

SAN LORENZO VILLAGE HOMES ASSOCIATION

MEETING NO: 1267

MINUTES



- 1.1 MEETING CALLED TO ORDER** – The Regular meeting of the San Lorenzo Village Homes Association Board of Directors was held Thursday, 12/15/2011, President Wydler called the meeting to order at 7:45 pm
- 1.2 SALUTE TO THE FLAG** –President Wydler led the audience in the pledge of allegiance.
- 1.3 ROLL CALL**- Director Art Wydler, Director Diane Wydler, Director Bieschke were present. Director Wright had an excused absence.

2.0 MINUTES FROM THE PREVIOUS MEETING-

2.1 (A) Approval of Minutes of Board Meeting #1264 on November 17, 2011-Director Bieschke passed on making a motion or voting on this item due to his absence from the meeting. The item would need to be carried over to the January 2012 Board meeting due to lack of quorum without Director Bieschke's vote.

(B) Approval of Work Session #1265 Annotated Agenda on December 8, 2011-Director Bieschke made a motion to approve the Work Session #1265 Annotated Agenda, Director D. Wydler seconded, the motion carries.

(C) Approval of Executive Session (Hearings and Variances) #1266 on December 15, 2011- Director Bieschke made a motion to approved the Executive Session (Hearings and Variances) #1266, Director D. Wydler seconded, the motion carries.

President Wydler asked PGE representatives to report on an update of the progress at their pig receiver site at Washington Ave and Grant

***7.1 PGE Update- (Time Agenda Item 7:45pm).**-Alicia Burt, staff for PGE reported that her company continues to work with the county regarding the ongoing noise of the construction. PGE has scheduled the heaviest/noisiest construction in the evening hours, so as to limit the amount of noise to residents in the area. It is also currently working on a MOU (Memorandum of Understanding) with the county regarding the open space area that is not being taken up by the "pig unit". Bert stated that she should be able to come back at the January 2012 board meeting to update the community on what the MOU will include.

Jeff Jenkins, engineer with PGE, reported on the progress with the installation of the "pig" gas unit. Most of the station components at the site have already been installed. The construction now enters phase 2, which includes the inlet/ outlet of the pipeline which will be installed under the street, and will connect to the site's pipeline. They are working with Alameda county to minimize the impact to traffic, pedestrians and the schools in the area. Their work during this phase will be during night time hours and should last until the end of January 2012. The final phase will be in May 2012, where they will be internally inspecting the pipe line from Fremont to San Lorenzo. This will not have any impact to the community, but is strictly an internal testing

done by PGE to the pipeline, and it will be done no later than every 7 (seven) years. The line running from San Lorenzo to Oakland, will have other methods of testing such as hydro testing and other types of testing.

PGE understands that the site currently looks very ugly visually, however the dirt and the construction will be gone shortly. The site will be covered with mesh or fencing and vegetation to minimize any unsightly visual impact the site would create to the area. The site will be maintained on a yearly basis and their maintenance agreement will be outlined in the MOU.

The Board and audience requested pictures/rendering of what the mesh/fencing would look like around the site. Alicia Burt stated that she would bring some sample photos. Bert also stated that they are working with the community, the county and other stakeholders about what the "open space" area would look like.

President Art Wydler thanked PGE staff for their ongoing updates and for working with the county and the community to mitigate any of potential problems related to the site.

3.0 COMMITTEE REPORTS-

3.1 Community Engagement Committee: The Administrator said that the committee did not meet in December. The committee's final event for the year, the Annual Winterfest and Tree lighting, went very well. The group has set its calendar of events for the upcoming year and continues to meet on the second Wednesday of every month. New members are always welcome..

3.2 Friends of the Library- Committee member Marilyn Diaz reported that the committee just hosted its annual children's decorating party which over 100 children participated.

3.3 HARD (Hayward Area Recreational District) Advisory Committee- Pres. Wydler stated that he has termed out on the HARD advisory committee. HARD board of Directors appoints the committee, and they try to give representation from each community, but this does not always happen. They just adopted new by-laws that discourage a second term for members. He urged someone from the community to apply. Each term is for 2 (two) years without extension.

