adding a second story 400 square foot storage area, in a C-O (Administrative Office) and C-1 (Retail Business) Districts, located at 2373 Grove Way, southeast corner at the intersection with North Sixth Street, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 415-0100-119-03.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approved the variance subject to the 7 conditions contained in the staff report

#21. VARIANCE, V-11841, HAYWARD CHURCH OF GOD – Appeal of Carlos Castaneda of the decision of the Board of Zoning Adjustments to deny a six foot high fence to remain in the front yard that exceeds the four foot maximum permitted, in a R-S-SU (Suburban Residence with Secondary Unit) District, located at 263 Hampton Road, south side, approximately 50 feet south of the end of Boston Road, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0413-0047-033-00.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approved the project

#22. VARIANCE, V-11854, CHRISTINE THOMAS – Appeal of Christine Thomas of the decision of the Board of Zoning Adjustments (West County) to deny the expansion of a nonconforming use (detached garage in the front half of the lot) by the construction of an addition to the rear of the garage, in a R-1-B-E-SU-RV (Single Family Residence, 10,000 square foot Minimum Building Site Area, Secondary Unit, Recreational Vehicle) District, located at 4956 Proctor Road, north side, approximately 343 feet northwest of Redwood Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084D-1275-015-00.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approved the variance subject to the 3 conditions contained in the staff report.

#23. VARIANCE, V-11859, ELIZABETH and ANDREA THEISEN – Appeal of Elizabeth and Andrea Theisen of the decision of the Board of Zoning Adjustments to deny the construction of an attached addition so as to provide a five foot side yard where seven feet is required in a R-1 (Single Family Residence) District, located at 1116 Via Dolorosa, west side, approximately 76 feet north of Via Nube, unincorporated San Lorenzo area of Alameda County, bearing Assessor's Parcel: 412-0079-141-00.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approved the variance subject to the 3 conditions contained in the staff report.

SEPTEMBER

#24. CONDITIONAL USE PERMIT, C-8305, VALLEY BAPTIST CHURCH - Appeal of the Louise Court residents of the West Board of Zoning Adjustments decision to approve the operation of a K-12 private school for up to 50 students, in a one-story, 3,350 square foot building, on the site of an existing church with 54 parking spaces, located at 19835 Lake Chabot Road, west side, 213 feet south of Somerset Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0170-009-00.

Castro Valley Municipal Advisory Council recommendation: Approve the Project

Board of Zoning Adjustments (West County) decision: Approve the project

Planning Staff recommends: Denial of the Appeal and Approve the project

Board of Supervisors action: Denied appeal; approved the conditional use permit subject to the conditions outlined by the CVMAC; and the inclusion of the BZA's conditions with amendments to eliminate the requirement for a 6-month review; approve the permit for 10 year expiration; and remove limitations on assembly of the whole student body outdoors.

OCTOBER

#25. 2195th ZONING UNIT – LANGON HOMES, LLC – Application to reclassify from the R-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area/Dwelling Unit) to a PD (Planned Development) District, to facilitate subdivision of one parcel into four lots and construction of a two-story single family dwelling on each new lot, located at 759 Bartlett Avenue, north side, approximately 141 feet east of Hesperian Boulevard, unincorporated Hayward area of Alameda County, bearing County Assessor's designation: 0412-0087-069-02.

Planning Commission decision: Approve the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approved as recommended.

NOVEMBER

#26. MODIFICATION TO 1557TH ZONING UNIT, MZU-1557, & CONDITIONAL USE PERMIT, C-8275,—ARNOLD AND JOYCE ADAMS—Appeal of Delynn Remodeling & Design, representing Mr. Adams, of the decision of the Planning Commission to deny minor modification to a P-D (Planned Development, 1557th Zoning Unit) District, the zoning unit on one site containing approximately 0.30 acres, in located at 18811 Lake Chabot Road, south side, corner east of Huber Drive, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084B-0502-044-00

Castro Valley Municipal Advisory Council recommendation: Approval of the proposal

Planning Commission action: Denial, thereby requiring petition for rezoning

Planning Staff recommendation: Approval of the proposal as a minor modification to the existing zoning

Board of Supervisors action: Approved for minor modification with Castro Valley Municipal Advisory Council's conditions imposed for zoning and conditional use permit.

DECEMBER

#27. VARIANCE, V-11792 - JOSE CARO – Appeal of Jose Caro from the decision of the Planning Commission to deny the application to allow construction of an attached addition to an existing detached garage, thereby covering 38% of the required rear yard, where 30% is maximum, and a fence five feet, one half inch high, where four feet is maximum, in an R-2-B-E (Two Family Residence, 8,750 square foot m.b.s.a.) District, located at 1445 – 168th Avenue, north side, approximately 427 feet east of East 14th Street, unincorporated Ashland area of Alameda County, bearing County Assessor's designation: 080A-0100-026-00.

Board of Zoning Adjustments (West County) action: Tie vote – referred to the Planning Commission

Planning Commission action: Deny the project

Board of Supervisors prior action: Denied the variance for the building structure and continued the matter relative to the fence pending discussion by the ordinance review committee

Planning Staff recommends: Denial of the fence portion of the variance

Board of Supervisors action: Granted the variance to allow the fence. Supervisor Miley directed staff to bring the fence ordinance issues to the Transportation/Planning Committee

BOARD OF SUPERVISORS APPEAL SUMMARY - WEST COUNTY - 2005

	APPLICATION	WBZA DECISION	PC DECISION	CVMAC DECISION	BOS DECISION
#1	C-7918, Tavake	Deny the project			Deny the project
#2	ZU-2189th, Mercy Housing		Approve the project		Approve the project
#3	V-11852, Yin/Zhu	Deny the project			Deny the project
#4	TR-7467, Rombough		Approve the project		Approve the project
#5	V-11829, Shumate	Deny the project			Deny the project
#6	ZU-2170th, Stephen/Krause		Approve the project		Approve the project
#7	C-8270, C.C. Cristo	Deny the project			Approve the project
#8	ZU-2201st, Schaffer		Approve the project		Approve the project
#9	V-11896, Robert Keel	Deny the project			Deny the project
#10	V-11926, Deborah Mueller	Deny the project			Approve the project
#11	C-8283, Martha Herrera	Approve w/ conditions			Approve with conditions
#12	ZU-2208/TR-7600, Lopez		Approve w/conditions		Approve the project
#13	V-11879, Miguel Perez	Deny the project			Deny the project
#14	C-8396, Bernard Viggiano	Deny the project			Approve the project
#15	C-8431, Chung Nam	Approve for 5 yrs		Approve for 15 yrs	Approve for 15 yrs/7yr review
#16	ZU-2213th/TR7630, Plute/Willer		Approve the project		Approve the project
#17	ZU-2203rd, Valdes		Deny the project		Referred bk to PC
#18	C-8434, Arshad Malik	Deny the project			Deny the project
#19	V-11916, Gallardo	Deny the project			Deny the project
#20	PM-8695, Doyle		Approve w/conditions	Approve w/conditions	Approve w/conditions
#21	V-11930, Graciano Morales	Deny the project			Deny the project
#22	V-11956, Clayton	Deny the project			Deny the project

2005

JANUARY

#1. CONDITIONAL USE PERMIT, C-7918, TAMI TAVAKE – Appeal by Tami Tavake of the decision of the Board of Zoning Adjustments (West County) to deny an application to allow a new commercial horse boarding facility for 15 horses and occupancy of eight mobile homes for agricultural caretaker units, in an “A” (Agricultural) District, located at 28812 Mission Blvd, approximately 1900 feet northeast of the intersection of Mission Blvd and W. Tennyson Road, the Hayward area of unincorporated Alameda County, bearing Assessor’s Parcel Numbers: 083-0100-001-01 & 083-0100-001-04.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommends: Deny the project

Board of Supervisors action: Denied the project

MARCH

#2. 2189TH ZONING UNIT – MERCY HOUSING – Petition to reclassify from an R-S-D-35 (Suburban Residence) and R-1 (Single Family Residence) Districts, to a PD (Planned Development) District, to allow construction of 83 one-bedroom Senior apartments and 1 two-bedroom manager’s apartment, with 52 parking spaces (8 for guests), on one site containing approximately 2.15 acres, located at 16438 and 16450 Kent Avenue, Ashland area of unincorporated Alameda County, bearing Assessor’s Parcel Numbers: 080B-0300-023-00 and -022-01

Planning Commission recommendation: Certification of the EIR and approval of the project, without inclusion of an historic inventory fee

Planning Staff recommendation: Certification of the EIR and approval of the project, with inclusion of an historic inventory fee

Board of Supervisors action: Approved as recommended by the Planning Commission adopted a resolution to certify the EIR and approved the project, without inclusion of a historic inventory fee.

