

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for September 12, 2005

(Approved as corrected September 26, 2005)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:30 p.m. Council members present: Dean Nielsen, Chair. Council members: Ineda Adesanya, Andy Frank, Carol Sugimura and Cheryl Miraglia. Council members excused: Jeff Moore and Karla Goodbody. Staff present: Jana Beatty, Tona Henninger and Maria Palmeri. There were approximately 45 people in the audience.
- B. APPROVAL OF MINUTES OF August 22, 2005**
Approval of the minutes was continued to the next meeting. There was no quorum at the time of the motion.
- C. PUBLIC ANNOUNCEMENTS** – The Chair announced that items #2, 4 and 5 have been continued to a future meeting yet to be determined. All interested parties will be notified of the new meeting date.
- D. CONSENT CALENDAR** - None
- E. REGULAR CALENDAR**
- 1. VARIANCE, V-11946, SCOTT** - Application to allow expansion of a nonconforming use (reduced parking spaces) by construction of an attached addition and a detached accessory structure in an R-1-CSU-RV (Single-Family Residence) District, located at 21522 Lake Chabot Road, east side, 25 feet south of Meg Court, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 415-0060-083-00.

Ms. Beatty presented the staff report.

Ms. Scott, the applicant, stated that after they received the building permit, it was too costly to remove 7 feet off of the house. Instead they would like to provide a two parking driveway in front of the house. Ms. Sugimura asked where they currently park their cars. The applicant answered on the street. Ms. Miraglia stated that she is concerned with the fact that the property has no legal conforming parking spaces. She stated that she does not mind giving a variance for the bathroom but her concern is that eventually the accessory building might be used as living space causing more parking problems in the area. The applicant stated that the foundation is already there for the structure, and three of the walls, it would be too costly to tear it down. Ms. Miraglia stated that the garage structure would have added value to the home and that she does not understand the reason for the accessory building as it is drawn. Mr. Frank asked the applicant what is the intent for the structure. The applicant answered that it will be used as a workshop for her husband and also for storage space. Ms. Beatty stated that an accessory structure can be used for a multitude of uses. There is concern with accessory structures that have a bathroom/kitchen added to the building because eventually it could be used as a living space. Discussion ensued amongst the council members on the possible future use of the structure as a separate living space, additional residents, which could potentially add to the parking problems on the street.

The Chair stated that he would not be in favor of granting a variance. This accessory structure is too big. The structure is about half of the size of the house. He asked if she could have the

converted garage go back to its original use. This will only aggravate the parking problem in the area. Expanding the home in the back and bringing the converted garage to its original use would increase the value of the home. Ms. Adesanya stated that it would make a difference for her if the applicant agreed to provide parking spaces in front of the house. She also stated that the accessory building is too large, it would be more reasonable if it was half of the size. Ms. Adesanya asked if there is enough space for two off street parking in the front house. The applicant said that she is proposing to make that change.

All council members agreed that if the applicant is agreeable to making changes to the original plan, add two off street parking in the front of the house and reduce the size of the accessory building she could then come back to this board for reconsideration. Ms. Beatty stated that if she makes all the changes mentioned by council members, or provides parking in the rear as the original building permit stated, she might not need a variance.

This item was continued for further discussion of applicant with county staff.

2. **CONDITIONAL USE PERMIT, C-8399, NEXTEL COMMUNICATIONS** - Application for the continued operation of an existing facility (Cell Site), in a R-1-CSU-RV (Single Family Residence w/Conditional Secondary Unit and Recreation Vehicle) District, located at 20600 John Drive, east side 480 feet north east of end of Regent Way, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084A-0235-001-03 and 084A-0240-001-02.

Continued to a future meeting

3. **PARCEL MAP, PM-8658 – KHANGHONG** – application to subdivide one parcel containing 0.67 acres into four lots, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located on Cottage Court, east side, terminus south of Parsons Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's designation: 084D-1330-012-04.

Ms. Beatty presented the staff report.