President Wydler also reported that HARD recently approved focusing its "master plan" for the year on the San Lorenzo Community Park (The "Duck": park) and Kennedy Park. This means that once they develop their yearly master plan they will be able to use various funds as outlined by that plan towards the parks they have been identified for the year. He thanked the residents who attended this last meeting of HARD and spoke to the issue, as well as Supervisor Chan's office who has been instrumental in helping focus HARD's attention to the San Lorenzo parks that are in need of upgrade/repairs.

3.4 Redevelopment Committee- The Administrator reported that the last redevelopment meeting in December was dedicated to discussing what would happen if the State is successful in dissolving all of the redevelopment agencies and taking the monies that have been collected by the local establishments. If redevelopment agencies are retained the county and local agencies will have to "opt-in" to participate. For Alameda county it is 10.2 million dollars, San Lorenzo's portion alone is 2 million for the first year. San Lorenzo will have to pay to keep redevelopment money, which is good news if the redevelopment agencies are retained. Our community needs to use these funds as very little have been utilized thus far.

The Administrator said there are some project that have already been allocated money from these funds, one such project is the undergrounding of electricity on Hesperian Blvd. from Lewelling to A street. PGE personnel have already been out surveying the area and the new Alameda County Traffic Engineer, Art Carrera has found additional money to landscape the street from Via Mercado to A street. They should start all the work in the summer 2012. However, if the redevelopment agencies are closed by the state, these funds may not be available.

3.5 Unincorporated Services Committee- No report, no meeting

3.6 Youth Collaborative- Director D. Wydler reported that there was no meeting in December and that Supervisor Chan is thinking of ways to reformulate the group and will be resuming a monthly meeting schedule in January 2012.

3.7 CC&R ADHOC Committee- No report, no meeting

3.8 Library Advisory Committee- President A. Wydler said that the board will be discussing the library later on the agenda. This advisory committee was disbanded earlier this year and a new committee has been developed by Supervisor Chan. He stated that both Director Wright and the Administrator have been appointed to this new committee.

4.0 COMMENTS FROM PUBLIC AGEIES

4.1 CHP- No report-no officer present.

4.2 Sheriff's Department- JD Stewart left statistics for those in attendance and highlighted some of the crimes that occurred within the past month. He warned residents about the ATM card fraud that recently happened at the San Lorenzo Luckys and said that card holders should be very careful when purchasing items with their cards due to the amount fraud that can occur. Stewart also stated that in late November there was a robbery at gunpoint on Bockman and Via Honda. He said that crime usually increases during the holiday season and asked residents to be very careful when shopping or travelling during this time.

4.3 Supervisor Chan's Office- Staff member Shelia Young, said there was nothing to report. The Administrator asked when the board could get a full list of those who had been appointed to the new library committee. Staff member Kevin Cunningham stated that he would get something to the board in the near future.

4.4 Zoning Enforcement Report- A report was left on the back table

5.0 PUBLIC COMMENT- Items Not On The Agenda- COMPRE representative, Abani Desai, reported that there is an application for a liquor store to open in the Lorenzo Manor Shopping Center. Her agency is concerned because of this businesses' close vicinity to schools, Kennedy and McConaghy parks as well as bars and other establishments that sell alcohol. Currently there is a bar 130 ft away and a gas station that is very close to where this proposed business would be located. The sheriff's department has stated that this bar has had 41 service calls since the beginning of the year and had a stabbing at this location in March 2011. Desai asked for help in getting this application denied. This application is due to go before the Board of Zoning Adjustments (BZA) within the next few weeks.

President Wydler stated that if residents want to send their comments on any item going before the BZA or the Planning Commission to the homes association office, staff will make sure it gets to the members of these boards so that their comments can be heard.

The consensus of the board was to ask the Administrator to draft a letter on its behalf stating that if this application is approved it would be too close to existing schools, recreational facilities/parks as well as businesses which already sell or distribute alcohol.

6.0 FINANCIAL REPORT - (motion required)-

6.1 Approval of November 2011 Expenditures- Director Bieschke made a motion to approve the financials for November 2011, Director D. Wydler seconded, the motion carries unanimously.-

The Administrator said that a resident had asked about the costs of the office renovations which are all accounted for in the budget. She stated that any resident is welcome to come in and review the financials any day of the week during normal office hours.