#3. VARIANCE, V-11852, CHRISTINE-YIN/ZHU – Appeal of Christine Yin from the decision of the Board of Zoning Adjustments (West) to deny the application to subdivide one lot, creating a non-conforming lot of 4,484 square feet, and a conforming lot of 5,000 square feet in an R-1 (Single Family Residence) District, located at 14850 Boulevard Court, north side, approximately 196 feet north west of 149th Avenue, San Leandro area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 0080-0008-008-00.

Board of Zoning Adjustments (West County) action: Deny the project

Planning Staff recommends: Deny the appeal and deny the project

Board of Supervisors action: Denied the project

APRIL

#4. TENTATIVE TRACT MAP, TR7467 – ROMBOUGH/WRIGHT – Appeal of the Mansfield Avenue Homeowner's Association from the decision of the Planning Commission to approve the subdivision of one parcel of approximately 3.52 acres (153,331 square feet) into 16 parcels intended for single-family dwellings, one lot with an existing single-family residence and 15 lots for new single-family residences, in an R-1 (Single-Family Residence) District, located at 23096 Mansfield Avenue, south side, approximately 670 feet south of Kelly Street, Fairview area of unincorporated Alameda County, bearing Assessor's Parcel Number: 0416-0200-005-00.

Planning Commission action: Approve the project

Planning Staff recommendation: Denial of the appeal and approval of the project

Board of Supervisors action: Denied the appeal and upheld the Planning Commission's certification of the EIR and approval of the project

#5. VARIANCE, V-11829 – JOAN SHUMATE – Appeal of Joan Shumate of the decision of the West Board of Zoning Adjustments to deny the retention of a single family home and attached deck. The property currently has a 0-foot front yard setback, where a 22-foot yard setback was established by a previous variance, and a 6-foot side yard setback, where a 9-foot side yard was also approved by a previous variance, in an R-1-L-B-E (Single Family Residential, 5 acre Minimum Building Site Area) District, located at 4075 Picea Court, south side, approximately 450 feet south of Oakes Drive, unincorporated area of Alameda County, bearing County Assessor's Parcel Number: 0425-0500-008-00.

Board of Zoning Adjustments (West County) decision: Denial of the Project

Planning Staff recommends: Determine the merits of the appeal based on an assessment of whether there are sufficient facts to support appellants' claim that they unknowingly submitted information that is now understood to be erroneous, which was relied upon in granting the original 1987 variance

Board of Supervisors action: Denied variance application V-11829, and found that the primary residence per the plans approved through the 1987 variance was permissible

Ordered zoning enforcement to investigate and abate any structures and landscaping that violate Title 17 of the County Ordinance Code

Ordered that the sideyard deck be in conformance with the 9-foot setback from the adjusted property line, requiring removal of a portion of the deck

Directed Planning staff to address issues outlined above and in Exhibit A, and that an implementation report be brought back to the Board within 90 days

MAY

#6. 2170TH ZONING UNIT, STEPHEN / KRAUSE – Petition to reclassify a site containing approximately 27.09 acres from the R-1-B-E (Single Family Residence, 20 acre Minimum Building Site Area) District to a PD (Planned Development) District, to allow a secondary unit, located at 109 Castlewood Drive, west side, approximately 0.7 miles northwest of Fairway Lane, Pleasanton area of unincorporated Alameda County, bearing Assessor's Parcel Number: 0946-4391-028

Planning Commission recommends: Approve the project

Planning Staff recommends: Approve the project

Board of Supervisors action: Approved the project

#7. CONDITIONAL USE PERMIT, C-8270 – COMUNIDAD CRISTIANA CRISTO - Appeal of Miguel Velazquez from the decision of the West Board of Zoning Adjustments to deny the application to allow continued operation of a church facility in an R-S-D-35 (Suburban Residence, 3,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 21573 Haviland Avenue, west side, approximately 161 feet south of Grove Way, unincorporated Cherryland area of Alameda County, Assessor's Parcel Numbers: 0429-0028-081-00, 0429-0028-082-00, 0429-0028-083-00 and 0429-0028-84-00.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommends: Uphold the appeal and approve the project subject to conditions that adequately address noise and other concerns

Board of Supervisors action: Upheld the appeal subject to conditions requiring that amplified music and group singing shall be limited to specified hours of operation unless and until the building is renovated to include sufficient noise baffling and other structural noise controls to comply with the County Noise Ordinance.

JULY

#8. 2201st ZONING UNIT, SCHAFFER – Petition to reclassify from PD (ZU-1489) to the PD (Planned Development) District, to allow construction of a detached 1,200 square foot secondary dwelling unit (excluding attached three car garage), on one site containing 32,670 square feet (0.75 acres), located at 4971 Jensen Road, south side, approximately 167 feet northeast of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 0085-5475-005-02.

Planning Commission action: Approve the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved the project.

#9. VARIANCE, V-11896, ROBERT E. KEEL – Appeal of Robert Keel from the decision of the Board of Zoning Adjustments (West County) to deny the application to 1) Complete construction of a stucco wall that varies between six feet – six inches and nine feet – six inches in height where four and six feet are maximum allowed; and 2) To retain an attached patio cover with zero foot side yard where five feet is the minimum required, in R-1-CSU-RV (Single Family Residence with a Secondary Unit and Recreational Vehicle) District, located at 16626 Cowell Street, east side, approximately 378 feet north of Ranspot Drive, unincorporated Castro Valley area Alameda County, designated Assessor's Parcel Number: 084B-0321-067-00.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommends: Deny the project

Board of Supervisor action: Denied appeal

#10. VARIANCE, V-11926, DEBORA L. MUELLER – Appeal of Debora L. Mueller for the decision of the Board of Zoning Adjustments (West County) to deny the construction of an attached addition providing a 10 foot rear yard where 20 feet is the minimum required in a R-1-CSU-RV (Single Family Residence with Conditional Secondary Unity and Recreational Vehicle) District, located at 2537 Nordell Avenue, south side, approximately 253 feet east of Zeno Street, unincorporated Castro Valley area, designated Assessor's Parcel Number: 084A-0205-023-00.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommends: Deny the project

Board of Supervisor action: Approved the project

SEPTEMBER

#11. CONDITIONAL USE PERMIT, C-8283, MARTHA B. HERRARA – Appeal of Martha Herrera from the decision of the Board of Zoning Adjustments (West County) to conditionally approve an application to allow continued operation of a mobile drive-in business (catering truck) in a M-1(Light Industrial) District, located at 22221 Hathaway Avenue, south side, approximately 300 feet west of A Street, unincorporated Hayward area of Alameda County, bearing Assessor's Parcel Number: 0429-0077-018-04.

Board of Zoning Adjustments (West) action: Approval of the project with conditions

Planning Staff recommends: Uphold the appeal and approval of the project with modified conditions

Board of Supervisors action: Approved as recommended to allow 7 days a week operation

#12. ZONING UNIT, ZU-2208 and TENTATIVE TRACT MAP, TR-7600, LOPEZ – Petition to reclassify from R-S-D-35 (Suburban Residence, 3,500 square foot Minimum Building Site Area/Dwelling Unit) District to a P-D (Planned Development) District, and subdivide one parcel, containing approximately 1.22 acres, into nine lots (4 lots developed with existing duplex and 5 lots developed with existing single family dwellings), located at 604-697 Jordan Way, northeast side, approximately 175 feet northwest of Grove Way, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number 414-0071-073-00.

