

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**  
**Minutes for March 14, 2005**  
**(Approved as corrected March 28, 2005)**

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:30 p.m. Council members present: Andy Frank, Chair; Dean Nielsen, Vice Chair. Council members: Ken Carbone, Karla Goodbody, Jeff Moore and Carol Sugimura. Council members excused: Ineda Adesanya. Staff present: Sandi Rivera, Steve Buckley, Ron Gee, Bob Swanson, Maria Elena Marquez. There were approximately 40 people in the audience.

Mr. Frank announced a change on the agenda order, item # 5 will be # 1. After that everything else will be sequential.

- B. APPROVAL OF MINUTES OF February 28, 2005**

**Ms. Sugimura moved, seconded by Mr. Nielsen, that the Council approve the minutes of February 28, 2005, as corrected. Motion passed 6/0.**

- C. PUBLIC ANNOUNCEMENTS.** Bob Swanson announced that the Castro Valley Farmers Market will take place on May 28, 2005 at the BART station parking lot. It took three years of negotiations with BART but Mr. Franklin got on our team and made it happen.

- D. REGULAR CALENDAR.**

- 1. CONDITIONAL USE PERMIT, C-8368, CORMIER** – Application to allow the continued operation of a kennel, training and boarding facility for up to 20 dogs, in a R-1-L-B-E-CSU-RV (Single Family Residence, Limited Agricultural Uses, Conditional Secondary Unit, Recreation Vehicle) District, located at 6776 Crow Canyon Road, west side .57 miles south of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 0085-1700-003-06.

Mr. Gee presented the staff report. It is a day care facility for dogs. Originally approved in 1998. It has had a 3 year permit approval. The recommended change is to extend the permit for 5 years, to expire in 2010. The training currently goes on to 7:30 p.m. and we would like to change that to 6:00 p.m. The recommendation is for approval with minor changes for 5 years.

Mr. Cormier, the Applicant, said that their facility is on a curb, it would be lovely to have a left turn lane, wide shoulders. They have an entrance and exit; the staff report is very concise. His wife and he have been there for six years and would like to continue running it under the guidelines stated in the conditional use permit.

Mr. Nielsen asked Mr. Cormier how he controls noise during the day and if there are attributes to the building. Mr. Cormier said the training area is in the back of the property and that there is an 8 foot height fence on one side and converted garage on the other side. They are about 30 feet from where the dogs are to the closest neighbor. He has had no complaints; the dogs are having fun doing things.

Discussion ensued amongst council members and the applicant in regards to noise issues.

Public testimony was called for. No Public testimony was submitted.

Mr. Carbone said that Mr. Cormier makes a good creative use of the property. Mr. Nielsen said he has been by the facility; the exercise yard is clean and it is a well kept facility.

**Mr. Carbone move approval of C-8368 for 5 years with planning considerations and extended hours. Mr. Nielsen seconded. Motion passed 6/0.**

2. **CONDITIONAL USE PERMIT, C-8372, CAMELOT SCHOOL** – Application to allow continued operation of a private school for up to 300 students, in a R-1-CSU-RV (Single Family Residence with Conditional Secondary Unit & Recreation Vehicle Regulations) located at 2330 Pomar Vista, east side at end of street, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0185-001-01.

Mr. Gee presented the staff report. The original permit was granted in 1987. The request is for a 10 year period.

The Applicant, Winnie Wong, said that they added a speed bump that goes from the street into the school so that parents drive carefully when approaching the school. Mr. Carbone asked the Applicant if she had reduced a class each group. The Applicant answered yes. They are now K-5, and enrollment has come down, so that also helps with the traffic.

Public testimony was called for.

Diane Engel, resident at 2639 Miramar Avenue, Castro Valley, said that her parents home is adjacent to the school. She would like to address a couple of issues. She is concerned about traffic in and out of Camelot. She asked if there are still 300 students attending Camelot. She stated that some families have several children that go to Camelot, and she imagines that there are at least 200 cars and there is only one access to the school. Recently they found out that Pomar Visa access that is used into Camelot is not owned by Alameda County and is now a private road. She proposed that the school be responsible for the proper care and maintenance of this road, to remove potholes and not to have any patches present. She would like to see a speed bump there and would also like to propose Camelot an opportunity to put a road in

there. She mentioned that this area access is narrow in the event of a hazard; if a fire truck goes in there, people would not be able to get out. She was also concerned about a school bus hired by Camelot; the driver was backing into the school, there was no staff member from Camelot to redirect the bus. She said that parents can get very irate with traffic issues. HARD has stated there is no area for these children and that they would put a park there for the children. The owner denied the request where a field area could be used.

