

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
MINUTES FOR March 28, 2005**

(Approved as corrected April 11, 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: Darryl Gray, Bob Swanson and Maria Elena Marquez. There were approximately 50 people in the audience.

B. APPROVAL OF MINUTES OF March 14, 2005.

Mr. Sugimura moved, with a second by Mr. Moore, that the Council approve the minutes of March 14, 2005, as corrected.

The motion passed 5/0. Council member Goodbody arrived at 6:37 p.m.

- C. PUBLIC ANNOUNCEMENTS:** Mr. Frank announced that the Castro Valley Library will have a book sale on April 14, 15 and 16. Other fundraisers are coming up in the community.

D. REGULAR CALENDAR

- 1. CONDITIONAL USE PERMIT, C-8378, SWEN, -** Application to allow to expand an existing church facility by the addition of two portable classrooms, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreation Vehicle) District, located at 18381 Lake Chabot Road, south side 65f north west of Dominic Drive, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084B-0472-011-03.

Mr. Gray presented the staff report. This application is to authorize the use of two portable trailers for Bible study.

Mr. Carbone asked the Applicant when the church acquired the parcel. The Applicant said in 2000.

The Applicant, Pastor Samuel Luk, stated that he arrived at this Church in October 2004. As leader of the congregation, he made the decision of renting two portable trailers to provide more space for bible study groups. Since becoming aware that they needed a conditional use permit, they have stopped using the portables for the past 3 months. The Church continues to pay a rental fee of \$800 on the portables. The Pastor indicated that there are plans to use the portables twice a month on the first and third Fridays, between 8:30 p.m. until 10:00 p.m. for adult Bible study groups. In addition, the portables would be used on Sundays between 9:45 a.m. and 12:30 p.m. for worship and children Sunday school. On average, use of the portables would be less than 5 hours a week. The Pastor noted that his mistake was not having the public document (conditional use permit) before renting the portables. He apologized for any inconveniences to the neighbors.

Mr. Moore asked how long have the portables been there? The Applicant said since December 2004.

Public testimony was called for.

Mr. Bob Vetterlein, resident at 18340 Jill Way, stated that he is the owner of the property behind the church. He felt that most of the conditional use permits contradict each other. He made a request that the County incorporate the entire use of the property under one permit. He had no objection to the church. His main concern was that whatever is done on the property is done right.

Mr. Carbone asked Mr. Vetterlein what he thought was an appropriate measure to make the project better. Mr. Vetterlein said that landscaping, parking and fencing should be improved as conditions of approval. Instead of trailers, he would like to see a standard building, a fixed structure of 1200 square feet. Mr. Carbone asked Mr. Vetterlein if he was opposed to these structures being permanent. Mr. Vetterlein replied that he would be satisfied. If he does not see trailers, it doesn't bother him. He also said that it would be useful to get a professional drawing on the property. Parking should be delineated. He feels that all the drawings in the files are wrong.

Mr. Nielsen asked Mr. Vetterlein about grading near his property. Mr. Vetterlein said that his property is not affected.

Steve Conner, resident at 18352 Jill Way, said for clarification purposes that there was an old construction trailer on the property but that it was eventually removed. He is comfortable with the trailers; they don't seem to affect his property. The closer they are, the less view he has. The Church has been a good neighbor. They control their congregation quite well. He has nothing negative to say. He would like to see them succeed. He thinks that there is no room for a permanent structure there. It wouldn't work financially or physically. He is concerned about the hours of its use. He suggested that on Saturday and Sunday the Church use the trailers until noon. He also felt that the trailers should be painted a flat brown color so they are not seen. As far as grading, he has empathy for people living down the slope from his property as the water really rushes down the hill. He thought the property needs a drainage system. Another condition would be to put in a dust free surface. He felt that the previous church congregation was a problem neighbor, which is not the case here.

Jack Bail, resident at 18305 Lake Chabot Road, stated that he lives down the slope from the church property. During the rainy season there is heavy water runoff in the back of the property. His main concern is that he has two rental cottages in the back and wants to keep the environment peaceful for his tenants. The noise is a problem, especially because of how close the parking area is to the cottages. Because of past experience with the previous church and try to slip things in, once in place it is difficult to undue them. This church has been a good neighbor. As far as the congregation goes, he is weary of any increased use on that property.

Mr. Nielsen asked Mr. Bail how long the two rental cottages have been on the property. Mr. Bail replied since 1951 when the house was built.

Judith Tang, resident at 102 Keil Bay, Alameda, stated that the last 5 years she has attended the church and she knows about the long history with the neighbors. The church desperately needs these facilities. On Friday evenings they will use them for a couple of hours, two Fridays out of the month and two hours on Sunday. She thinks it is actually a benefit for the neighborhood to have indoor facilities for the children. The portables are convenient, no dust, no noise. They are willing to work with neighbors. She felt that the portables makes sense for them.

