

## **CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**

### **Minutes for October 24, 2005**

(Approved as corrected November 14, 2005)

**A. CALL TO ORDER:** The Chair called the meeting to order at 6:35 p.m. Council members present: Dean Nielsen, Chair; Jeff Moore, Vice Chair. Council members: Andy Frank, Carol Sugimura, Karla Goodbody and Cheryl Miraglia. Council members excused: Ineda Adesanya. Staff present: Jana Beatty, Bob Swanson and Maria Elena Marquez. There were approximately 30 people in the audience.

**B. Approval of Minutes of September 26, 2005.**

**Ms. Miraglia made a motion to approve the minutes of September 26, 2005 as presented. Mr. Frank seconded. Ms. Sugimura abstained. Motion passed 4/0. Ms. Goodbody arrived a few minutes later after the minutes were approved.**

**C. PUBLIC ANNOUNCEMENTS.**

Mr. Frank announced the Library fall book sale next Thursday, Friday and Saturday. The books will be moved on Wednesday at 12 noon at the Lutheran Church. The public is invited to attend. Also, the Castro Valley Sunrise Rotary Club electronic waste fundraiser, at the Redwood High School, 18400 Clifton Way, Castro Valley, November 5, 2005, like monitors and tv's, they will take them, there will be a charge for some areas and some other areas are free.

Mr. Nielsen announced that several items on the agenda have been continued or withdrawn, only items # 4 and # 5 will be heard at this meeting. All interested parties will be notified of the new meeting date.

**D. Consent Calendar**

**E. Regular Calendar**

**1. PARCEL MAP, PM-7575 – POLYZOS –** Application to subdivide one parcel containing 0.36 acres (15,494 square feet) into two lots, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 19054 Vannoy Court, south side, at the southern terminus of Vannoy Avenue, Castro Valley area of unincorporated alameda County, bearing County Assessor's designation: 084C-1014-042-00 and 084C-1014-043-00.

Ms. Beatty presented the staff report.

George Polyzos, the applicant, stated that he would like to subdivide his property. He and his wife moved 4 years ago, they both were raised in Castro Valley. They

wanted to find a family home close to their parents. He said that trying to find property is difficult nowadays. He is a general contractor, he builds new and remodels homes. Castro Valley has many flag lots or infill type homes throughout the entire town; in fact there are 3 such homes on the way here from Vannoy Court, as well as 3 more homes just next door that are built the same way. By subdividing their property, they would be creating two parcels that would be larger than the neighborhood average as shown in the staff report. Their proposed home would not require any variances for height or setbacks and would be providing two guest parking spaces; also they would be saving many large trees that are on the property. They invited their neighbors to an open house on October 1 to discuss their plans and many neighbors dropped by. Some of the concerns were open space, privacy and parking. These issues can be resolved. The lot will be larger than average, the proposed set backs are larger even those of the existing homes. The issue of privacy: the orientation of the proposed home has very few windows that face neighbors' windows or yards. For the parking issue, technically the bottom of the cul de sac is not to be used for parking, drive way approach will have no adverse effect. The reality is that everybody parks on whatever curb they find. They will be providing two guest spots at the new parcel; between that and the two spots they are actually creating parking not eliminating it. Mr. Stecz property to the left has a retaining wall almost 3 feet high. They would be able to do this with minimal impact on their yard and property. They will return it to its original condition as well as replace the old and dilapidated fence in the back that divides the two properties. Some people were concerned about the look of the court. In his opinion, a new home and re-landscape of the front to accommodate the new driveway would enhance the court and increase property value as well.

Mr. Nielsen said that by looking at the photograph, Mr. Polyzos mentioned that he created another parking spot. The photo seems to show that with the position of the house, the width really is not wide enough to accommodate the truck. He said he can not park the truck there. He said that when he (Mr. Polyzos) puts a vehicle there, it overlaps on to the driveway and partially blocks the access to his garage. Mr. Polyzos said that his wife pulls in and out of the garage with his truck parked there. In addition there will be two spots created above. Mr. Nielsen said that if they were building this tract new they would require two parking spots for Mr. Polyzos' residence plus two guest parking spots for the new residence and he is partially taking care of one spot by concreting in the side yard. Mr. Polyzos said that if this was built new, the cul de sac bottom would be all red.

Public testimony was called for.

Henrietta Parker, resident at 19041 Vannoy Court, stated that this is the second time she brought up having the subdivision. She does not like the idea, they have trouble anyway for parking when people have parties, for turning around and for any kind of emergency medical vehicles. Lots of times they do not have room for turning around at the bottom of the hill. Lots of times they have to back up the

hill. She is upset for all of this and thought that this was already decided and cut and dry.