7.0 OTHER BUSINESS (MOTIONS MAY BE REQUIRED) -

7.1 PGE Update- (Time Agenda Item 7:45pm)*-Already reported earlier due to time agenda item.

7.2 Car Port Policy- (See Attachment A) President Wydler noted that the Policy was posted in the last newsletter and asked the board and the residents in attendance for any questions or comments. The Policy will be posted again in the next newsletter, prior to its formal adoption.

Director D. Wydler made a motion to approve the Car Port Policy, Director Bieschke seconded the policy, the motion carries unanimously.

7.3 Library Lease- President Wydler reported that the Association has been discussing the library lease with Supervisor Chan's office for the past few months. The issue is currently in the hands of the county's attorney and the Association's attorney. The language in the current lease is in negotiations with both parties and thus the lease is taking longer to sign than some expected. President Wydler stated that it is very important that both sides are satisfied with the language in the lease, because this affects the community and the library in the future.

Director Bieschke agreed that the language of this lease is important and needs to be correct so that the community gets what it needs and wants for the library.

Director D. Wydler noted that the county is ready to sign the lease, however the board is concerned with some of the language and how it could affect where the funds for the library are spent. This is a 1.2 million dollar expenditure and should not be done without certain securities in place to assure the community gets what it needs.

A resident asked if a copy of the lease is available to the public. President Wydler said the lease has not been finalized, but once it is, copies will be available for the public to review.

The Administrator said that in the Board had signed a letter of intent with the Board of Supervisors regarding the lease, however since that time there are two (2) new Supervisors and there is now one clause in the current draft that is of concern to the association. The current lease expires in two (2) years and this new lease would cover the entire parcel.

7.4 Relay for Life- Scott Townley gave an overview of the event and its history of raising funds for all types of cancer. He stated that the organization is excited about bringing the event to San Lorenzo. They are at the very early stages of planning and are looking at Arroyo and San Lorenzo high school tracks as possible sites where the event could be held. This will be a 24 hour event and he welcomed residents to attend their next informational meeting on January 17, 2012 at 5pm to 7pm at Starbucks on Hesperian and Lewelling.

The Board thanked Townley and Relay for Life for bringing this event to San Lorenzo.

8.0 ADMINISTRATOR'S REPORT The Administrator stated that she and Director D. Wydler and President Wydler attended the last West County BZA (Board of Zoning Adjustment) hearing that was continued regarding the application from Valley Guns and Ammo to open a business at Lewelling near Hesperian. The BZA granted the variance and the Conditional Use Permit (CUP), even though county staff recommended it be denied. The Administrator stated that anyone who wants to file an appeal to this application, has ten days to do so. The issue came down to what a "variance" really is and what constitutes the granting of such "variance".

Valley Guns and Ammo will be applying for a \$25,000 tenant improvement grant from redevelopment to renovate the outside of the building that was once K&S Glass and Tint Co. They state that they will be selling mostly "antique guns". However they can sell anything from handguns to other types of guns. Their biggest selling point was that they offer "consignment" services, that both of the nearby businesses that currently sell guns and/or ammunition do not. This allows residents to turn in guns that once belonged to a deceased relative or have been discarded for other reasons to this store. Deputy Stewart was also at this hearing and stated that the sheriff's department already offers this service to all residents.

President Art Wydler spoke to the issue of the "variance". He stated that the board deals with variance issues in work sessions every month and that he had received information in the past that outlined what legally constitutes a variance and the granting of such variance. There are specific requirements which must be met in order to grant a variance.

However, these requirements were not considered when the BZA granted its variance to the Gun Shop. County staff clearly analyzed the specific requirements needed to grant the variance in its report, stating that none of the conditions were met for approval, however the BZA approved the variance. President Wydler said that he was very concerned that the BZA would pass a variance that was out of the scope of the criteria for approval, and against its staff's report. He said that once this variance was granted the CUP was more of a done deal. The CUP had some conditions that were very specific, one in particular, talked about the Eden Area General plan and outlined "mixed uses" that were needed in the Eden Area. Gun shops and firearms businesses were not included in this outline. The BZA chose to strike that condition from the CUP, so that it did not conflict with the General Plan. President Wydler stated that these discrepancies for approval are what concern him most.