Alfred Renteria, resident at 3284 Dominic Drive, stated that he is concerned about noise in the parking lot after 10:30 p.m. He cited examples when he was disturbed when kids yell. He thought that ending activities around 9 p.m. or even 10 pm is OK. Except for the occasional noise, he believed the church to be a good neighbor.

Stephen Yiu, resident at 18449 Terry Way, stated that he lives near the church and is a school teacher. He fully supports the use of the trailers because this is a very common practice for the facility and most practicable and reasonable way. He also fully supports any improvements to help educate and develop the character of the children.

Priscilla Chan and Sincere Lau, both Castro Valley residents, and representing the church youth group, addressed the council in support of the church. They requested an extra room to use as library. They need a quiet environment. The portables would help to reduce noise.

John Chan, resident at 20187 Crow Creek Road, stated that he sincerely hoped that the Council would make a positive recommendation to the WBZA. He attends the church since moving from San Leandro, and wants his children to grow up in this quiet environment. He believes the portables will offer an opportunity for children to break into smaller groups. These classrooms are not only for children but also for adults. The decision of this Council will impact their lives. He requested the Council to consider this matter positively.

Melissa Chan, resident at 2469 Plumleigh Drive, stated that she is a Sunday school teacher. Due to limited space, the students were packed into the church but that teaching can be more effective if they are with peers their own age. Sunday school is an important ministry. She urged the Council to recommend approval of the permit.

Lily Lam, resident at 7867 Pineville Circle, spoke about the importance of these portables as they temporarily house the educational opportunities of the church. She has been a Castro Valley resident for 10 years and she is also a school teacher. As an educator, she strongly believes in creating a safe environment for children. These children have been extremely patient in waiting for a place they call their own; they have been showing great responsibility and respect for authorities.

She indicated that many of them are attending school in Castro Valley, and other students are from Alameda, San Ramon and San Leandro. She felt that the portables are very comfortable, safe, clean, and spacious. They provide space for youth to worship and participate in Sunday school learning. She urged the Council to grant them the permit.

Public testimony was closed.

Mr. Nielsen asked Mr. Luk to address the drainage issue for the neighbor with the rental cottages, and work with the County to take care of any runoff issues.

Mr. Gray asked about timelines for grading and paving of the parking lot.

Mr. Moore said that he is generally in favor of the project and wanted to compliment the neighbors for their willingness to work with the church. He asked about pavement, as the biggest single expense, pave it, drain it, landscape it, and whether 6 months was a reasonable timeframe to complete all improvements.

A discussion followed regarding the type of material that could be used for paving the parking lot, and addressed the drainage issue.

Ms. Sugimura said she would be concerned about the cost of paving the parking lot with asphalt and installing drainage because small churches have limited financing. Mr. Moore asked the Applicant if he was aware of the potential costs that could be incurred, and whether the church had a budget so it does not come as a surprise. Mr. Luk replied yes.

Mr. Nielsen asked the Applicant if he has explored the cost to pave the lot. Mr. Luk said approximately \$ 22,000 for five inches of concrete surfacing. Mr. Nielsen asked if the church is ready to proceed now. Mr. Chris Wong said that the church actually has a fund of \$40,000 to do the improvements. If the Council approves their continued use of the portables, the church will proceed right away.

Mr. Carbone commented that after 10 p.m. seven days a week, all activities should end on the site. A discussion followed regarding the hours that the church members must leave, particularly at night. Council members also requested changing lighting in the parking area.

Samuel Luk agreed with all the suggested conditions but said that they needed to contact Pacific Mobile Corporation before agreeing to paint the portables.

Mr. Carbone moved approval of conditional use permit C-8378, authorizes two portable trailers for the Sunday school for the church, with conditions that the facility will have no function after 10:00 p.m., and the total premises will be cleared by 10:30 p.m. seven days a week. Pending considerations will be

checked by the Pastor regarding possibly changing the portable colors for the neighbors at least to the rear.

Also, conditions to work with neighbors to improve fencing and landscaping that were discussed, conditions regarding the grading and paving of the parking area to meet County standards and meeting the drainage requirements of the County including permits. Ms. Sugimura seconded. Motion passed. 6/0.

2. **CONDITIONAL USE PERMIT, C-8380, PAMELA ZELL RIGG**, Application to allow continued operation of a community facility (Montessori School) for up to 120 children in an "R-S-D-20" (Suburban Residence, 2,000 square feet MBSA/DU) District, located at 16492 Foothill Boulevard, east side, 160' south of the intersection with Miramonte Avenue, unincorporated Alameda County, San Leandro area, designated Assessor's Parcel Number: 80A-204-4-6.