Planning Commission action: Approval of the project with conditions

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved as recommended

#13. VARIANCE, V-11879 -MIGUEL PEREZ – Appeal of Miguel Perez from the decision of the West Board of Zoning Adjustments to deny the application to allow the expansion to a nonconforming use (second dwelling and rear and side yard setbacks) by constructing an attached addition to the nonconforming second dwelling in a R-S-SU (Suburban Residence with Secondary Unit) District, located at 628 and 630 Medford Avenue, north side, approximately 81 feet west of the intersection of Camden Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0414-0036-068-00.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommendation: Deny the project

Board of Supervisors action: Denied the project

#14. CONDITIONAL USE PERMIT, C-8396, BERNARD J. VIGGIANO – Appeal of Bernard J. Viggiano from the decision of the Board of Zoning Adjustments (West County) to deny the operation of a small auto sales lot in an M-1 (Light Industrial) District, located at 311 West "A" Street, north side, approximately 248 feet west of Hathaway Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0429-0077-018-04.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommends: Uphold the appeal and approve the project

Board of Supervisors action: Approved the project

#15. CONDITIONAL USE PERMIT, C-8431, CHUNG CHUL NAM - Appeal of Cheng Chul Nam from the decision of the Board of Zoning Adjustments (West County) to approve an application to relocate an existing alcohol outlet within an existing commercial center building in a CVCBDSP-SUB7 (Castro Valley Central Business District Specific Plan – Subarea 7) District, located at 20459 Redwood Road, west side, approximately 400 feet north of Castro Valley Boulevard, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0080-011-09.

Castro Valley Municipal Advisory Council Action: Approve the project for 15 years

Board of Zoning Adjustments (West) action: Approve the project for 5 years

Planning Staff recommendation: Uphold the appeal and approve the project for 10 years

Board of Supervisors action: Approved the appeal and approved the project for 15 years subject to a 7-year review by the Board of Zoning Adjustments and a provision related to change of ownership

OCTOBER

#16. 2213th ZONING UNIT and TENTATIVE TRACT MAP, TR-7630, PLUTE/WILLER – Petition to reclassify from the R-1 (Single Family Residence) to a P-D (Planned Development) District, to allow subdivision of the one parcel, containing approximately 0.55 acres, into six single family lots and retain one dwelling on each lot, located at 16765 to 16775 Ventry Way, west side, approximately 100 feet north of Bevilacqua Street, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080B-0319-012-04.

Planning Commission action: Approve the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved the project

#17. 2203rd ZONING UNIT, JOSE M. VALDES – Petition to reclassify one parcel from the R-S-SU (Suburban Residence, Secondary Unit) District to a P-D (Planned Development) District, to allow construction of a new triplex and retain two existing dwellings, on one site containing approximately 0.37 acres, located at 374 Medford Avenue, north side, approximately 412 feet west of Western Boulevard, Hayward area of unincorporated Alameda County, bearing County Assessor's Number: 413-0039-024-00.

Planning Commission action: Deny the project

Planning Staff recommendation: Deny the project

Board of Supervisors action: Referred back to Planning Commission with direction to design a project with demolition of the smaller front house and triplex project in the rear of the lot

#18. CONDITIONAL USE PERMIT, C-8434 ARSHAD MALIK – Appeal of Arshad Malik from the Board of Zoning Adjustments (West County) to deny the relocation of an existing alcohol outlet in a C-1 (Retail Business) District, located at 18880 Hesperian Boulevard, west side, approximately 600 feet north of Bartlett Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 0412-0087-075-04

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommendation: Deny the project

Board of Supervisors action: Denied the project

#19. VARIANCE, V11916, ANTHONY GALLARDO – Appeal of Anthony Gallardo from the decision of the Board of Zoning Adjustments (West County) to deny the construction of a detached accessory structure: 1) located four foot from the main building where six feet is required; and 2) that covers 58% of the required rear yard where maximum 30% coverage is permitted, in a PD (Planned Development, Zoning Unit, ZU-1591) District, located at 17000 Columbia Drive, northeast side, approximately 56 feet northeast of Castlebrook Drive, unincorporated, Castro Valley area of Alameda County, designated Assessor's Parcel Number: 0085-6313-068-00.

Board of Zoning Adjustments (West County) decision: Deny the project

Planning Staff recommendation: Deny the project

Board of Supervisors action: Denied the project

#20. PARCEL MAP, PM-8695 – DOYLE – Appeal of Fred Doyle from the decision of the Planning Director to approve the subdivision, with conditions, of one parcel totaling 1.00 acre into two lots, in a R-1-B-E-CSU-RV [Suburban Residence w/ Conditional Secondary Unit and Recreation Vehicle, 10,000 square feet Minimum Building Site Area and 70 feet minimum lot width) District, located at 17611 Almond Avenue, west side, approximately 342 feet northwest of Walnut Road, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designations : 084D-1160-015-00.

Castro Valley Municipal Advisory Council: Approval of the project with conditions related to road widening

Planning Director's action: Approval of the project with conditions, including those recommended by the MAC

Board of Supervisors action: Upheld the appeal on Condition 8 subject to the guest parking being on each parcel and also require written maintenance agreement if feasible based on the good faith effort on the part of the applicant, which may be administratively waived by the Planning Director if found to be infeasible.

NOVEMBER

#21. VARIANCE, V-11930, GRACIANO MORALES – Appeal of Graciano Morales from the decision of the Board of Zoning Adjustments (West) to deny an application to retain a 548 square foot detached accessory structure (workshop and covered patio) and a separate 140 square foot accessory structure (storage shed) which together occupy sixty-one (61%) percent of the required rear yard where thirty (30%) percent is the maximum, in a R-1 (Single Family Residence) District, located at 16774 Meekland Avenue, east side, approximately 60 feet north of East Lewelling Boulevard, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Number: 0413-0023-057-00.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommends: Deny the project

Board of Supervisors action: Approve denial of the project and sustain BZA' action and Planning Staff's recommendation

#22. VARIANCE, V-11956, DAVE AND CONNIE CLAYTON – Appeal of Dave and Connie Clayton from the decision of the Board of Zoning Adjustments (West) to deny an application to allow two accessory structures to be located less than six feet from each other and the existing dwelling, in a P-D (ZU-1905) Planned Development, 1905th Zoning Unit, located at 3759 Boulder Canyon Drive, west side, approximately 300 feet south of Ridge Place, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 0417-0163-009-00

Castro Valley Municipal Advisory Council: Deny the project

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommends: Denial of the appeal and denial of the project

Board of Supervisors action: Denied the project

BOARD OF SUPERVISORS APPEAL SUMMARY - WEST COUNTY - 2006

	APPLICATION	WBZA DECISION	PC DECISION	CVMAC DECISION	BOS DECISION
#1	ZU-2221st/TR-7677, Ragg		Approve the project	Approve the project	Approve the project
#2	C-8454, Quintana-Castaneda	Deny the project			Deny the project
#3	C-7756, Bob Mason	Deny the project			Deny the project
#4	ZU-2206th/TR-7592, Lancar		Approve the project	Approve the project	Approve the project
#5	ZU-2214th, Cahill		Approve the project	Approve the project	Approve the project
#6	ZU-2224th/PM-8814, Singh		Deny the project	Deny the project	Deny the project
#7	PM-7575, Polyzos			Deny the project	Deny the project
#8	TR-7549, Briggs		Deny the project	Approve the project	Approve the project
#9	TR-7270, Paramount Homes		Approve the project		Approve the project
#10	ZU-2209/TR-7623, Olson Co.		Approve the project		Approve the project
#11	ZU-2216th/PM-8742, Kumar		Approve the project		Approve the project
#12	V-11908, Myrna Hoag	Deny the project			Approve the project
#13	C-8272, Charles Crowell	Approve the project			Approve w/conditions/exp 10yrs
#14	V-11998, Donovan McKeever	Deny the project		Approve with conditions	Deny the project
#15	ZU-2207th/TR-7614, Utal		Deny the project	Deny the project	Deny the project
#16	ZU-2181st/TR-7473, Payvar		Approve the project		Approve the project
#17	ZU-2233rd/TR-7740, Edge Concepts		Approve the project		Approve the project
#18	V-12000, Del Rio/Gomes	Deny the project		Approve the project	Deny the project
#19	V-12012, Jason Kado	Deny the project		Approve the project	Approve the project
#20	V-11963, Van Voorhis	Deny the project			Ref to BZA for reconsideration
#21	ZU-2200/TR-7709, Forest Circle		Approve the project		Approve the project
#22	ZU-2234/PM-8853, Nazareth		No recommendation	Deny the project	Approve the project
#23	C-8143, Hosanna Homes	Deny the project			Deny CUP (see report attached)
#24	C-8280, New Life Presbyterian	Deny the project			Deny CUP (see report attached)
#25	TR-7305, Alcorn/Delco		Approve the project	Approve the project	Approve the project
#26	V-11963, Van Voorhis	Approval of project			Approve the project
#27	V-11993, Forest Circle	Deny the project		Approve the project	Approve the project
#28	V-11992, Carlos Fuentes	Deny the project			Approve the project
#29	C-8448, Susan Regal	Deny the project			Approve subj to conditions
#30	ZU-2237/PM-9182, Bhukhan		Approve the project		Approve the project
#31	V-12024, Samuel Hernandez	Deny the project			Deny the project, refer bk to Plannin

2006

JANUARY

#1. 2221st ZONING UNIT and TENTATIVE TRACT MAP, TR-7677 – RAGG – Petition to reclassify one parcel containing approximately 0.46 acres from the R-S-D-25 (Suburban Residence, 2,500 square foot Minimum Site Area per dwelling unit) District to a P-D (Planned Development) District, so as to retain an existing dwelling and construct four new dwellings, and allow subdivision of one parcel into five lots, located at 19959 Redwood Road, west side, approximately 200 feet north of Lorena Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0095-005-02.