The Administrator noted that one of the things that concerned her was the fact that one of the main arguments for approval was that this applicant was a "good guy" who ran a former gun store without complaints and was

supported by Sheriff Plummer. The problem with granting the variance on this criteria, is that the approval is granted to the "property", not the "applicant". This business owner can open and sell to a new owner in a matter of days. The community has no control as to what type of owner any new person would be and the assumption that the variance should be granted on this condition concerned her.

A resident questioned whether there was a condition in the CUP about notification of sale for the business. The Administrator noted that the county must be informed within 30 days of the sale, however there are no provisions for who the owner sells to or anything else.

The Administrator said that both President Wydler and the Association will be writing appeals to the granting of this variance.

A resident questioned why the Board is taking a stance on this issue. President Wydler reiterated that the issue is not the gun store itself, but rather the way in which the variance was granted. There are specific criteria that must be met in order to grant a variance. The fact that county staff reviewed the application and denied it based on these criteria, is one of the main factors that he and the board will address in their appeals.

9.0 LIENS AND VIOLATIONS REPORT - The Administrator reported there was one (1) lien released since the last board meeting.

The Violation Letters for November 2011 were as follows:

VIOLATION LETTERS November 2011:		
Violation		
1/19	Inoperative Vehicles	5
2/22	Recreational Veh in front or side yard	3
6	General Maint. of Property	14
7/20	Unpaved Parking	3
10	Yard Maintenance	31
13	Holiday Lights	0
15	Building Maint	1
21	Work on Cars	0
24	Barking Dogs	1
25	Prohibited animals	0
26	Excessive noise	0
27	No home business	0
28/99	Other	5
30	Multiple violations	6
31	Plans Needed	2
	Total	75

10.0 HEARINGS AND VARIANCES ISSUES -

Acct #	Violation	Board Decision

153	Fence	<i>Extension for 30 days to review board policy</i>
333	Yard Maint/Fine Review	<i>Owner will have opportunity to come back before board in Jan 2012</i>
356	Inoperative Vehicle in Driveway	<i>Owner given 30 days to get rid of vehicle-revisit Jan 2012</i>
486	Inoperative veh/Fine Review	<i>Owner given 30 days to clear violations-revisit Jan 2012</i>
972	Trailer stored for 36 hours	<i>Fine, refer to collections if violation is not cleared</i>
1083	Multiple Violations	
1384	Fine Review -Cont, from 10/11	<i>Owner did not appear, re-instate fine</i>
2081	Yard Maint/Unpaved Parking-Fine Review	<i>Owner given 90 days to submit plans for driveway extension-fine to be re-reviewed post plan application and construction</i>
3853	Revisit Multiple Violations	<i>Tenants have vacated the property-revisit if necessary in 30 days</i>
4630	Yard Maint	<i>Ask owner to edge the lawn better and revisit if needed-lawn has been mowed</i>
4681	Yard Maint	<i>Ask owner to maintain weeds in rock landscaping and repaint screen door which is rusted-revisit in 30 days</i>
4764	Plans needed	<i>Owner to re-submit new plans for addition-not workshop in January 2012</i>
4828	Yard Maint	<i>Fine</i>
5112	Multiple Violations	<i>Fine</i>

Variances-

1. #129-Via Rincon-Fence Variance for a property line fence 42 inches with a 7 1/2 ft setback from street.-
Board approved, with condition, owner lowers height to 36 inches.
2. #1134-Via Pinale-Fence extension (corner lot) with 10 ft set back from street-*Board approved with understanding from County Personnel that the fence complies with its "key lot" policy.*
3. #1377-Via Alamitos-Property line fence with setback under 10 feet/brick material for fencing-*Board approved, fence less than 3 feet in height with a 7 ft setback from street*
4. #4764-Via Eduardo-Plans for workshop in back yard (continued Nov 2011)-*Continued for 30 days-owner has new plans that would make this project an "addition" not a workshop.*

11.0 PUBLIC COMMENT-Items Not on the Agenda -None

12.0 BOARD REPORTS- -None

13.0 ADJOURNMENT The meeting was adjourned at 10:20 p.m.

Respectfully Submitted,

Margaret Wright, Treasurer

Recorded and Transcribed by: Kathleen Harrigan

Reviewed by: Kathy Martins, Administrator