

**MINUTES OF MEETING  
WEST COUNTY BOARD OF ZONING ADJUSTMENTS  
MAY 14, 2008  
(APPROVED MAY 28, 2008)**

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

**FIELD TRIP:** There were no items scheduled for the Regular Calendar, as a result there was no Field Trip.

**REGULAR MEETING: 6:00 p.m.**

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

**MEMBERS EXCUSED:** None.

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

There were no members of the public present in the audience.

**CALL TO ORDER:** The meeting was called to order by the Chair at 6:00 p.m.

**ANNOUNCEMENTS BY THE CHAIR:** The Chair announced that both Members Clark and Adesanya would arrive late.

**OPEN FORUM:** Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes.

No one requested to be heard under open forum.

**NEIGHBORHOOD PRESERVATION ORDINANCE ABATEMENT HEARING**

1. **CYNTHIA L. STRICKLIN, 1778 Via Natal, San Lorenzo, CA, 94580**  
In violation of Alameda County Ordinance Sections 6.65.030 A (1), F (6) & M (1).

1. Unlawful outdoor storage of a dilapidated light pole, indoor household items, miscellaneous items, rubbish and debris throughout the front yard and porch area; and
2. Dilapidated/torn window and door screens.

Staff told the Board that there had been previous violations on the property. The recommendation was to declare the property a public nuisance, and abate after a period of 10 days. The property has incurred a re-inspection fee of \$94, and hearing fee of \$50. The property owner has not contacted Code Enforcement regarding the current violation. Board questions were as follows:

- Is the property owner occupied
- Is the vehicle on the side of the driveway, operable or inoperable
- Will staff replace the dilapidated window and door screens

Staff told the Board that in the course of contact when resolving past violations. The owner did live on-site. During recent site visits, there were no vehicles present, which is confirmation that the vehicle is operable. If the owner does not bring the property into compliance, abatement will include removal of the trash and debris. The dilapidated screens will be removed, however not replaced. Public testimony was

opened. There were no requests to testify. The property owner or representative was not present. Public testimony was closed.

The Vice Chair motioned to uphold the staff recommendation to declare the property a public nuisance, and abate after a period of 10 days, including the recommended fines and fees. Member Clark seconded the motion. Motion carried 4/0. Member Adesanya arrived late and did not participate in the vote for this item.

*Member Adesanya was present by 6:07 p.m.*

**2. DONALD KRIEGER & PATRICIA KAIN, 14775 Saturn Drive, San Leandro, CA 94578**  
In violation of Alameda County Ordinance Sections 6.65.030 D (1), D (3) & M.

1. Overgrown vegetation and weeds throughout the property.

The staff recommendation was to declare the property a public nuisance, and abate after a period of 10 days. The property has incurred a re-inspection fee of \$94, a hearing fee of \$50, in addition to a subsequent violation fee of \$500. Board questions were as follows:

- As a result of the property being tagged for non-occupation is the building permit still in effect
- Has recent work been conducted on the property
- Will the building be repaired if the abatement goes forward
- Are the bricks being stored on the property included in the abatement request
- Is the neighboring property owned by the same person

Staff explained there had been a fire at the property in the past year. As a result the home suffered extensive damage. The structure is dangerous and un-safe for occupation. The Sheriff's Department periodically patrols to ensure the property remains vacant. There has been a past Code Enforcement case for the property, which included debris, and unlawfully attached dwelling units. The owner obtained a Building Permit at that time. The permit is still open. However the prior violation was not brought into compliance. The debris on top of the roof appears to be an attempt to clear material from the second story. Although some work has been done the owner has not been seen recently. The bricks will not be removed, as they are considered building materials. If the home remains in its present state and/or appears to be abandoned The County will secure the site to prevent trespassers. The current case before the Board is solely for weeds and overgrown vegetation. . At one time the property owner did own the home next door. That property has now been sold.

Public testimony was opened. There were no requests to testify. The property owner or representative was not present. Public testimony was closed.

Member Clark motioned to uphold the staff recommendation to declare the property a public nuisance, and abate after a period of 10 days, including the recommended fines and fees. Member Gil seconded the motion. Motion carried 5/0.

**CONSENT CALENDAR:**

1. There were on items on the Consent Calendar.

**REGULAR CALENDAR**

1. There were on items on the Regular Calendar.

**APPROVAL OF MINUTES:** April 23, 2008 – To be continued.

**STAFF COMMENTS & CORRESPONDENCE:**

Assistant Planning Director, Tona Henninger announced that she will not be present at the May 28, 2008 Hearing.

Code Enforcement is working with County Counsel to revise the Introductory Statement used at the beginning of each Public Hearing. The statement will retain information such as, the Applicants and/or Property Owners right to appeal. However the statement will be more succinct.

The new Alameda County Planning Director, Albert Lopez will begin the week of May 19, 2008. The former Planning Director, Chris Bazar has been promoted to the position of Alameda County Community Development Agency Director. The former Community Development Agency Director, James Sorensen has retired but will be continue to assist during the transition.

A meeting will be coordinated in conjunction with County Boards and Committees to introduce the new Director. In addition a future joint working session will be scheduled with County Boards and Committees to discuss Policy etc.

The outcome of appeals heard at the May 12, 2008 BOS Hearing will be distributed in the next BZA packet. The Chair asked that she be contacted in the future to review board letters to be submitted in conjunction with appeals. The Vice Chair said that staff had contacted him to review the most recent board letters. Staff apologized for the confusion. In the future, the Chair Person will be contacted for review.

**BOARD'S ANNOUNCEMENTS, COMMENTS AND REPORTS:**

Member Adesanya reported that she had attended the National American Planning Association Meeting. One of the most important discussions was in regard to, exparte communications. For example, regarding site visits there were varying opinions expressed. Some of the attorneys conducting the workshop thought it was appropriate to visit the application site, prior to a meeting. Some of the attorneys did not. The Chair commented that throughout the country there are varying laws. The West County BZA is an adjudicatory body. Some jurisdictions do not operate in the same manner. California is unique in that substantial case law had been established regarding the subject. Member Adesanya will submit a written report about issues specific to Boards of Zoning Adjustments, at a future meeting.

**ADJOURNMENT:** There being no further business, the hearing adjourned at 6:20 p.m.

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**CHRIS BAZAR - SECRETARY**  
**WEST COUNTY BOARD OF ZONING ADJUSTMENTS**