Castro Valley Municipal Advisory Council: Approve the project

Planning Commission action: Approve the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved the project

#2. CONDITIONAL USE PERMIT, C-8454 – QUINTANA-CASTANEDA – Appeal of Dominick R. Libonati, Attorney at Law, representing applicant Quintana-Castaneda from the decision of the West Board of Zoning Adjustments to deny an application for an alcohol outlet (off-sale beer and wine in a grocery store) in a C-1 (Retail Business) District, located at 18400 Hesperian Boulevard, east side, north of Bockman Road, unincorporated San Lorenzo area of Alameda County, designated Assessor's Parcel Numbers: 412-0071-024-04 and 412-0071-023-02.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommends: Deny the project

Board of Supervisors action: Denied the project

#3. CONDITIONAL USE PERMIT, C-7756, BOB MASON – Appeal of Bob Mason from the decision of the Board of Zoning Adjustments (West) to deny the modification of Conditional Use Permit, C-7447 to allow: 1) storage for 20 vehicles; 2) increase from 125 to 145 horses; and 3) to legalize 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.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff recommendation: Deny the project

Board of Supervisors action: Denied appeal; upheld the BZA's decision with modifications

MARCH

#4. 2206th ZONING UNIT and TENTATIVE TRACT MAP, TR-7592, MORRISON / BERG / LANCAR DEVELOPMENT, INC. - Petition to reclassify one parcel approximately 31,115 square feet (0.71 acre) from the R-S-D-20 (Suburban Residence, 2,000 square feet Minimum Building Site Area/Dwelling Unit) to a P-D (Planned Development) District, allowing subdivision into ten parcels intended for single family dwellings, located at 20345 Forest Avenue, west side, approximately 1,050 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0724-083-00

Castro Valley Municipal Advisory Council recommendation: Approve the project

Planning Commission recommendation: Approve the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved the project

#5. 2214th ZONING UNIT, CAHILL - Petition to reclassify one 27,412 square feet (0.63 acre) parcel from the R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, to a P-D (Planned Development) District, allowing ten residential units (seven new and three existing), located at 3629 Lorena Avenue, south side, approximately 180 feet east of Santa Maria Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0075-004-00.

Castro Valley Municipal Advisory Council recommendation: Approve the project

Planning Commission recommendation: Approve the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved the project

#6. 2224th ZONING UNIT and TENTATIVE PARCEL MAP, PM-8814 - SINGH - Petition to reclassify from the R-2-B-E (Single Family Residence, 7,500 square foot Minimum Building Site Area) District to a P-D (Planned Development) District, one site containing approximately 0.17 acre, located at 1315 and 1345 Apple Avenue, south side, corner east of Locust Street, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 414-0086-046-00.

Planning Commission recommendation: Deny the project

Planning Staff recommendation: Deny the reclassification. (Subdivision as a condominium project could proceed under a modified Parcel Map.)

Board of Supervisors action: Upheld the denial of the reclassification

#7. PARCEL MAP, PM-7575, POLYZOS – Appeal of George and Vickie Polyzos from the decision of the Planning Director to deny the subdivision of one parcel containing 0.36 acres into two lots, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 19054 Vannoy Court, south side, at the southern terminus of Vannoy Avenue, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084C-1014-042-00.

Castro Valley Municipal Advisory Council recommendation: Deny the project

Planning Director's action: Deny the project

Planning Staff recommendation: Deny the project

Board of Supervisors action: Denied the project

MARCH

#4. 2206th ZONING UNIT and TENTATIVE TRACT MAP, TR-7592, MORRISON / BERG / LANCAR DEVELOPMENT, INC. - Petition to reclassify one parcel approximately 31,115 square feet (0.71 acre) from the R-S-D-20 (Suburban Residence, 2,000 square feet Minimum Building Site Area/Dwelling Unit) to a P-D (Planned Development) District, allowing subdivision into ten parcels intended for single family dwellings, located at 20345 Forest Avenue, west side, approximately 1,050 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0724-083-00

Castro Valley Municipal Advisory Council recommendation: Approve the project

Planning Commission recommendation: Approve the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved the project

#5. 2214th ZONING UNIT, CAHILL - Petition to reclassify one 27, 412 square feet (0.63 acre) parcel from the R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, to a P-D (Planned Development) District, allowing ten residential units (seven new and three existing), located at 3629 Lorena Avenue, south side, approximately 180 feet east of Santa Maria Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0075-004-00.

Castro Valley Municipal Advisory Council recommendation: Approve the project

Planning Commission recommendation: Approve the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved the project

#6. 2224th ZONING UNIT and TENTATIVE PARCEL MAP, PM-8814 - SINGH - Petition to reclassify from the R-2-B-E (Single Family Residence, 7,500 square foot Minimum Building Site Area) District to a P-D (Planned Development) District, one site containing approximately 0.17 acre, located at 1315 and 1345 Apple Avenue, south side, corner east of Locust Street, Hayward area of unincorporated Alameda County, bearing Assessor's Parcel Number: 414-0086-046-00.

Planning Commission recommendation: Deny the project

Planning Staff recommendation: Deny the reclassification. (Subdivision as a condominium project could proceed under a modified Parcel Map.)

Board of Supervisors action: Upheld the denial of the reclassification

#7. PARCEL MAP, PM-7575, POLYZOS – Appeal of George and Vickie Polyzos from the decision of the Planning Director to deny the subdivision of one parcel containing 0.36 acres into two lots, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 19054 Vannoy Court, south side, at the southern terminus of Vannoy Avenue, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084C-1014-042-00.

Castro Valley Municipal Advisory Council recommendation: Deny the project

Planning Director's action: Deny the project

Planning Staff recommendation: Deny the project

Board of Supervisors action: Denied the project

#8. TENTATIVE TRACT MAP, TR-7549, BRIGGS - Application to allow conversion of eight apartment units to condominiums, on one site containing approximately 15,000 square feet (0.34 acres), located at 22242 and 22258 North Sixth Street, east side, approximately 150 feet north of Knox Street, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designations: 0415-0100-126-01 and 0415-0100-126-02.

Planning Commission action: Deny the project

Planning Staff recommendation: Deny the appeal and deny the project

Board of Supervisors action: Overturned the denial by the Planning Commission action and staff's recommendations; and sustained the CMAC to approve the project with conditions

APRIL

#9. VESTING TENTATIVE TRACT MAP, TR-7270, PARAMOUNT HOMES / VAN EEGHAN – Appeal of Sally Philbin and Mark Detterman from the Planning Commission's decision to approve an application to subdivide two parcels comprising approximately 7 acres to develop 10 new single-family houses and retain one existing house on approximately 3 acres, and one common lot with conservation easements over undeveloped portions of the site, in an R-1-B-E (Single Family Residence, 6,000 square feet minimum building site area, 60 foot median lot width, 20 foot front yard and 7 foot side yard setbacks) District, located at 25329 and 25415 Second Street, in Hayward, California; Assessor's Parcel Numbers: 425-0160-006, 425-0160-007.

Planning Commission recommendation: Approve the project

Planning Staff recommendation: Deny the appeal and approve the project

Board of Supervisors action: Appeal denied; adopted findings; certified EIR and adopted the findings in the addendum; and conditioned the project to funding by the developer of \$25,000 for the creek study contingent upon the final parcel map; included the additional testimonies, oral and written documents as well as any other additional documents submitted

#10. ZONING UNIT ZU-2209, TENTATIVE TRACT MAP TR-7623, AND GENERAL PLAN AMENDMENT GPA-135, THE OLSON COMPANY - Petition to allow demolition of the existing commercial structures on approximately 6.4 acre site, and the construction of approximately 99 townhome units and 4,500 square feet of commercial space, located at 1210 to 1415 Bockman Road, San Lorenzo area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 411-063-017-00, 411-069-001-01 and 411-069-001-02.