Hilda Engel, who lives adjacent to the school, stated that when putting notices out for a proposed meeting, she should have been notified, because her street is the only access to the school. She said there is a problem with Pomar Vista. The Planning Department or the Zoning (where they have all the maps), evidently when they finished Rolando, it was worse than Rolando, and asked if they were going to do a strip, and they said 'no, it is not in our blue print', the County said it does belong to them, she called San Lorenzo School District but she knows that it belongs to the County because it used to belong to the County. Mr. Gee said if it is a private roadway, which apparently is, it should jointly be owned between the residents on each side and the school. Also, she said that 10 years is too long and does not agree. On page 3 of the staff report, it mentions there have been no complaints, however she has always complained. She has been complaining for years. The size of the Lowell field, (the County can tell you how big it is), is never used. There is no access into that, but is Alston Way, coming off from Somerset, (which is another possibility for another access). The drivers going in and out are very courteous when driving in the neighborhood.

Leah Meager, resident at 17065 Sabina Court, just below Camelot school, said she has never had problems. The County missed the boat when they put in the views which is at the top of John Drive circle of what was called Kings Hill at that time. They gave Kings Hill some of the County property and we tried to get an exit for Camelot, but the County did not seem to approve it; that is why the school is land marked with just one entrance and exit. Maybe something can be done with the County to try to convince the people that owns the huge development, it would be to their benefit to have an exit on the John Drive side of Camelot.

Another concerned Rolando resident, spoke in support of the school and said that it is a very nice property and requested that HARD provide (?) for the people in the neighborhood.

The Applicant said that Lowell field is being used every day for physical education classes. She apologized for the bus incident, and said they try to be sensitive to their neighbors and try to solve problems as quickly as they arise. The school is part of a residential community, staff does not park in front of neighbor houses, and we do not want anyone to be disturbed by the noise, so we try to keep the noise down. They requested a second entrance to the school but it was denied.

Mr. Nielsen asked if since the July 14, 1999 approval, have there been any accidents. Applicant answered no accidents since then.

Mr. Carbone said that there is a large volume of traffic. Schools are needed and we can't solve all of the issues. Mr. Carbone sympathizes with all the neighbors but there is nothing they can do. It is a good school. Mr. Nielsen said he agrees with Mr. Carbone as far as traffic is concerned.

**Mr. Nielsen moved approval for Conditional Use Permit 8372 for a 10 year period for the private school and has asked the County to look into maintenance of the road. Ms. Goodbody seconded. Motion passed 6/0.**

3. **CONDITIONAL USE PERMIT, C-8377, FIRST PRESBYTERIAN CHURCH** – Application to allow continued operation of a child care facility for up to 150 children in a R-S-D-20 (Suburban Residential, 2,000 square feet per dwelling unit/5,000 square feet, MBSA) District, located at 2490 Grove Way, northwest side, 170 feet northeast of Redwood Road, unincorporated Castro Valley Area of Alameda County, designated Assessor's Parcel Number: 416-0030-014-03.

Mr. Nielsen recused himself. Mr. Gee presented the staff report.

The Applicant said they have been in business for the last 16 years. They have had no complaints from the neighbors. They are licensed by the State Department of Social Services and accredited by the NAYC which provides extra assurance of quality. They verify the quality of the child care provided. Not only do they verify that we are a quality child care and also that we are a quality employer; they employ 40 people, teachers, administrative and support staff. They serve families from Castro Valley and other areas. Their program is a full day program for full time parents and also part time service. They would like to request a 10 year extension.

Steve Irvin, one of the Trustees with the Church, said he has been an active member of the Church for 12 years. He strongly supports the center. He knows a number of parents of children at the center and has heard nothing but good comments. He hopes the Council grants the permit.

Andrea Perez, resident at 5477 Tinder Court, Castro Valley, said that as a parent she supports the day care. The facility is well maintained and secure. This facility provides a small teacher-student ratio. The teachers are patient, kind and very professional. On a personal level, some of her family members with teaching credentials found this school to have high quality education. This school also support, not only for children but also for parents.

