

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

MINUTES FOR August 11, 2003

(Approved as corrected August 25, 2003)

1. **CALL TO ORDER:** The Chair called the meeting to order at 6:30 p.m. **Councilmembers present:** Andy Frank, Chair; Dean Nielsen, Vice Chair; Councilmembers Ineda Adesanya, Karla Goodbody, Ken Carbone, Jeff Moore and Carol Sugimura. **Councilmembers excused:** None **Staff present:** Ron Gee, Tona Henninger, Bob Swanson, and Maria Palmeri. There were approximately 25 people in the audience.

2. **APPROVAL OF MINUTES OF July 14 & 28, 2003**

**Mr. Nielsen moved, Ms. Sugimura seconded that the Council approve the minutes of July 14 & 28, 2003 as corrected.**

**The motion passed 6/0.**

3. **PUBLIC ANNOUNCEMENTS:** None

4. **TENTATIVE MAP, PARCEL MAP 8057, BRATSET** - Application to subdivide one parcel measuring 16,710 square feet into two lots in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle Regulations) District, located at 4421 Alma Avenue, south side, 800 ft. west of Brickell Way, unincorporated Castro Valley area of Alameda County, designated County Assessor's Parcel Number: 084C-0820-014-00.

Mr. Ron Gee presented the staff report. He said that the applicant proposes to subdivide one parcel measuring 16,710 square feet into two lots measuring 7,000 square feet (Parcel 1) and 8,147 square feet (Parcel 2). The existing home on Parcel 1 would remain. Parcel 2 would be developed with a new single-family home accessed from the private driveway on the east side of the property. This application was previously brought before the CVMAC on December 9, 2002. The council recommended denial of the project because of the inconsistency with the lot sizes of the surrounding parcels. The applicant has modified the site plan to address the council's concern.

Ms. Bratset, the applicant, stated that she has redrawn the subdivision of the parcel to conform with the lot size consistency for the area. She feels that this is an acceptable lot size for this subdivision. She stated that she had not previously seen the staff report or the map. She reminded council that they have an obligation to not approve the non conforming uses but also to approve the projects that do conform with the zoning codes. She stated that she had talked to the Fire Marshall and the utility pole was never an issue as long as the driveway approach is 16 feet wide. She stated that she is not going to build a huge house in the back because of the neighbor's concern with privacy. She asked that council take into consideration her property rights.

Ms. Yvette Anaya owns the property right behind the proposed project. She stated that she appreciates the fact that Ms. Bratset wants to build a house but she does not want the house sitting so close to her property.

Mr. Craig Deiton lives directly behind the proposed project and wanted to know how far away from the fence are they intending to build this house. He also expressed concern with the type of fence Ms. Bratset was proposing to build in the back. Ms. Bratset stated that there will not be a house in the back but the garage. It will be approximately 10 to 12 feet away from the fence. Mr. Lucas, the project planner, stated that some of these issues will have to be decided amongst the neighbors at a later date. Right now the only issue to be considered is the subdivision of the property.

Discussion ensued amongst councilmembers on the required setback of an accessory structure.

Ms. Patty Pritchard, resident at 4372 James Avenue, stated that she is concerned with the proposed garage being adjacent to her bedroom. She stated that she will be sandwiched between two parcels that have two story homes. Neighbors will be working on cars all hours of the day. Even if this subdivision plan is approved as submitted it could change later. Mr. Gee stated that if changes are submitted the neighbors will have a chance to make comments and have input on the submitted changes. If the project requires variances there will be a public hearing.

**The Chair announced a ten-minute recess to give Ms. Bratset a chance to review the plans submitted by the Planning Department.**

Ms. Bratset inquired about what constitutes a conflict of interest for the MAC members. Could living close to the project constitute a conflict of interest? The Chair answered that if one of the members was making money from the project that would constitute a conflict of interest. But living next or close to the property does not matter.

Ms. Bratset stated that she understands the neighbors concerns with the trees and the fence. She said that she will address all of these issues once final plans are discussed. She feels that some of the issues can't be addressed at this early stage. She also said that she does not want to be too close to her neighbors and that she also wants privacy. She stated that her garage is more like a workshop because she has jet skis, a trailer and most likely will be working on her cars.