Planning Commission recommendation: Approve the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved 81 townhouse units, 7,500 sq. ft. commercial space; directed the Planning Director and the Home Association to work out with the developer on the height issue; had developer contribute \$1,000 per unit to affordable housing trust fund; and approved the EIR and amendment to the General Plan

MAY

#11. 2216th ZONING UNIT and TENTATIVE PARCEL MAP, PM-8742, RAMESH and LALIT KUMAR – Petition to reclassify from the PD-ZU-1487 (Planned Development, 1487th Zoning Unit, allowing on those properties fronting on “A” Street, C-N, Neighborhood Business and C-O, Administrative Office District uses, certain other uses and R-S-D-25, suburban Residence, 2,500 square feet Minimum Building Site Area) District, located at 779 West A Street, north side, approximately 400 feet west of Royal Avenue, Hayward area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 432-0020-015-02

Planning Commission recommendation: Approve the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Approved the project

#12. VARIANCE, V-11908, MYRNA HOAG – Appeal of Rena Rickles, on behalf of Myrna Hoag, from the decision of the Board of Zoning Adjustments (West) to deny the expansion of a non-conforming use (tow yard in a residential area) and retention of an eight foot chain link fence in a R-S-D-15 (Suburban Residence with 1,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 16037 to 16097 Mateo Street, southwest side, approximately 311 feet northwest of 162nd Avenue, unincorporated Ashland area of Alameda County, designated Assessor’s Parcel Numbers: 0080-0057-030-00, 0080-0057-036-00 and 0080-0057-037-02.

Board of Zoning Adjustments (West) action: Deny the project

Planning Staff original recommendation: Denial of the appeal and denial of the application

Prior Board of Supervisor’s action: Directed staff to prepare an abatement program for consideration by the Board

Planning Staff’s revised recommendation: Approval of an abatement program to phase out the non-conforming use

Board of Supervisors action: Approved the abatement plan and terms of settlement agreement between Hank’s Towing and Henry Hemenez

#13. CONDITIONAL USE PERMIT, C-8272, CHARLES CROWELL – Appeal of Mark L. Hirsch, of New Tech Law Group, Inc. representing Oleg and Linda Dubney, from the decision of the Board of Zoning Adjustments (West County) to approve the renewal of Conditional Use Permit C-7586, allowing a 100-horse boarding facility and equestrian center and a permanent agricultural caretaker’s unit, in an “A” (Agricultural) District, located at 10970 Crow Canyon Road, north side, approximately 2.8 miles east of Norris Canyon Road, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 085-2026-001-00.

Castro Valley Municipal Advisory Council: Approve, renew and modify the Permit to allow the use of dust palliatives in place of the originally required sprinkler system and on-site manure spreading and/or composting as a substitute for year-round off-haul of manure wastes

Board of Zoning Adjustments (West) action: Approve and renew the Permit but to deny the request for substitution of dust palliatives in place of the originally required sprinkler system and for on-site manure spreading and/or composting until a new environmental review is completed to address the environmental impact of such changes.

Planning Staff recommendation: Deny the appeal and approve the permit renewal as approved by the MAC and BZA, with changes to the conditions

Board of Supervisors action: Approved conditions set by Planning with the inclusion of the sprinklers installed, the lighting adjusted, and inspection to insure compliance within 45 days, and conditional use permit expiration of 10 years

JUNE

#14. VARIANCE, V-11998, DONOVAN MC KEEVER – Appeal of Donovan McKeever from the West Board of Zoning Adjustment's decision to deny the construction of an attached addition and a secondary dwelling unit providing a three foot, two inch side yard where six feet is required; and two parking spaces where three parking spaces are required in an R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 19349 Santa Maria Avenue, west side, approximately 300 feet south of Lux Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0570-125-03.

Castro Valley Municipal Advisory Council recommendation: Approval of the project with conditions to ensure continued availability of parking.

Board of Zoning Adjustments (West) action: Motion to approve the project failed by 2/3 vote. Board members directed the applicant to appeal to the Board of Supervisors.

Planning Staff recommendation: Denial of the appeal and denial of the project.

Board of Supervisors action: Sustained the appeal and approved the variance; compromised on setback

#15. ZONING UNIT, ZU-2207th and TENTATIVE TRACT MAP, TR-7614, UTAL - Appeal of MARK PRINGLE COMPANY from the Planning Commission's denial of the Vesting Tentative Map and petition of UTAL to reclassify three parcels containing approximately 1.17 acres from the P-D (Planned Development, 1779th Zoning Unit) allowing commercial uses to a P-D (Planned Development) District, allowing residential uses and subdivision into 10 parcels intended for single-family dwellings, located at 18911 and 18919 Lake Chabot Road, approximately 234 feet northeast of Keith Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084B-0502-045, 084B-0502-055 and 084B-0502-046.

Castro Valley Municipal Advisory Council recommendation: Deny the project.

Planning Commission action (initial review): Denial of the tract map and reclassification.

Previous Board of Supervisors action: Continue hearing with direction to provide further study of commercial feasibility, to provide access from Lake Chabot Road and restrict access from Huber Drive.

Planning Staff recommendation: Consider the economic feasibility of retaining the site as a commercial property, and if found infeasible, approve the proposed conversion to residential development with conditions as noted by staff in your Board letter

Board of Supervisors action: Denied the appeal and sustained the Planning Commission's action to deny the project

#16. ZONING UNIT, ZU-2181st and TENTATIVE TRACT MAP, TR-7473, PAYVAR ~ Petition to reclassify from the R-S-D-3 (Suburban Residence, 2,500 sq. ft. Minimum Building Site Area per Dwelling Unit) District to a PD (Planned Development) District allowing twelve residential units; and to subdivide one site measuring approximately 31,476 sq. ft. (0.72 acres) into twelve lots, each resulting lot to contain one unit, for a total of twelve units, for a property located at 15703 Liberty Street, south side, 290 ft east of Tanager Avenue, unincorporated Ashland area of Alameda County, designated County Assessor's Parcel Number: 0080-0046-008-02.

Planning Commission action: Recommended that the Board approve the reclassification to PD, and approved the Tract Map pending Board action on the reclassification.

Planning Staff recommendation: Approve the reclassification (thereby also affirming the approval of the Tract Map)

Board of Supervisors action: Approved the project

#17. ZONING UNIT, ZU-2233rd and TRACT MAP TR-7740, EDGE CONCEPTS, INC. and BURNLEY COMMONS LLC. – Petition to rezone one site containing approximately 1.06 acres from an existing PD (Planned Development, 1487th Zoning Unit) District, allowing C-N (Neighborhood Business) District uses and C-O (Administrative Office) District uses subject to C-N and C-O District regulations excepting banks and uses deemed to have adverse traffic or land use impacts, and R-S-D-25 (Suburban Residence, 2,500 square foot minimum building site area) District uses, to another PD District allowing construction of 18 townhomes, 3 residential condominiums and 3 commercial condominiums, with the commercial units subject to the C-N and C-O District regulations excepting banks and uses deemed to have adverse traffic or land use impacts, located at 789, 805 and 817 West A Street, approximately 500 feet east of Royal Avenue, north side, Hayward/Eden area of unincorporated Alameda County, bearing County Assessor's Parcel No. 432-0020-016-02.

Planning Commission action: Recommended that the Board approve the reclassification to PD, and approved the Tract Map pending Board action on the reclassification.

Planning Staff recommendation: Approve the reclassification (thereby also affirming the approval of the Tract Map)

Board of Supervisors action: Approved the project

AUGUST

#18. VARIANCE, V-12000, DEL RIO/GOMES – Appeal of Ken Gomes from the decision of the Board of Zoning Adjustments (West County) to deny the variance to construct an attached addition (garage) providing a six foot side yard where 15 feet is the minimum, in an R-1-L-B-E-CSU-RV (Single Family Residence, Limited Agricultural Uses, 5 Acre Minimum Building Site Area, Secondary Unit, Recreational Vehicle) District, located at 8216 Crow Canyon Road, west side, approximately ¼ mile north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085-1750-005-22.

Castro Valley Municipal Advisory Council recommendation: Approval of the variance.

Board of Zoning Adjustments (West) action: Denial of the variance.

Planning Staff recommends: Denial of the appeal and denial of the variance.