Dana Leipold, resident at 5352 Briar Ridge Drive, Castro Valley, spoke in support of the day care and for the 10 year extension. Her daughter is a student at this school and

said it is a very good school. The school has provided a wonderful space for her daughter to grow as a human being.

Public testimony was closed.

**Mr. Moore moved approval for Conditional Use Permit 8377 with staff considerations for a 10 year term. Ms. Goodbody seconded. Motion passed 5/1. Mr. Nielsen recused.**

4. **SITE DEVELOPMENT REVIEW, S-1922, AND TENTATIVE PARCEL MAP, PM-8587, SILVA** – Applications to construct three (3) town home units on a 0.28 acre site, in a R-S-D-15 (Suburban Residence with 1,500 minimum building site area per dwelling unit) District located at 20085 Wisteria Street, west side 400 feet north of Ganic Street, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0154-004-01.

Mr. Gee presented the staff report. This is a two part application. The property is surrounded by other multi family units. The house that was there went through an historical architectural assessment and it was determined that it was not historical. It was demolished late last year. The Applicant had no comments.

Public testimony was called for. No public testimony was submitted.

Mr. Moore asked if there was a variance conforming to the condominium guidelines. Mr. Gee said yes, there is some flexibility that is allowed as part of the subdivision ordinance. Mr. Frank stated that in this type of small subdivisions they can get dysfunctional if there is not an agreement between the owners. Maintenance of the private road might become an issue.

The Applicant stated that the original proposal was submitted for town homes versus condominiums. The road will be an easement and the parcel will be divided into three lots. The applicant stated that he has sold them as condo units.

Mr. Gee stated that this is the fastest and most efficient way of subdividing this property. Discussion ensued amongst council members in regards to maintenance of the road and CCR's.

**Mr. Moore moved to approve Site Development Review S-1922 and Tentative Parcel Map, PM- 8587, with staff considerations. Mr. Carbone seconded. The motion passed 4/1.**

5. **HOUSING ELEMENT IMPLEMENTATION PROGRAM** – Public Hearing to consider amendments to the County Zoning Ordinance and Specific Plans necessary to comply with provisions of the Alameda County Housing Element, adopted by the County Board of Supervisors in October of 2003 and certified by the State

Department of Housing and Community Development in January of 2004. Said modifications are as follows:

- a. Reclassify sites in the Ashland-Cherryland Business District Specific Plan, Castro Valley Central Business District Specific Plan, Fairview Area Specific Plan, and in areas currently designated for urban infill development in the Ashland, Cherryland, Hayward Acres, San Lorenzo, and Castro Valley communities to provide opportunity sites for higher density development.
- b. Add a definition to the Zoning Ordinance for the term “emergency homeless shelter”.
- c. Modify provisions for the R-3 and R-4 zoning districts to allow emergency homeless shelter, as defined, as a permitted use in these districts.

Mr. Frank asked Ms. Rivera if they were looking for comments or recommendations.

Sandi Rivera stated that there will be a series of meetings that have been scheduled but tonight they are looking for public comments especially to the negative declaration and the implementation to the housing element policies. This item involves issues related to the housing element that was introduced in October, 2003 and involved a lot of public comment and debate. The Housing Element was certified by the State HCD, the certification was based on 2 key provisions, the reclassification of identified parcels in order to provide an agreement upon a number of opportunity sites for new dwelling units and to make a variety of additional changes to the Zoning Ordinance to facilitate the production of housing in the County. Ms. Rivera said that the County will revisit the Housing Element again in 2008. In addition to that, there are a variety of additional changes, one of them is the emergency homeless shelters. Today, we want comments from the Council and the public pertaining to the reclassification of the sites, for the Ashland/Cherryland Business District, the Castro Valley Central Business District and the Fairview Area Specific Plan and areas designated for urban infill development. We also need to add definition to the Zoning Ordinance for the term “emergency homeless shelter.”

Mr. Frank asked Ms. Rivera to stay with one singular issue and after that go the next portion of the item. This will facilitate the council and public to keep focused on one issue.

Ms. Rivera said there were two public meetings. One was the Ordinance Update Committeewhere they expressed their view that the Initial Study/Negative Declaration did not discuss cumulative impacts nor properly addressed potential impacts to transportation, parks, emergency response services or other existing infrastructure issues. The Committee also suggested that emergency homeless shelters should be conditionally permitted in R-3 and R-4 zoning districts only.