Mr. Rodgers, representing the applicant, stated that these lots will have access from Cottage Court. There is no frontage on Christensen Lane. All options of access were investigated and this was the better option. These were two separate parcels. There was a boundary adjustment done recently.

Ms. Lisa Byrue, resident on 3733 Cottage Court, stated that both parcels are still owned by the applicant. This parcel was originally zoned for a second residence. Ms. Byrue asked the applicant if the property was still in escrow. A number of neighbors are not present but are against the project. This project is a jeopardy to our neighborhood, it will increase the traffic on this court. The residents of this court bought their property a long time ago and did not expect this type of development. Four new houses will create an urban blight and crowding. It will jeopardize our privacy. She also resented that her time was cut short even though part of her initial presentation was just naming neighbors that were not present.

Mr. Jason Hummer resident on 3765 Cottage Court, stated that the applicant should have come up with a better plan and consulted the neighbors before he purchased the land. It is very poor planning, there is not enough parking and not enough guest parking. The court will be congested with parking. There are a lot of kids on this street, riding bikes and they will not be able to play out on the street. During construction, the residents and the children will have to deal with the

trucks and construction for this new project. The applicant should have had an access through Christensen Lane instead of selling the existing house as a separate parcel. They should have planned better for this development.

Pat Love, resident on 3773 Cottage Court, stated that the access for this project should have been on Christensen Lane. The amount of money the applicant will be making on this project they could afford to lose the existing home facing Christensen Lane. The plans should be revised, no one ever talked to the residents of this court about these plans. There are six houses on this street with children under the age of 11 and 12, riding bikes. This proposed project will put these children in their homes, not outside playing.

Dolores Welch, resident at 3711 Cottage Court, stated that she is the oldest resident on this court. She does a lot of volunteer work at night, comes home late at night, and is worried about the additional traffic on this street. She also mentioned that she is worried about the emergency vehicles access to residents on this street. There is not enough space for turnaround. How are fire trucks going to fit on this court? Who is responsible if someone loses their life?

Mr. Russell Jones, resident on 3705 Cottage Court, stated that he is worried what this new development is going to do with the value of his property.

Dr. Luther Strayer, resident at 3717 Cottage Court and a professor at Cal State Hayward, feels that it is dangerous to have this road used for this new development as there are a lot of children in this neighborhood. He is a structural geologist and shared with council members a map showing the fault line. He indicated that an earthquake will cause a lot of damage to the proposed road to the new development. He discussed soil composition and damage to the surrounding area of the new development. Mr. Nielsen asked if the new road is going to fail, won't Cottage Court also fail? Mr. Strayer said that Cottage Court is on bedrock.

Mark Galli, resident at 3749 Cottage Court, expressed his concern with additional traffic and safety issues for children playing on the court. He stated that the developer will make money off of the residents on Cottage Court. The developer bought the house on Christensen and now will sell it and this development will impact our lives on Cottage Court.

Derrick Lind, resident at 3725 Cottage Court, is a new resident, just moved in August. He has three boys under the age of 13. He is very concerned about the safety of his children. Cottage Court is a very narrow street and difficult to navigate large vehicles. The developer should explore other alternatives such as having access from Christensen. He values the quiet surroundings but realizes that the property owner also has rights to develop his/her land. If the project goes forward, he would like the developers to save the four large redwoods.

Shawn Andres, resident at 3788 Cottage Court, she bought her house because of the court setting and this new development will impact her the most. Her house will overlook this development. She is doing a lot of landscape improvements to her home and do not want huge two floor homes staring at her back yard. Is the developer going to replace the retaining wall and the fence? The developer could have demolished the house facing Christensen and have access for this development from that road. That house was not worth saving. There is no room for turnaround space. The extra traffic and parking will impact this neighborhood. Concerned about privacy.

Debbie Rose, resident of Cottage Court, had a fire at her house and the fire truck had to back out off of the street. This developer will make lots of money but our neighborhood will be heavily impacted by the additional traffic and parking on this court. Ms. Rose stated that MAC officials are supposed to protect the residents of Castro Valley.