Board of Supervisors action: Denied appeal and upheld BZA's recommendation

#19. VARIANCE, V-12012, JASON KADO – Appeal of Jason Kado from the decision of the Board of Zoning Adjustments (West County) to deny the variance to allow: a) a 13 foot front yard setback where 20 feet is required; b) a four foot side yard setback where 10 feet is required; c) a two foot setback from the access driveway where 10 feet is required; and d) three feet between buildings where 10 feet is required, with the subdivision of one site containing 0.42 acres into two lots (no new construction is proposed), in the R-S-D-20 (Suburban Residence, 2,000 feet Minimum Building Site Area per Dwelling Unit) District, located at 2516 – 2528 Grove Way, northwest side, approximately 671 feet southwest of Vergil Street, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 416-0040-041-02.

Castro Valley Municipal Advisory Council recommendation: Approve the project.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommends: Approval of the appeal and the variance.

Board of Supervisors action: Approved the project

#20. VARIANCE, V-11963, THOMAS VAN VOORHIS – Appeal of Thomas Van Voorhis from the denial of the West Board of Zoning Adjustments to approve as two building sites, lots that are reduced in area from 100 acres to five acres and 73.23 acres; and one parcel without frontage on an approved county road in an “A” (Agricultural) District, located at 22000 Eden Canyon Road, southeast side, approximately one mile northeast of Hollis Road, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Number: 085A-2201-012-00.

Castro Valley Municipal Advisory Council recommendation: Deny the project.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Denial of the appeal and denial of the variance.

Board of Supervisors action: Referred back to the Castro Valley Municipal Advisory Council and West Board of Zoning Adjustments for consideration of modified approach.

SEPTEMBER

#21. ZONING UNIT, ZU-2200 and TRACT MAP, TR-7709 – FOREST CIRCLE LLC - Petition to reclassify three parcels (and portions of two adjacent parcels) from the R-S-D-20 (Suburban Residence, 2,000 square foot Minimum Building Site Area/Dwelling Unit) District to a P-D (Planned Development) District, so as to construct 35 townhouse units, located at 20560 Forest Avenue, east side, approximately 550 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Numbers: 084C-0713-013-00, 084C-0716-001-05 and 084C-0716-001-06 (and associated Assessor's Parcel Numbers: 084C-0723-007-03 and 084C-0713-012-01)

Castro Valley Municipal Advisory Council recommendation: Approve the project.

Planning Commission action: Approval of the project with modifications

Planning Staff recommendation: Approval of modified plans.

Board of Supervisors action: Approved as recommended for 34 units and 17 guest parking spaces

#22. ZONING UNIT, ZU-2234 and TENTATIVE PARCEL MAP, PM-8853 - NAZARETH - Petition to reclassify from the R-S-D-35 (Suburban Residence, 3,500 square foot building site area per dwelling unit) District to a P-D (Planned Development) District, to allow subdivision of one site containing approximately 0.96 acres into three parcels, respectively containing two existing detached single family residences and one existing nine-unit apartment building, and allowing site-specific development standards, on one site containing approximately 0.96 acres, located at 22565, 22567 and 22569 Center Street, west side, approximately 400 feet north of B Street/Kelly Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 416-0110-005-03.

Castro Valley Municipal Advisory Council recommendation: Deny the project.

Planning Commission action: Forwarded to Board without a recommendation.

Planning Staff recommendation: Approve the project.

Board of Supervisors action: Approved the following: 1) made findings that the project is exempt from the California Environmental Quality Act; 2) reclassification from R-S-D-35 to a PD District; 3) directed the Planning Director to approve the parcel map subject to the conditions in Exhibit B

#23. CONDITIONAL USE PERMIT, C-8143 - HOSANNA HOMES – Appeal of Steven Wood, Attorney at Law representing Hosanna Homes, from the decision of the Board of Zoning Adjustments (West County) to deny the application to allow continued operation of a foster care licensing agency and grant a ten-year renewal period in an “A” (Agricultural) District, located at 9998 Crow Canyon Road, west side, approximately one mile north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 0085-1902-001-00.

Castro Valley Municipal Advisory Council recommendation: Deny the project.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Denial of the appeal and denial of the project.

Board of Supervisors action: Denied the conditional use permit; directed staff to initiate a partial nonrenewal of the Williamson Act Contract; directed Planning staff to negotiate abatement agreement for phasing out the uses during an abatement period expiring in 10 years

#24. CONDITIONAL USE PERMIT, C-8280, NEW LIFE PRESBYTERIAN – Appeal of Terry L. Thompson, Attorney at Law representing New Life Presbyterian Church, from the decision of the Board of Zoning Adjustments (West County) to deny the application for the use of an existing modular classroom building for church services, in an “A” (Agricultural) District, located at 9998 Crow Canyon Road, west side, approximately 0.91 mile north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 0085-1902-001-00.

Castro Valley Municipal Advisory Council recommendation: Approve the project.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Denial of the appeal and denial of the project.

Board of Supervisors action: Denied the conditional use permit; directed staff to include the church in the abatement period expiring in 10 years cited in item 12.

OCTOBER

#25. VESTING TENTATIVE TRACT MAP, TR-7305 - ALCORN/DELCO - Appeal of Castro Valley Preservation Alliance and the appeal of Delco Builders from the decision of the Planning Commission to approve a subdivision of one parcel into seventeen parcels on a site containing approximately 3.99 acres in an R-1-CSU-RV (Single-Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4653 Malabar Avenue, south side, approximately 250 feet west of Pepper Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 084C-0835-001-07.

Castro Valley Municipal Advisory Council recommendation: Approve the project.

Planning Commission action: Approve the project

Planning Staff recommendation: Denial of appeals and approval of the project

Denied the appeals; certified the EIR and approved the project based on the Planning Commission’s decision to subdivide parcel into 16 parcels, and the inclusion of the amendments submitted by the Public Works Agency

#26. VARIANCE, V-11963, THOMAS VAN VOORHIS – Appeal of Thomas Van Voorhis from the denial of the West Board of Zoning Adjustments to approve as two building sites, lots that are reduced in area from 100 acres to five acres and 73.23 acres; and one parcel without frontage on an approved county road in an “A” (Agricultural) District, located at 22000 Eden Canyon Road, southeast side, approximately one mile northeast of Hollis Road, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Number: 085A-2201-012-00.

Castro Valley Municipal Advisory Council recommendation: Originally recommended denial of the project. Subsequently recommended approval of the project upon remand from the Board of Supervisors based on additional considerations.

Board of Zoning Adjustments (West) action: Originally denied the project. Subsequently recommended approval of the project upon remand from the Board of Supervisors based on additional considerations.

Planning Staff recommendation: Approve the project.

Board of Supervisors action: Approved the project

#27. VARIANCE, V-11993, FOREST CIRCLE / TODD – Appeal of L. Scott Andrews from the decision of the Board of Zoning Adjustments (West County) to deny the application to allow construction of a new detached secondary unit two stories, 26 feet in height where one story and 15 feet in height are the maximum; and providing a three foot, six inch side and rear yard where six feet and 20 feet are required; and three parking spaces where four are required, in an R-S-D-20 (Suburban Residence, 2,000 square feet per Dwelling Unit) District, located at 20554 Forest Avenue, east side, approximately 350 feet north of Vincent Court, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Number: 084C-0713-012-01.

Castro Valley Municipal Advisory Council recommendation: Approve the project.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Denial of the appeal and denial of the project.

Board of Supervisors action: Approved the project

#28. VARIANCE, V-11992, CARLOS FUENTES – Appeal of Carlos Fuentes from the decision of the Board of Zoning Adjustments (West) to deny the retention of an existing secondary unit providing a five foot rear yard where 20 feet is required, in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 234 Cherry Way, north side, approximately 550 feet east of Meekland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor’s Parcel Number: 0429-0010-071-00.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Grant the appeal and approve the project.

Board of Supervisors action: Approved the project

#29. CONDITIONAL USE PERMIT, C-8448, SUSAN REGAL – Appeal of Susan Regal from the decision of the Board of Zoning Adjustments (West County) to deny the application to allow continued operation of a community care facility for up to 25 elderly adults, in an R-S-SU (Suburban Residence, Secondary Unit) District, located at 629 Hampton Road, south side, approximately 400 feet northeast of Western Boulevard, unincorporated Cherryland area of Alameda County, designated Assessor’s Parcel Number: 414-0036-006-00.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Originally recommended denial of the project. Revised recommendation to grant the appeal and approve of the project based on additional considerations supplied after the BZA action that satisfy the BZA’s concerns.