Mr. Frank asked for a map. Mr. Carbone asked if the emergency homeless shelters will be discussed first. Mr. Frank said the first topic will be rezoning and then emergency homeless shelters, so the Council can stay focused in each issue. Mr. Frank asked the Council if they have questions regarding density.

Mr. Moore asked if the housing element distinguishes between rental versus owner occupied. Ms. Rivera said no, it is more the type of housing.

Mr. Frank said it is good to increase density to meet the housing element but he does not want to sacrifice the community to increase density and eliminate the commercial core on the west end of town. Rezoning has been done successfully in other communities throughout the Sacramento and San Joaquin Valleys. The buildings maintain the commercial use on the ground floor and residential on the top. Cities like Chicago, New York or other communities in the United States, have evidence that this type of building actually supports and brings in business to the commercial core and revitalizes the area. Mr. Frank also mentioned that there should be revitalization rather than elimination of existing uses.

Ms. Rivera said that what the Castro Valley Plan proposes is re-classification and not entirely to make it residential. Mr. Frank stated that commercial use should be encouraged and not eliminated. He stated that the plan encourages residential instead of encouraging commercial use. It needs to tie in the commercial to the residential development. Ms. Rivera asked if Mr. Frank wants to have residential development tied to commercial development.

Mr. Carbone stated that he truly believes that all the sites chosen for rezoning were paths of least resistance for the County to identify. These are not truly the viable properties. These properties need to be close to public transportation or transit corridor. Why not choose properties around the BART station or Norbridge instead of properties in the downtown area where it should be more commercial.

Mr. Frank said that same thing applies to mobile home parks, if you are going to have commercial validation, and also density for housing you have to look at the other core use which is currently low income arrangement. The County has to look into encouraging developers to go in economically. Mr. Carbone said they have been identified now but can it be changed? Ms. Rivera said there are limits in terms of how this implementation may occur.

Mr. Nielsen said we were told that the original sites were not necessarily chosen because of the current zoning, or need but because they were vacant. For instance, where the Foothill freeway was abandoned, huge chunk of property, is not on the map, the whole thing should be on there.

Ms. Rivera said that the map only shows the properties that need to be rezoned.

Mr. Nielsen said the point he wants to make is that somehow the decisions made do not make sense to the Council. It totally disrupts the redevelopment study for the downtown area. It does not take into consideration the areas the community and various committees have talked about in the past. These areas are not conducive to lower income housing and do not make it for an excellent Master Plan for Castro Valley.

Ms. Rivera said this is the implementation stage and she understands the conflicts related to the process during the adoption stage.

Mr. Nielsen stated that he wanted to make it clear that even though there were recommendations made by the various bodies, councils representing the communities, this implementation just rolls along without any resemblance to what the recommendations by the communities were, and are we going to see a reflection of our recommendations on this plan?

Mr. Carbone stated that this whole thing was considered an exercise when it first came before us. The Housing Element does not reflect the concerns and input of the community. We will end up with a plan put together by whomever at the State or County level and the impacts to Castro Valley are going to be significant and permanent.

Mr. Nielsen asked if the council can be assured that the next time this is looked at if the concerns and recommendations of the various committees and groups on the proposed sites will be looked at and can we be assured of that.

Ms. Rivera said that recommendation should be considered, however, in terms of the implementation, these sites were selected during the adoption phase.

Mr. Frank said to maintain a focus for direction, let's assume for past history we can not revisit, it is done, it is past; the only thing we can do is to extract the good from what has been discussed. Even though other committees have discussed this at length, the community's input has not been taken into consideration. Generically this process is dysfunctional. There have been too many meetings in public, everybody else is looking, and he suggested to start from scratch.

Ms. Rivera said that comments that have been received regarding implementation proposal for these sites were taken into consideration. The BART station might be a better place for higher density. The County has been conditionally certified based on the sites that were selected for adopting the Housing Element.

Mr. Frank told Ms. Rivera that the problem associated with that is that we have eliminated the commercial core in the community by virtue of this type of implementation. He does not want to go back and re-visit and do nothing again. Isolating certain properties, and bypassing the issue will not work. Mr. Frank asked



Ms. Rivera what is going to be done for revitalization that is going to be a benefit for the commercial corridor and residential area.