The Chair reminded audience members and Ms. Bratset that the only consideration tonight is the subdivision of the parcel. Any other matters should be addressed to the Public Works Department or Planning for their consideration within the appropriate time of the proposed project.

Mr. Carbone stated that it is important to consider the location and size of the future homes since a lot of the concerns expressed here tonight from adjacent neighbors has to do with location of future homes and privacy issues to the neighbors.

Ms. Adesanya would like to suggest that council recommend the redrawing of the parcel line. The configuration of lot # 2 is odd, there is a piece protruding in front of the family home. Ms. Bratset agreed and asked that county staff work with her on an alternative way of drawing the property line.

Ms. Adesanya stated that because of the concerns expressed by the neighbors tonight, council could make conditions of approval as far as the location of the garage so as not to have the locations of the buildings changed once the project is approved.

Mr. Carbone expressed his concern with the applicant, in the future, placing a secondary unit on the property. Mr. Gee stated that the applicant would still have to conform to zoning requirements and most likely would require a variance. Mr. Moore stated that now with the new ordinance in regards to secondary units they might not need a variance. The Chair reminded everyone that tonight the only issue before the council is the subdivision of the parcel.

**Ms. Adesanya moved, seconded by Ms. Sugimura, that the Council recommend approval of the subdivision with recommendation that parcel 1 be reconfigured to allow for a more user friendly lot line for parcel 2, and to the conditions and planning considerations outlined in the staff report.**

- 5. CONDITIONAL USE PERMIT, C-8186, GOMEZ** - Application to allow a temporary outdoor business (Taqueria Truck) in a "C-1" (Retail Commercial) District, located at 22058 Center Street, northeast side, 200 feet north of Grove Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Number 417-10-3-3.

Mr. Ron Gee presented the staff report. The applicant proposes to establish a temporary outdoor business, which consists of a taqueria truck selling Mexican food, on a parcel that is currently developed with a retail liquor store (Liquor Center). The taqueria truck would be located within existing parking lot in the middle portion of the property adjacent to the westerly property line. The business would be open daily from 10:00 a.m. to 8:00 p.m. Parking for this use would share the same 20 spaces around the main building perimeter of the property. The taqueria truck is seven-foot by twenty-three foot, self-contained vehicle with a full kitchen, hot and cold water, refrigeration and storage space. The Castro Valley Chamber of Commerce recommended approval of the application with a one year expiration date.

Mr. Gomez, the applicant, stated that he owns a restaurant in Hayward and would like to have this taqueria truck at this location.

Mr. Carbone asked if the truck would be moved daily. The applicant answered yes. Mr. Nielsen asked about the size of the sign and if it was in compliance with the sign ordinance. Mr. Gee stated that it might be larger than the allowed size for the sign. Mr. Moore suggested that Mr. Gomez cover the sign with a tarp on the side of the truck. Ms. Adesanya asked if the customer would eat at that location or would this be primarily a drive-up business? Mr. Gomez stated that this would mainly serve drive-up customers. Ms. Adesanya also asked if there is enough parking at the location. Mr. Gee answered that there is ample parking at this location.

**Mr. Moore moved, seconded by Mr. Carbone, that the Council recommend approval of the conditional use permit and the conditions and planning considerations outlined in the staff report.**

6. **SITE DEVELOPMENT REVIEW, S-1877, IGLESIAS** - Application to allow operation of an indoor recreational and educational facility (batting cages and baseball instruction) in a CVCBDSP-Sub 3 (Castro Valley Central Business District Specific Plan, Subarea 3) District, located at 2644 Castro Valley Boulevard, north side, about 127 feet west of Lake Chabot Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0181-069-00.

**The Chair continued this item.**

7. **TENTATIVE MAP, TRACT 7305 - ALCORN** - Application to allow subdivision of one parcel into twenty-one 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 4605 Malabar Avenue, south side, approximately 250 feet west of Pepper Street, unincorporated Castro Valley area of Alameda County, bearing County Assessor's Designation: 084C-0835-001-07. (Continued from October 14, 2002.)