Martin Torres, resident at 19070 Center Street, stated that it is important to understand what is going on. He has been in the lumber business for quite some time. He has seen a lot of these project take place, positive for the area to redevelop and bringing new homes, value increase in their homes. He has seen numerous projects similar to this throughout Castro Valley enhance the area. He thinks it is very positive for Castro Valley.

George Polyzos, applicant's cousin, resident at 3940 Alexia Place, was born and raised in Castro Valley and had the opportunity to build his new home in this town. What his cousin is trying to do is no different than what everybody is trying to do in Castro Valley. He has seen many subdivisions, none of them are as good as this one. Anytime you can get over 5,000 square feet in a subdivision, you are doing a good thing. You keep open space, you are going to keep neighbors happy. Houses at Vannoy Court are packed together. This house would be more space on average than the other houses are on that street. It would be a shame if this subdivision is not approved because it would be setting precedents that by subdividing a property into 6,000 or 8,000, no properties can be subdivided that are under that. People are always concerned about emergency vehicles. It is a very strenuous task to go through the different channels of getting things approved and one big channel is going to the Fire Department, their concerns are top priority. We go to the MAC Board and the Board of Zoning, but the Fire Department sets its tone for what they need for a subdivision.

Bill Bovinazos, resident at 3970 Alexia Place, stated that one of the things that he would like to see as a resident, when he drives around and sees nice new homes, is people that take real interest in their property and actually make an effort to beautify the city. It is important that people take an interest to strive to better the community, when new homes come in they will raise more tax dollars. He heard some concerns about parking and turning around and mentioned the truck parked there, if there was a driveway there, it would not be a parking spot; it would make it easier for cars that are coming down from the bottom of the cul de sac to turn around. For himself, it is always nice when there are plenty of driveways when they are clear as a means to pull up, back up and turn, even for emergency vehicles and for people that are just driving down to the bottom that cul de sac. A driveway there would make it easier to turn as opposed to a parking spot.

Harry Boukis, resident at 2253 Star Avenue, spoke in favor of Mr. Polyzos. He said Mr. Polyzos has made a lot of improvements to his home and has made the neighborhood look nice.

Debra Parker, resident at 19041 Vannoy Court, stated that she was born and raised in this home. She thought it was all resolved but it seems like it is not. She showed several photos of the existing homes and the property that is trying to be

done. Few years ago they had a fire in the court and she took pictures of the fire engines. There is not that much room for people to come down. Less area in the court and more and more problems there. She is proud of her neighborhood and thinks this is just not right.

Mr. Moore asked about the fire trucks, if she was saying that because of the traffic that maybe it would be an improvement to get rid of all the cars to provide clearance down there, and if she would like to see that happen. Ms. Parker said no, that with the cars parked as they are there is less room. She has talked with the fire engines when they have come down for other incidents and they have said it is one big problem trying to turn around in the court.

Diane Fine, resident at 5238 Seaview Avenue, representing her parents, Mr. and Mrs. Stecz, read a letter from parents. Her mother and father live next door to the Polyzos and will be impacted with the proposed change. Her brothers and herself grew up in this neighborhood. They are against the proposal. It will take away privacy and the serenity that comes with the current lay of the land. She and her brothers make a plea for denial.

Dennis Stecz, resident at 18239 Lake Chabot Road, stated that he has lived in Castro Valley for 50 years. He read a letter from his father, Michael Stecz, saying that he has lived in his home for 44 years, his property will be impacted the most due to traffic, construction, pollution from exhaust. It will be difficult with more vehicles. He requested rejection of the application at this time. He said the Polyzos are a nice family. However, in this case, their house is ample to subsist a family now. It has 3 bedrooms and 2 and a half bathrooms, with a family room. The privacy would greatly impact his parents. He showed some pictures.

Richard Stecz, resident at 19048 Vannoy Court, stated that his brother and sister covered much of the impact to his parents house which is next to the Polyzos property. They have lived in this house since 1957. The reason they moved to the cul de sac was privacy; it is a quiet place for children to play, safety factor. Families across the street will change the make up of the court quite a bit. When you build a driveway and the retaining wall against his parents' property, it will affect their privacy. Regarding the parking issue, once you leave the side walk, those parking spots will be private parking spots; they will be adding to the street, not for the public. He is really concerned because of the slope of the drainage, he requested a study on that. He is surprised that this was turned down before and it was brought up again.