Mr. Carbone questioned the rezoning of the Lumber yard site and if there will be a minimum number of units that have to be built on the site. Ms. Rivera said no. Mr. Carbone asked what will be the maximum height for the residential corridor that would be acceptable. Ms. Rivera said 40 feet by right. Mr. Carbone said that technically if it is a residential neighborhood, and as an example there is a parcel that has been identified on Center Street, a project could be 40 feet tall. The true answer is that I could technically build a 40 foot structure. What you are saying is that in the commercial area they could go as high as 40 feet.

Mr. Buckley said that the way Ashland/Cherryland Specific Plan is written, the height is limited only by fire access, anywhere from 45 to 75 feet, depending on code and equipment. In Castro Valley is not written quite the same way. It would be through the site development review, the actual height will be determined based on compatibility and is always limited by parking provision. Mr. Frank asked if all things are complied with what is the maximum height allowed. Mr. Buckley answered 45 to 50 feet.

Mr. Carbone asked if there are any provisions being put in place for commercial corridors to restrict any housing development. He stated that he just does not feel right about eliminating commercial use in favor of residential use in the business district. He stated that they need to preserve the downtown area. Mr. Frank intervened and said that what the Council is concerned with is the loopholes in the policy where it would affect the development of the commercial corridor. Mr. Frank stated that the process has to be economically driven. There has to be developmental fees attached to the projects. That is what is going to make the projects work. Mixed use has been successful in other areas of the country and should be just as successful in Castro Valley.

Mr. Carbone asked why trailer parks were not identified as possible sites for rezoning. They are very large parcels. Ms. Rivera stated that the State HCD considers trailer parks affordable housing. Mr. Frank also stated that the relocation cost is very high for trailer parks.

Mr. Carbone said that the properties way above Castro Valley Blvd. does not make economic sense as far as public transportation is concerned and some of the things that the housing element would be looking for, how can those properties be removed? Mr. Carbone also did not agree with some of the other properties chosen and asked County staff if there will be an EIR done for the impacts on the traffic, schools in the area because of the increase in density. Ms. Rivera said that 90% of the projects that are listed would require an EIR to evaluate the impacts on the community.

Mr. Nielsen said that several property owners on Strobridge would like to have a higher density for their lots. They are in the transportation corridor which will meet

the Housing Element requirements very nicely. What is the process to include those properties in the housing element?

Ms. Rivera said the County is further researching how we might be able to move some of the selected sites that still meet future housing needs. County staff will take a look at the sites you have mentioned. Mr. Nielsen also inquired about properties on Foothill Blvd. by the freeway. Ms. Rivera said that the County is currently checking into whether or not we can retract from what was selected. Mr. Nielsen said that the problem is that the recommendations that several commissions made and the actual implementation are different.

Mr. Buckley clarified some of the fact and said that when you look at the map, for instance properties on Forest Avenue, these sites are underdeveloped now and suitable for slight increase in density. There are other sites that are suitable for development but maybe do not warrant the rezoning. They will still supply some needed housing, maybe they are underdeveloped now but they are not the kind of site that is needed and also did not support rezoning for higher density. Mr. Nielsen asked how do properties get taken into consideration. Mr. Buckley said to submit them to the Planning Department.

Mr. Frank said that there are areas like Chester, Wisteria, Jamieson, Lorena, that need to be explored and maybe the best way would be to do an over-lay of the area. Apply all your expertise and background into such a research that can be included in your housing element. You might discover that there are other areas that are not mentioned here and they would add to the housing element. Look into the entire community, some areas that can fit into the plans for the Housing Element.

Mr. Carbone asked if there were reductions in parking that would allow these developments to exist on these smaller parcels like on these 16 units, are you going to reduce the amount of parking requirements. Mr. Frank said it makes sense if the project is closer to public transportation such as BART. The county needs to stay open to those kinds of arrangements. Areas that have public transportation should be the ones targeted for housing.

Public testimony was called for.

Bonnie Dettmer, Castro Valley Chamber of Commerce, said she just wanted to reinforce some of the things that have already been said here. She stated that there is a need to preserve the downtown business area but that any projects in this area still need to go through the whole process. She also suggested that there are many places that would make more sense as far as closeness to public transportation, than what is being shown on the map.