Mr. Andy Young presented the staff report. He stated that the applicant applied to subdivide the property into 21 separate parcels, to permit the development of up to 19 new single family homes. The council last considered the application on July 14, 2003, and considered five major aspects of the proposal, including: environmental review, preservation versus development, street configuration, lot size and pattern and building height. The council indicated a preference for a cul-de-sac street configuration extending north from Seven Hills Road, built to public streets standards. The council also requested a revised site plan and subdivision proposal based on an average lot size derived from the 16 bordering single family residential parcels, including one lot approximately 20,160 square feet. The average lot size for this area is 8,040 square feet. The revised site plan provides 16 home sites with an average lot size of 8,002 square feet.

Mr. Phil Rowe, representing the applicant and Delco Builders, stated that the average lot size for the area is smaller than what they had originally proposed. Mr. Rowe requested that the Alcorn proposal include 18 lots plus the Alcorn lots. Mr. Rowe stated that their proposal is consistent with the neighborhood.

Discussion ensued amongst councilmembers on the direction they had given the developer in regards to average lot size for the area. Mr. Moore stated that council had given very definite direction on the average lot size for this area. The Chair concluded that the council should not hear what the developer was proposing because the proposal the council had in hand was totally different from what the developer was proposing tonight.

The councilmembers took a vote on the lot size average and all agreed that the lots should be a minimum of 8,000 square feet in size. The Chair asked the applicant if they wanted to bring the item back to the council at the August 25, 2003 meeting. The developer agreed.

**The Chair continued this item to August 25, 2003.**

8. **2144<sup>TH</sup> ZONING UNIT - ALLIED HOUSING/HOUSING AND COMMUNITY DEVELOPMENT** - Review of proposed building colors and materials as required under Provisions of Reclassification for a 28 unit residence in the PD (Planned Development, 2144<sup>th</sup> Zoning Unit) District, located at 22198 & 22200 Center Street, east side, approximately 550 feet south of Grove Way, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designations: 0417-0020-006-02 and -007-02.

Mr. Gee presented the proposed colors to the councilmembers.

Mr. Carbone commented that the colors reminded him of projects in Emeryville. He also expressed concern with the color green. He asked if the colors could be softened. Mr. Nielsen agreed with Mr. Carbone. Mr. Moore and Ms. Adesanya said they had no problems with the colors but the galvanized steel being used for railings. They asked if it could be replaced with another material.

The Chair asked for a vote on the colors. It was decided that the colors were acceptable but asked County staff to replace the galvanized steel railings with another material. The councilmembers also directed staff to choose the material.

9. **PUBLIC COMMENT:** Mr. David Schinnels, resident at 21883 Independent Road, asked that the council bring back the Patel project. Mr. Schinnels stated that he has been keeping a log of the times and dates of violations of conditions related to this site development review. He stated that the lights are very bright at night, the construction noise starts very early in the morning, and there are privacy issues.

The Chair asked county staff to bring this item back to the council to evaluate the complaints and concerns of Mr. Schinnels. Ms. Henninger stated that it will be placed on the agenda as a formal item.

10. **CHAIR'S REPORT:** The Chair had no report.

11. **COMMITTEE REPORTS:** There were no committee reports.

12. **STAFF ANNOUNCEMENTS, COMMENTS, AND REPORTS:** Ms. Henninger announced that the third meeting for MAC has been confirmed for the months of September, November and December. The meetings will take place on the third Monday of the month. They have been scheduled for September 15, November 17 and December 15. This room was not available for the third Monday of October, so the meeting has been scheduled for a Wednesday, October 22.

13. **COUNCIL ANNOUNCEMENTS, COMMENTS, AND REPORTS:** Ms. Henninger announced that the second reading and adoption of an amendment to the Alameda County General Ordinance Code adding a section to an Abatement and Appeal Process is going before the board on September 4, 2003.

Mr. Carbone announced the Traffic Safety Day to take place on August 23, 2003 at the CHP offices in Castro Valley.

14. **ADJOURN:** There being no further business, the Chair adjourned the meeting at 8:40 p.m.

**NEXT MEETING DATE: August 25, 2003**