Matt Porter, resident at 5033 Vannoy Avenue, stated that basically the neighbors are against this as they were five years ago. He mentioned a couple of letters from neighbors that could not make it to this hearing, the letters were entered into the record. Mr. Porter also mentioned a phone call from Betty C., resident at 19059 Clemens; she is against this as well as she was five years ago. He found the staff report very interesting. There is an example of Ray Avenue. He is really glad that

is in the report because people are going to say, this is exactly what we do not want to do. Ray Court is a perfect example why we are against this. It is a terrible development. There is even a cardboard sign hanging on a tree in capital letters that says: "do not block driveway". He thinks the proposal for Vannoy Court would even pose more problems. Basically nothing has changed: same subdivide, they are even using the same map as five years ago, basically the same applicants, relatives but the same, same County ordinances, off street parking, impair desirable residential qualities. Here is what the applicants are asking: they are asking you the MAC, to ignore the fact that the applicants were well aware in of this. In 2000 they bought the property, after you and the Planning Commission denied it. It is not going to cost a penny. They are asking you to create an illegal subdivide of an existing lot in spite of County ordinances. They are asking you to ignore the 1950's County determination of appropriate subdivision of a lot development for Vannoy Court; this is a big subdivision. They are asking you to ignore all or a vast majority of the neighbors objections. They are asking you to ignore your own recommendation of April 2000. They are asking you to ignore the Planning Director and the Planning Commission rejection of July 2000. In conclusion, we, the neighbors should have the right to have the integrity of our court preserved. We are asking you again to reject this parcel as you did in 2000.

Public testimony was closed.

George Polyzos, stated that there are two neighbors on the court that could not make it to this hearing but support them, one of which is a long time resident. He mentioned that a lot of people were discussing the parking, if somebody can not park there because there is an approach, obviously they are going to open it up, so they are able to turn around, in that respect this is a benefit to the court. The window of Mr. and Mrs. Stecz's home is located 12 feet away from the proposed driveway. Drainage and the slopes, all those conditions would have to be approved on the final map and the civil engineer will do all that properly. He showed a few pictures of Ray Court, Alma Avenue, James Avenue. He said it is not like this is something that does not happen in this area. He is a property owner and he can understand that people do not want to be inconvenienced. He said he is not asking to do anything out of the ordinary here. This is something that should be allowed.

Ms. Sugimura said she will have to withdraw from voting because she did not realize the Stecz family will be directly impacted by this and she knows the family.

Mr. Moore said that it is an interesting project, it is a relatively straight forward development where a subdivision with required parking, flag lot configuration; in his opinion, no different no variances being required. The issue here is that it appears to be a perception because it is at the end of the court, the loss of parking space somehow is different from a straight street. Any type of subdivision, any

type of driveway. It has being denied before and is coming back. He said he has never encountered that.

Ms. Miraglia said that she did not think that it would impact the turnaround for emergency vehicles. However, while there has been a lot of infill in Castro Valley, a lot of infill that has been approved that does not make sense. In her opinion, this does impact the integrity of the court and how the neighbors have come to appreciate their place of living. She does not think it makes sense in that regard.

Mr. Frank commented on the parking arrangement and congestion and traffic flow. If the developer wanted it that way, it could have been done because it is a subdivision versus being something more open, flag lots. The difficulty with MAC is it comes back in areas like James Avenue. From the design standpoint, he does not disagree with Mr. Moore, nice design and nice flow, but the question is does it really make sense running into properties built on James Avenue and other areas like the end of cul de sacs where we had complaints, ingress and egress and primarily turns in emergency vehicles. The presentation is nice on behalf of the owner, but we are going to run into the same with other developments, that is probably the issue. Also, cul de sacs have been a problem.

Mr. Nielsen said that he agreed with Ms. Miraglia and Mr. Frank when a development is designed, they take into consideration the quality of life of neighbors and as Mr. Moore said, you can build here because they meet the set back requirements. One of the things MAC wants is to make sure that the impacts on the neighbors are reasonable. Also, by putting other houses here is it a reasonable impact? It will have quite a dramatic effect, particularly on the neighbor on the one side. As Mr. Moore said when they reasonably design the subdivision they took into consideration the number of homes, they took into consideration the traffic. We have not talked about the services to the homes. He thinks it is not appropriate to put another house down there.

Ms. Goodbody asked Mr. Polyzos if he had considered expanding or adding on to the existing structure. Mr. Polyzos said his idea originally was to build this house instead of expanding because it is a large piece of property.

Mr. Moore asked how is this different than any other two lots subdivisions. You have subdivisions coming in that go right up to the rear yard set backs, more than required set back, staff report consideration that was given, mitigating factors, sample of what not to do. This one is not. How is this different from the others, only because it is a cul de sac. Emergency vehicle is an issue, always have the concern of subdivisions, people do not want to get impacted. No difference, one extra house.