Board of Supervisors action: Granted the appeal and granted the project subject to conditions

and compliance of the applicant and renewal of the conditional use permit for a 5-year term and site visits by Supervisor Miley's staff

NOVEMBER

#30. ZONING UNIT, ZU-2237 and TENTATIVE PARCEL MAP, PM-9182 –BHUKHAN - Petition to reclassify one parcel approximately 0.50 acres from the "R-1" (Single Family Residence) District to a P-D (Planned Development) District, to allow four single family dwellings on parcels with a minimum net parcel size of 2,800 square feet, located at 910 Delano Street, south side, approximately 800 feet west of Kent Avenue, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080C-0484-029-00.

Planning Commission recommendation: Approve the project.

Planning Staff recommendation: Approve the project.

Board of Supervisors action: Approved the project

#31. VARIANCE, V-12024, SAMUEL HERNANDEZ – Appeal of Samuel Hernandez from the decision of the Board of Zoning Adjustments (West County) to deny the application to allow: 1) a nine foot rear yard where 20 feet is required; and 2) a three foot, three inch side yard where seven feet is required with the conversion of a storage building into a dwelling in an R-S-SU (Suburban Residence, Secondary Dwelling Unit) District, located at 566 Cherry Way, north side, approximately 400 feet east of Haviland Avenue, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0019-015-00.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Deny the appeal and the project.

Board of Supervisors action: Sustained the action of the BZA. Denied the appeal.

Directed Planning staff to work with Mr. Hernandez for a solution to the problem

BOARD OF SUPERVISORS APPEAL SUMMARY - WEST COUNTY - 2007

	APPLICATION	WBZA DECISION	PC DECISION	CVMAC DECISION	BOS DECISION
#1	V-11980, Jerry Reilly	Deny the project			Deny the project
#2	ZU-2245/PM-9285, Moss		Deny the project		Approve the project
#3	PM-8605/V-11987, Tang/Fong	Deny the project		Deny the project	Deny the project
#4	ZU-2226/TR-7703, Hampton Rd		Approve the project		Approve the project
#5	PM-9249, Young				Deny the project
#6	C-8515, 7th Step Foundation	Approve, tie on expansion			Approve permit and expansion
#7	TR-7553, Atwal		Deny the project		Approve the project
#8	ZU-2241/TR-7834, Pak		Approve the project		Approve the project
#9	C-8573, Gurpid Sahota	Deny the project			Deny the project
#10	C-8560, Rabit Norzei	Deny the project			Deny the project
#11	C-8575, Earl J. Pardo	Deny the project			Deny the project
#12	Mod PM-8204, Winkler			Approve modification to PM	Approve modification
#13	ZU-2242/PM-9255, Khan		Deny the project		Approve the project
#14	Mod PM-8204, Winkler				Sustain mod decision of 6/12/07
#15	TR-7899/S2120, Khan		Deny the project		Approve w/conditions
#16	PM-8992, Brothers			Approve w/conditions	Approve w/conditions

2007

JANUARY

#1. VARIANCE, V-11980, JERRY REILLY/WEST WINTON AVE. LLC – Appeal of Jerry Reilly from the decision of the Board of Zoning Adjustments (West County) to deny the application to allow: 1) one site with 3,948 square feet as a building site which is less than the minimum 5,000 square feet required; and; 2) allow an addition above the garage with a zero foot front yard setback where 20 feet is required, in an R-1 (Single Family Residence) District, located at 14643 Saturn Drive, west side, approximately 600 feet south of Joan Drive, unincorporated Ashland area of Alameda County, designated Assessor's Parcel Numbers: 079-0006-033-02 and 079-0006-032-02.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Grant the appeal and approve the project

Board of Supervisor's Action: Denied the project

FEBRUARY

#2. ZONING UNIT, ZU-2245 and TENTATIVE PARCEL MAP, PM-9285, MOSS - Petition to reclassify from the R-1 (Single Family Residential, 5,000 square feet Minimum Building Site Area per Dwelling Unit) District to a P-D (Planned Development) District, to allow three existing single-family dwelling units with attached garages to be located on separate, legal lots, on a site approximately 14, 248 square feet (0.33 acre) and site-specific development standards, located at 1839, 1843 and 1847 Hill Avenue, south side, Fairview area of unincorporated Alameda County, bearing Assessor's Parcel Number: 416-0230-009-02.

Planning Commission recommendation: Deny the project

Planning Staff recommendation: Approve the project

Board of Supervisors action: Overruled Planning Commission's action and sustained Planning staff's recommendation to approve the project

#3. TENTATIVE PARCEL MAP, PM – 8605 and VARIANCE, V-11987, TONY TANG / FONG & FONG – Appeal of Richard Fong, Attorney, for Tony Tang and Fong & Fong, from the decision of the West Board of Zoning Adjustment to deny the application to subdivide one parcel measuring 20,568 square feet (0.47 acres) into two parcels, resulting in net lot area less than 10,000 square feet 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.

Castro Valley Municipal Advisory Council recommendation: Deny the project

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Grant the appeal and approve the project.

Board of Supervisor's action: Denied the project

#4. ZONING UNIT, ZU-2226 and TENTATIVE TRACT MAP, TR-7703, HAMPTON ROAD DEVELOPMENT COMPANY/ANDRADE TRUST/SOARES TRUST - Petition to reclassify five parcels from the R-S-SU (Suburban Residence, Secondary Unit) to a P-D (Planned Development) District, so as to subdivide the properties into seven single-family lots and develop detached single family dwellings on each resulting lot and site specific development standards, located at 876 through 924 Hampton Road, north side, approximately 300 feet west of Mission Blvd, unincorporated Cherryland area of Alameda County, bearing County Assessor's Parcel Numbers: 414-0021-064-01, 414-0021-064-02, 414-0021-083-01, 414-0021-083-02 and 414-0021-084-00.

Planning Commission recommendation: Approve the project.

Planning Staff recommendation: Approve the project.

Board of Supervisor's action: Approved the project

MARCH

#5. TENTATIVE PARCEL MAP, PM-9249, YOUNG – Appeal of Young from the decision of the Planning Director to deny the subdivision of one parcel containing 0.38 acres into two lots in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 18914 Brickell Way, east side, 230 feet north of James Avenue, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084C-0816-022-00.

Castro Valley Municipal Advisory Council recommendation: Deny the project

Planning Director's action: Deny the project

Planning Staff recommendation: Deny the appeal and uphold the Planning Director's denial of the project.

Board of Supervisors action: Denied the project

APRIL

#6. CONDITIONAL USE PERMIT, C-8515, SEVENTH STEP FOUNDATION, INC. – Appeal of Glen L. Moss, and appeal of Patricia E. Curtin, attorneys on behalf of Seventh Step Foundation, from the decision of the West Board of Zoning Adjustment and Planning Commission to deny the application to allow expansion of a Residential Care Facility from 24 to 34 beds, in a R-S-SU (Suburban Residence, Secondary Unit) District, located at 475 Medford Avenue, south side, approximately 100 feet east of the intersection with Haviland Avenue, Cherryland area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 429-0019-002-00 and 429-0019-026-02.

Board of Zoning Adjustments (West) action: Approved renewal of permit, tie vote on expansion, referred to Planning Commission.

Planning Commission action: Denied expansion, approved renewal of permit.

Planning Staff recommendation: Grant the appeal and expansion with a modified proposal.

Board of Supervisors action: Granted the appeal and approved the expansion to 32 beds, subject to adding one restroom and applicant participating in annual neighborhood clean-up programs and joining the Cherryland Community Association

#7. TENTATIVE TRACT MAP, TR-7553, ATWAL – Appeal of Dave Atwal from the denial by the Planning Commission of a petition to create a 49-unit residential condominium subdivision and a two-unit commercial condominium subdivision, in an ACBD-TA (Ashland Cherryland Business District Specific Plan – Transit Access) District, located at 15954-15960 East 14th Street, northeast side, approximately 220 feet southeast of 159th Avenue, unincorporated Ashland area of Alameda County, bearing Assessor's Parcel Number 080-0057-014-00.

Planning Commission action: Denied the project.

Planning Staff recommendation: Grant appeal and approve the project.