Fred Oliver, resident of Cottage Court, is worried about the impact of the new development on his privacy, and erosion. He bought his place because of the empty lot, this development will take away his privacy. Mr. Oliver stated that he feels sorry for the small children on this court about the future problems with additional traffic.

John McNellis, resident of Cottage Court, stated that there is no space for turnaround.

Mr. Rodgers, representing the applicant, stated that Cottage Court is 32 feet wide which is the normal size for a public road. The Public Works Traffic Department has reviewed the plans and had no concerns with this development. The development meets all parking required by Alameda County. Mr. Rodgers stated that the statement that the applicant did not do enough research is not true, they did research the possibility of access through Christensen Court, but that would require the demolition of the house. The Fire Department also had no concerns with the development as presented. The geological issue is nothing unusual. Retaining walls will be required and fill will have to conform to existing grading department requirements. We would leave the existing trees on the lot.

Discussion ensued amongst council members and Mr. Rodgers on access to new development.

Ms. Sugimura sympathized with the residents of Cottage Court. She expressed her concern with the safety and parking issues expressed by the residents. Mr. Frank stated that it seems that it is a matter of maximizing the number of lots. If the access is from Cottage Court you can have five lots and if from Christensen four lots. Mr. Nielsen asked about the geological consideration and soils. Mr. Rodgers stated that normally the grading process would not be discussed at this stage, it would be more at the end of the process. Mr. Frank stated that the parking design is awkward. He mentioned as an example Almond Road. Difficult to ingress and egress. Mr. Rodgers stated that the issue of access from Christensen is a mute point. The house was extensively remodeled and will not be torn down. Mr. Rodgers stated that he does not see any awkwardness with the design. The street is what it is. The new development will not have an impact.

Ms. Miraglia said that people have the right to have the integrity of their neighborhood preserved. She feels the access should be through Christensen Lane.

Ms. Adesanya supports having access through Christensen, the access clearly would be superior than having it at Cottage Court. The presented plan is not in the best interest of the neighborhood and is not good planning. Ms. Sugimura concurred with Ms. Adesanya's comments and agreed that the access should be through Christensen. She also expressed concern with lots 2 and 4.

Mr. Nielsen stated that he sympathizes with both the residents and the applicant. The property owner has the right for use of his property but this lay out is very clumsy. This development disturbs the neighborhood.

Mr. Frank moved to deny parcel map, PM-8658. Ms. Miraglia seconded. Motion passed. 4/0.

4. **PARCEL MAP, PM-8694 – TET** – Application to subdivide one parcel containing 0.66 acres into four lots, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 18821 Carlton Avenue, west side, approximately 400 feet south of Sydney Way, Castro Valley area of unincorporated Alameda County, bearing Assessor's designation: 084B-0420-007-00.

Continued to a future meeting.

5. **MODIFIED TRACT MAP, MTR-7118 – COURTNEY** – Petition to modify an approved Tentative Map, to allow subdivision of one site containing 4.60 acres, into 19 parcels, in a PD-ZU-1762 (Planned Development, 1762nd Zoning Unit) District, located on Page and Miramar, east side, corner south of Page Street, San Leandro area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 080A-0197-001-06 and 080A-0199-001-06.

Continued to a future meeting.

- E. **Open Forum** – Ms. Connie Deets requested that council members contact the Alameda County Planning Department to review some additional information on the De Lima project. Discussion ensued amongst council members of the appropriateness of listening to Ms. Deets' comment, per the Brown Act. Council members agreed to listen without comments.

Ms. Beatty wanted to clarify concerns expressed by the council members in regards to the variance, V- 11946. They are:

1. potential ability to provide parking
2. accessory structure too large
3. setback requirements

Council members agreed.

- F. **Chair's Report** - None

- G. **Committee Reports** - None

- H. **Staff Announcements, Comments and Reports** – Mr. Swanson stated that the Farmer's Market is doing well. New negotiations have started with BART for the next season.

- I. **Council Announcements, Comments and Reports** - None

- J. **Adjourn** – Meeting was adjourned at 8:20 p.m.

Next Hearing Date: Monday, September 26, 2005