Nancy Van Huffel, San Lorenzo Village Homes Association, said that she sent council members a letter that should be included in their packet. The areas of San Lorenzo, Ashland and Cherryland, are very concerned about some of the issues that

are part of the Housing Element. Ms. Rivera responded to some of our concerns, and she stated that it sounds like MAC has the same concerns. One of them is the homeless shelters. Mr. Frank intervened and informed Ms. Van Huffel that she should only address issues related to rezonings. Ms. Van Huffel said that in San Lorenzo there are a number of places, in Ashland-Cherryland that are supposed to be rezoned. She stated that three years were spent on the Specific Plan. There were a lot of meetings to discuss several issues of concern for the residents of these areas. Mr. Frank's suggestion of having an over-lay of the community is a good one. We ask the MAC's support in this issue.

Gary Bosley, a Castro Valley resident, asked if this process was going to be voted tonight. Mr. Frank told him the meeting was mainly to obtain public comments and that this meeting is the last one in Castro Valley. Ms. Rivera intervened and said that there is a new meeting schedule and the next meeting will take place on April 11, 2005. The community has requested additional meetings.

Mr. Bosley said that Castro Valley just went into an incorporation battle. There have been many meetings, many audiences and there has been a lot of discussion based upon having fought an incorporation battle. To take one hour to discuss this group's and also Ashland and Cherryland issues is a joke. We just had this huge meeting over at Eden Hospital where a lot of people attended. Mr. Bosley said 45 minutes is just not enough for something that will affect Castro Valley for a long time. He asked council what was their vote in 2003 about the Housing Element.

Ms. Rivera said that the Board adopted the Housing Element that had these policies which had these sites selected. There is a 2 year process before it goes to the Board on October 2005.

Mr. Frank said that as Chair, the Council did not have a recommendation.

Steve Quick, Castro Valley resident for 55 years, said he had a couple of comments and maybe one of them is the height limit. He is concerned about places like Heyer and Center streets. Even sites on Lake Chabot Road will look out of place with a 45 foot height limit. Ms. Rivera said that the 45 feet height limit is for the central business district. Mr. Quick said that even in the Central business district, what comes to mind is the real estate building, that is only about 30 feet high and if it is higher than that it might be too high. Mr. Frank asked Mr. Quick if he would feel better about having an overlay where he could see where the higher buildings are going to go, would that be better? Mr. Quick answered yes.

Mr. Quick said that Castro Valley has been doing a lot of infill over the years, asked if this plan could be amended at any time in the future. Ms. Rivera said yes.

Carlos Soto, a concerned resident, said that the commercial property on Castro Valley Blvd. and not have high density and low cost housing unit. As far as the height is concerned, the County requirement is 25 feet. However, a building that is 40 to 45

feet in height will look out of place in a residential area. There is a need for clarification on what high density means.

Doug Lessa, resident on Forest Avenue for 25 years, said that there is a lot of development on that street alone. There is no parking and unlimited traffic. Mr. Lessa addressed this issue in a letter to the Daily Review about a year ago. There are a number of empty lots in other places that can be developed without removing people from their homes and creating more traffic problems. County staff needs to take another look at some of these areas they have on this map because there are better places to be developed.

Mr. Carbone said that he believes the Foothill corridor is a possibility of changes in the parcels identified. As Mr. Nielsen pointed out, the whole Foothill freeway project and those Castro Valley parcels should be looked at as alternative sites.

Mr. Carbone said that there is an enormous amount of property off of A Street. He totally disagrees with the Peewee Golf/Lumber yard site and said that it is going to be a travesty if anything is developed there without serious safeguards to preserve the commercial corridor. He asked Ms. Rivera if she can come up with some proposed formula in a commercial district. There are some sites available on Lake Chabot Road that could be developable sites at some point; the question is if the hospital takes them over.

Mr. Frank said you are talking about the west end of the town, the gateway to the valley west, and if you are going to have all these freeway projects in and out of town, ingress and egress, why destroy the entire section of downtown when they can be commercial. An overlay needs to be done. Ms. Rivera said that the Castro Valley General Plan is doing that overlay.

Mr. Frank said as an example it is like doing an appraisal. All you do is limit a parameter and you restrict a narrow definition of where you are going to go for evaluation. By doing an over lay you will give the community an idea of what it will be in 10, 20, 30 or 40 years, and giving the community an opportunity to input and then you can visualize and they can see what they want. The community can not do anything if they do not see what they want. That is where you need to open it up. You need to be able to come back for further review. You will have something more beneficial for the community. Otherwise, we are going to have a narrow focus. You eliminate the scope of your definition.