This matter was continued to April 11, 2005, since the Applicant did not show up.

3. **CONDITIONAL USE PERMIT, C-8381, CASTRO VALLEY PARENT NURSERY SCHOOL**, to allow continued operation of a nursery school facility for 28 children in an R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 3657 Christensen Lane, south side, approximately 10 feet west of Almond Road, Assessor's Parcel Number: 84B-531-6.

Mr. Gray presented the staff report. He stated that Code Enforcement had not received any complaints since the previous permit was approved. At this point, staff does not anticipate any new conditions except the term of permit, which is suggested to be 10 years with a 5 year review.

Ms. Sugimura asked Mr. Gray if the County received a letter from Ms. McGill dated March 23, 2005. The letter seems to dispute staff comments that there are no further issues in terms of enforcement. Mr. Gray said he had not seen a copy of the letter in the record. Ms. Sugimura stated that one of the adjacent neighbors has expressed concerns about how parents of the nursery school continually use their driveway.

Patricia Brohard, the school Director, stated the school has a three pages in the parent handbook dedicated to parking. The school is desperately trying to police all parents that come in. They have a good relationship with the neighbors that surround them. She stated that she has good working relations with the neighbors that have approached her. She has proposed to the school Board to put a 'No Parking' sign in front of the house across the street. She is looking at this as an alternative to her efforts to make the neighbor happy.

Additional public testimony was called for.

Judy McGill, stated that she and her husband own the home right next door to the school. The last conditional use permit did not have parking in front of her home. She has had renters for 10 years. She indicated that her tenants have trouble backing

out their driveway because of vegetation planted along the chain link fence. There is also a stop sign in her property line that blocks visibility.

She expressed other concerns about meetings at night. Because she just got the notice for this hearing a few days ago, her letter did not address everything she has to say about the school. Also, she asked why the school is using a district curriculum, when it is a nursery school. She felt that traffic on Christensen is now a feeder street as there are also bumps on Seven Hills. There is a school at the end of Christensen where people come in and out, which adds to the traffic problems. Her house does not have parking because there is a blue handicap parking so she is unable to park there. She is surprised that there has not been an accident since there is effectively only one lane for street traffic.

Mr. Moore asked Ms. McGill if she has talked to the school people. She said she is very unhappy about the school. It is a very unsafe and unacceptable in this neighborhood but had not spoken to this Director.

Ms. Goodbody asked Ms. McGill what is her request to the Council. Ms. McGill said the school should have a plan on how many people come to that site at night, and limit the hours through the week. If they want to have evening meetings, then they should have them at the CV Library.

Mr. Carbone asked Ms. Brohard how many students she presently has at the facility. Ms. Brohard said 15 children in the morning and 23 children in the afternoon. The school is open from 8:30 a.m. to 3 p.m.

Mr. Moore asked Ms. Brohard if the information about carnivals and night meetings was correct. Ms. Brohard explained the school activities through the year. They have a carnival in June on a Saturday.

Mr. Carbone asked Ms. Brohard where people park. She said that a lot of them go down the street along Lake Chabot Road where neighbors allow them to park in front of their homes. There is a map in the school with the addresses where parent can park.

Public testimony was closed before the public.

Mr. Carbone said as he was concerned about the time limit in the evening. The Council should establish an evening hour for the school, since functions seem to happen during the evening.

Ms. Brohard said that they have one meeting in the Castro Valley Unified School District. The major evening in October is the Halloween party and orientation meetings in September.

Ms. Sugimura asked Ms. Brohard if she has communication with her current tenants, about the problem blocking the driveway.

Ms. Judy McGill said that her property value has been affected by the school with 28 children; also, the red curb in front of her house has adversely affected her property value.

Mr. Frank asked Ms. Brohard about shrubs that may block the view when the neighbor is exiting the driveway. He told her that the shrubs may need to be trimmed or eliminated.

Mr. Moore made the motion to approve conditional use permit C-8381 for the continued operation of a pre-school, with planning considerations and a recommendation that the County Traffic Engineer will review the side lines. At the discretion of the Planning Director, to make the recommendation regarding removing or trimming existing shrubs. The term would be 5 years and a condition should be added that all events are to cease by 9 p.m. Seconded by Mr. Carbone. Motion passed 6/0.

E. OPEN FORUM –None.

F. CHAIR’S REPORT – None.

G. COMMITTEE REPORTS: There were no committee reports.

H. STAFF ANNOUNCEMENTS, COMMENTS AND REPORTS -

I. COUNCIL ANNOUNCEMENTS, COMMENTS AND REPORTS –

Mr. Swanson requested e-mail addresses from the council members who have not gotten the e-mail.

J. ADJOURN: There being no further business, the Chair adjourned the meeting at 8:35 p.m.

NEXT MEETING DATE: April 11, 2005