Board of Supervisors action: Granted the appeal and approved the project for 48 units, with the added requirement that the applicant provide a community/exercise space

MAY

#8. ZONING UNIT, ZU-2241 and TENTATIVE TRACT MAP, TR-7834- PAK - Petition to reclassify from the R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling Unit) District, to a PD (Planned Development) District, so as to allow fourteen townhouse units with attached garages on a site of 44, 568 square feet (1.02 acres) and site-specific development standards, located at 1630 – 159th Avenue, northwest side, approximately 400 feet northeast of E. 14th Street, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0040-071-00.

Planning Commission recommendation: Approve the reclassification and subdivision

Planning Staff recommendation: Approve the reclassification and subdivision

Board of Supervisors action: Approved the project

JUNE

#9. CONDITIONAL USE PERMIT, C-8573, GURDIP SAHOTA, – Appeal of Gurdip Sahota from the West Board of Zoning Adjustments decision to deny an application to allow liquor sales at Cherryland Grocery (where beer and wine sales are currently allowed) in an R-S-D-35 (Suburban Residence, 3,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 688 Blossom Way, north side corner, west of Western Boulevard, Unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 429-0019-043-00.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Grant the appeal and approve the project.

Board of Supervisors action: Denied the project

#10. CONDITIONAL USE PERMIT, C-8560, RABIT NORZEI – Appeal of Richard B. Cole on behalf of Rabbit Norzei from the West Board of Zoning Adjustments to deny an application to allow a retail store with alcohol sales, in an ACBD-FA (Ashland Cherryland Business District Specific Plan – Freeway Access) District, located at 20930 Mission Boulevard, northeast side, approximately 160 feet north of Saint James Court, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0056-020-03.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Deny the project and uphold the WBZA's action.

Board of Supervisors action: Denied the project

#11. CONDITIONAL USE PERMIT, C-8575, EARL JOHN PARDO – Appeal of Earl John Pardo from the decision of the West County Board of Zoning Adjustment to deny an application to allow the continued operation of a residential care facility, in an ACBD-RC (Ashland Cherryland Business District Specific Plan, Residential/Commercial) District, located at 827 East Lewelling Boulevard, south side, approximately 250 feet east of Morrill Street, unincorporated Cherryland area of Alameda County, designated Assessor's Parcel Number: 414-0026-005-00.

Board of Zoning Adjustments (West) action: Deny the project.

Planning Staff recommendation: Deny the project and uphold the WBZA's action.

Board of Supervisors action: Denied the project

#12. MODIFICATION OF TENTATIVE MAP, PARCEL MAP-8204, WINKLER – Appeal of Robert Winkler from the decision of the Planning Director to allow modification of condition of approval No. 25 (to install a masonry wall along the eastern property line to the rear of lot 1) and a wood privacy fence for the remainder of the eastern property line which allowed the subdivision of one site into two parcels, containing approximately 0.89 acre in a R-1-B-E-CSU-RV (Single Family Residence, 10,000 square foot MBSA, Conditional Secondary Unit, Recreational Vehicle Regulations) District, located at 4868 Proctor Road, north side, 840 feet northwest of Redwood Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084D-1275-004.

Castro Valley Municipal Advisory Council: On September 8, 2003 CVMAC recommended a masonry wall to block the noise to an adjacent neighbor. Subsequently on April 9, 2007, CVMAC recommended modification of this condition based on past history of subdivisions not requiring masonry walls.

Planning Director's decision: Approve modification of original condition from requiring all soundwalls to only requiring a soundwall along the eastern property line to the rear of lot 1.

Board of Supervisors action: Approved modification to install a masonry wall along the eastern property line for the entire length of the house and a wood privacy fence with plantings for the remainder of the eastern property line.

JULY

#13. ZONING UNIT, ZU-2242 and TENTATIVE PARCEL MAP, PM-9255, KHAN - Petition to reclassify one parcel from the R-S-D-20 (Suburban Residence, 2,000 square feet Minimum Building Site Area per dwelling unit) District, to a P-D (Planned Development) District, so as to allow three single family detached dwellings on three new lots of less than 5,000 square feet and site-specific development standards, located at 1630 -159th Avenue, southeast side, approximately 100 feet north of Marcella Street, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0051-001-14.

Planning Commission action/recommendation: Denied the Parcel Map and recommended denial of the reclassification.

Planning Staff Recommendation: Staff originally recommended approval of the request for reclassification. Although the Planning Commission could not make the needed findings in support of the reclassification for the above-listed reasons, staff believes that, with additional modifications to address the concerns of the Commission, a revised version of this project could be devised that would meet the findings.

Board of Supervisors action: Approved the project

#14. MODIFICATION OF TENTATIVE MAP, PARCEL MAP-8204, WINKLER – The Board of Supervisors will reconsider its decision on June 12, 2007 to allow modification of Condition of Approval No. 25 (to install a masonry wall along the eastern property line to the rear of lot 1) and a wood privacy fence for the remainder of the eastern property line, in conjunction with the subdivision of one site into two parcels, containing approximately 0.89 acre in a R-1-B-E-CSU-RV (Single Family Residence, 10,000 square foot MBSA, Conditional Secondary Unit, Recreational Vehicle Regulations) District, located at 4868 Proctor Road, north side, 840 feet northwest of Redwood Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084D-1275-004.

Castro Valley Municipal Advisory Council: On September 8, 2003 CVMAC recommended a masonry wall to block the noise to an adjacent neighbor. Subsequently on April 9, 2007, CVMAC recommended modification of this condition based on past history of subdivisions not requiring masonry walls.

Planning Director's decision: Approve modification of original condition so that a soundwall would only be required along the eastern property line to the rear of lot 1.

Board of Supervisor's action: On June 12, 2007, the Board of Supervisors heard the appeal of Robert Winkler to modify Condition of Approval No. 25, and approved the modification to install a masonry wall along the eastern property line for the entire length of the house and a wood privacy fence with plantings for the remainder of the eastern property line.

Board of Supervisor's action: At the June 26, 2007 Board of Supervisors meeting, at President Haggerty's request, the Board approved a motion to reconsider this item at its July 24, 2007 meeting. The motion was based on the Board's understanding that certain testimony from interested parties at the June 12, 2007 hearing was inaccurate.

Board of Supervisors action: Sustained the action of the Board on 6/12/07; approved the modification to install a masonry wall along the eastern property line for the entire length of the house and a wood privacy fence for the remainder of the eastern property line.

OCTOBER

#15. TENTATIVE TRACT MAP, TR-7899 and SITE DEVELOPMENT REVIEW, S-2120 – KHAN/BAYFAIR COMMONS, LLC., - Appeal of Saeed Khan from the decision of the Planning Commission to deny the petition to allow construction of 48 residential condominium units and three commercial condominium units in the ACB-TA (Ashland Cherryland Business District Specific Plan – Transit Access) District, located at 16110 East 14th Street, northeast side, approximately 250 feet west of 162nd Avenue, Ashland area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080-0057-040-02.

Planning Commission action: Denial of project.

Planning Staff recommendation: Grant the appeal and approve the application.

Board of Supervisors action: Granted the appeal and approve the application subject to standard conditions of approval which includes condominium guidelines related to guest parking.

NOVEMBER

#16. TENTATIVE PARCEL MAP, PM-8992, BROTHERS – Appeal of Frank and Janice Delfino from the decision of the Planning Director to approve a subdivision of one parcel containing 0.68 acres into two lots, in a R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle Parking) District, located at 18629 Reamer Road, southwest side, 450 feet west of Walnut Road, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084D-1155-034. **Castro Valley Municipal Advisory Council Recommendation:** On June 12, 2006, the Castro Valley Municipal Advisory Council recommended approval of the Tentative Parcel Map with planning considerations and additional provisions: 1) that there be one common access easement to the property; 2) that the new boundary line should parallel the rear of the existing house; and 3) that the applicant should either maintain the guard rail or develop an alternative that is acceptable to the County that ensures the protection of neighboring properties.

Alameda County Planning Director Action: On June 22, 2007, the Planning Director approved Tentative Parcel Map, PM-8992, including Resolution No. 07-14, Conditions of Approval and Exhibit B, dated June 22, 2007.

Planning Staff Recommendation: Staff recommends your Board approve in part and deny in part the appeal by approving the Tentative Parcel Map subject to the approved conditions and "Exhibit" B, and requiring that an engineered signed and stamped report be submitted to the Director of Public Works for review and approval clearly demonstrating that the safety protection that would be achieved with the proposed barricade replacement and new barrier wall will provide equal or better protection than existing conditions.

Board of Supervisors action: Sustained the appeal and approved that there be one common access driveway to the property.