**Emergency homeless shelters:** Ms. Rivera said that the second part of the proposal for modification involves Housing Element Objective 1, Principle 1.3, Implementation Action 1.3.1 Revise the Zoning Ordinance to permit emergency homeless shelters as permitted use in areas zoned for medium to high density residential use (R-3 and R-4 districts). At previous public meetings it was suggested that these uses be permitted with a conditional use permit rather than an allowed use. At the time that the State HCD was permitting or certifying housing elements, it was

found to be allowed uses without conditional oversight. In the last few years there have been jurisdictions that have had certified housing elements with emergency homeless shelters permitted through a conditional use permit. Some other suggestions in regards to these shelters have been to also require development standards with performance standards. The intent of the definition was to limit the person that utilizes this housing type to be referred to the site by a Social Services Agency.

Mr. Frank asked how many occupants would be allowed in a facility? What is the standard per unit? The council would like to have some information in regards to the economics of these facilities in terms of who pays for what, the state, the county or the federal government. How many places are going to be allowed to be built? There will be impacts on the community related to these facilities. Ms. Rivera said that all those factors will be in conformance with development standards. Mr. Nielsen asked what are the standards?

Mr. Carbone told Ms. Rivera that she needs to change the name of this. This is straight up and does not make any sense. He does not believe that this is an emergency. This is straight up a homeless shelter. He thinks the Council should not grant any type of global homeless shelters in any area because we already have a mental health facility on Redwood Road that was designed to accommodate certain type of persons. Where are the guidelines drafted for the type of people allowed in these places? We have no control of where they are placed.

Ms. Rivera asked if it is conditionally permitted, would that be enough to be allowed at the Council's discretion?

Mr. Nielsen said no. Mr. Carbone said as long as we can deny them, especially if you are going to put a home next to a school that allows mentally ill patients. We already went with this problem with the elderly care facilities that had these people terrorizing neighborhoods. It took us more than a year to clean it up, to get the neighborhood back on track. This is a big problem.

Ms. Rivera said that it has to be referred to this location by the Social Services Agency.

Mr. Frank mentioned a facility not far from his office. There is a facility that people go in without any public hearing process. They had needles, syringes, narcotics, pills, that were stuffed under plants in his yard. Essentially the owner is driven by economics. He mentioned another facility located in Hayward. It got out of control. It took about a year to bring it under control. Now things are working out the way they should be. If you are going to have something that is going to have impact, have something that is viable.

Mr. Nielsen said that for homeless shelters six months is not short term, residences that can be used for homeless shelters, residences that house homeless people, Social Services determines who falls in that category. If it is approved as a homeless shelter,

based on county referral, sex offenders, felons can be put there without the neighbors knowing for six months. Mr. Nielsen asked Ms. Rivera if now she understands their concern. Castro Valley recognizing our social needs, that same process should be done for this type of facility

Mr. Moore asked if a use permit is applied to it, that addresses a lot of his concerns. Mr. Carbone said there are situations where it is allowed, we have to determine whether or not that house is acceptable. If the use is allowed we still have no control over the type of residents at the facility.

Mr. Frank asked county staff to ask County Counsel in terms of the clientele for these facilities. The key here is we have no direction. We need to have some type of direction. Ms. Rivera said that if you have some recommendations, you have outlined who is going to live there, we can only regulate in terms of land use.

Mr. Frank said we had problems with a facility in terms of what was occurring and the negative impact to the street and the surrounding community. It was measured and defined and then it was corrected. They can conform to their own standards. The standards have to conform to the County of Alameda, pertaining to needs in housing, but it turned out they did not have the training and standards. Mr. Moore said we are only focusing on land use issues, we can't go into licensing and regulations.

Mr. Carbone said that this is getting pass that point, this plan is allowing the zoning to take place. County staff has to come up with determinations on what is appropriate in a neighborhood. The Council can give the county direction. The County gets into the specifics. Mr. Carbone said as long as we can determine the term of the occupancy, it may not be applicable to the type of the people, the location has to be considered. Homeless people have no means of transportation, they need to be near public transportation.

Ms. Goodbody said that she agrees with Mr. Moore. All the issues about having some control of who goes in these facilities, hours, etc. has to do with conditional use permit process. Many of these people seeking homeless shelters are families, women with their children trying to get out of a bad situation. She thinks we need to keep that in mind.

Mr. Nielsen referred to the people that occupy this type of facilities. His concern is if we don't lay out the regulations, type of residents, when these facilities are proposed, we are asking for trouble. The concerns of the community have to be addressed.

Ms. Rivera said the Planning Department only handles the land use issue and what performance development standards are required. The type of clientele is handled by the Social Services Department.

Mr. Carbone asked Ms. Rivera if she has looked at other surrounding communities. Other cities spend large amount of money trying to alter this housing element, like

Pleasanton, San Ramon. They looked how to work this over. Ms. Rivera said that initially when the housing element was adopted it was just permitted in R-3 and R-4 but the certification would be jeopardized by providing this housing type with the conditional use permit.

Mr. Nielsen asked Ms. Rivera if based on the input from the community, if she is going to come back with the proposed definitions. Mr. Moore asked if the emergency shelters could be defined as type 1 or type 2. The definition would specify what is appropriate in a residential neighborhood so that it would address the concerns expressed here tonight by the Council. Mr. Buckley said that is probably similar to our definitions that we have, which include medical or residential care facilities, as one type and group living quarters in a third or fourth category.

Mr. Carbone said that even in an elderly care facility there can be some problems. The definition has to be specific to the type of residents. It needs to be clear that this particular homeless shelter, truly women and children or a family that need a place to go. The majority of the problems seem to have other elements because they pay more. It is all about the money, some people are not even residents of Castro Valley. Mr. Buckley said that it can be part of the conditional use permit, an operational plan based in funding. Mr. Carbone asked if the permit can still be denied.

Mr. Frank said the main thing is you have to know what you are dealing with. We have to know the type of supervision, what control is involved, it does not matter what type of facility. It has to be organized. Mr. Carbone asked if we can come up with different levels of approval for an application like this. Mr. Buckley said that probably as an element of another policy.

Public testimony was called for:

Nancy Van Huffel referred to the gentleman that said that other areas should not be discussed at this meeting, but one has to understand that this is an area wide issue; it is the whole unincorporated area. There are some very good homeless shelters, one of them is run by FESCO in Cherryland. The concern is with the clientele that will be residing in some of these shelters. As an example in San Lorenzo we just found out about one with criminal past that is located adjacent to a school, and there is nothing the residents can do about it. These facilities need to have a conditional use permit and strict conditions of approval. Ms. Van Huffel also mentioned that there is not representation from the MAC Board on the Zoning Ordinance Committee. She stated that committee handles a lot of issues that affect Castro Valley and the Council should have representation on the Committee.

Gary Bosley stated that he meant all of these issues can't be done in an hour meeting. There needs to be a definition of homeless shelters and also County staff should be able to answer questions regarding other cities and how they handle these issues.

Diana Engel, a resident of Castro Valley, wants the council to be aware that there is a lot of drug dealing going on at the Golf and Lumber yard site. She expressed her concern with putting low income housing in this area since they are having all of these issues with drug trafficking. She asked Ms. Rivera if she had contacted the Sheriff's Office in regards to this and Ms. Rivera answered no.

Mr. Carbone added that the name Emergency Shelters should be changed.

- E. OPEN FORUM** – Mr. Moore questioned county staff in regards to the condo conversion guidelines. There is a perception that there are no guidelines. Mr. Gee said that there is no ordinance and that the guidelines were adopted in 1979.

Discussion ensued amongst council members and county staff in regards to height restrictions and guidelines for large homes next to single family homes. Mr. Moore stated that maybe that can be handled by having a design review board. Mr. Gee stated that it can be part of the General Plan. Mr. Moore said that from his standpoint, floor area ratio requirement enhances setback to the lower floor, that alone would help the design of the house. There has to be an ordinance somewhere that we can borrow from places like Marin County, Walnut Creek, etc.

The board asked that this subject be brought up for discussion at the Tuesday General meeting.

- F. CHAIR'S REPORT** – Mr. Frank announced the General Purpose meeting on Monday the 21<sup>st</sup>.
- G. COMMITTEE REPORTS:** None.
- H. STAFF ANNOUNCEMENTS, COMMENTS AND REPORTS** – None.
- I. COUNCIL ANNOUNCEMENTS, COMMENTS AND REPORTS** – None.
- J. ADJOURN:** There being no further business, the Chair adjourned the meeting at 9:05 p.m.

**NEXT MEETING DATE: March 28, 2005.**