Mr. Nielsen said that his concern is the number of houses that we are trying to put in a populated area. Did they expect to have additional homes there, the people

on the court? In his view, the Council is trying to be reasonable as far as quality of life. When individuals purchased the house they recognized that the possibility of splitting the house had been turned down by the Council.

**Mr. Frank moved for denial of Parcel Map, PM-7575. Ms. Miraglia seconded. Ms. Sugimura abstained. Mr. Moore dissented. Motion passed 4/0**

2. **2221<sup>st</sup> ZONING UNIT and TENTATIVE TRACT MAP, TR-7677** – Petition to reclassify one parcel containing approximately 19,890 square feet (0.46 acres) from R-S-D-25 (Suburban Residence, 2,500 square foot Minimum Site Area/Dwelling Unit) District to a P-D (Planned Development) District, so as to retain an existing dwelling and construct four new dwellings, and allow subdivision of one parcel into five lots, located at 19959 Redwood Road, west side, approximately 200 feet north of Lorena Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0095-005-02.

Mr. Moore recused himself as his company is working on this project. Ms. Beatty presented the staff report.

Craig Ragg, applicant for this proposal, stated that what they are proposing to do here is a little bit different than things that they have done previously. A little bit different than what has been done in the local area. They are proposing to build single family detached homes, that are essentially what you might call zero lot lines, small lots. The lot is zoned RSD 2500, basically the same size lots but they are detaching the homes. This is similar to projects that have been done in other parts in Castro Valley, not something that has been done in this area. We believe that the proximity to the main thoroughfare Redwood Road and Castro Valley Boulevard, the closeness to public transportation and the downtown area, will make this very desirable. Homeownership on single family homes is obviously more desirable than condominiums which could be built as an alternative, but we would prefer not to. The designs are of the project on Marina Circle, which is around the corner and about two thirds down Lorena. This happened to be condominiums; it is the basic design his partner built that project several years ago. This will be detached. The homes on Marina Circle are attached, so it will be a little bit different; they will have two car garages rather than single car garages. On the property, as Ms. Beatty indicated, they will be providing for a total of three parking spaces on each site, the two in the garage, one guest parking spot per unit, that does not count the driveway, so they have a guest spot adjacent to the driveway. It is going to be pretty much the new way of how to do that, that keeps them out of the public thoroughfare out of the driveway portion. Although staff shows it is 17 feet, it is actually 17 feet for the one foot landscape strip along the fence line to the south. We have 10 foot setbacks in the back yards, we are 3 foot from each property line between the properties but that does meet the building codes as long as we build to all the specifications as far as fire walls. They plan to leave the existing house in the front which is ranch style single level

and has been there for 60 years or so. They are going to spend a little bit of money to enhance it. By doing that, what you visually see as you drive down Redwood Road and look at the property, you will see a single family home still there facing the street. As you look down the driveway, the way that we designed the property on parcel 5 which is all the way to the back, also faces Redwood Road, you will not see just a row of housing with a solid wall and concrete everywhere. They have tried to design it in such a way that would be attractive from Redwood Road and continue to provide a streetscape that is currently there. Mr. Craig believed they have met all the parking issues. They have met with the Fire Department. They have tried to address as many of the issues beforehand. He has talked to as many community members as he has been able to, to address their concerns. They feel that the project is a little bit unique, and they tried to be a little bit ahead of the curve. The community is looking constantly to increase housing density rather than just building condominiums or apartments which people can do. We are still trying to provide highly desirable single family detached housing affordable in today's world. When you talk about \$600,000 being affordable it is a little bit shaky, but it will be affordable in the market place for first time home buyers.

Ms. Sugimura asked if these will be two story buildings. Mr. Ragg said yes, except for the existing single family at the front. Ms. Sugimura asked about the ones across the street, are the apartments behind multi level. Mr. Ragg said those are two story apartments. Mr. Ragg said that the house directly to the south is a single story, but the lot is exactly identical to their lot. There are a lot of condominium projects. The list that Ms. Beatty gave the Council of properties located within 150 feet does not actually include one development which is four properties one south of the corner of Somerset which is also a two story seven unit apartment building that was built 8 or 9 years ago, basically the same property. Also, as you go down Lorena, there are several town houses and condominiums high density type developments in that area.

Ms. Miraglia asked what was the square footage of the actual homes. Mr. Ragg said that the single family home that is in the front is 1150 square feet and the new ones about 1250. The one in the back is probably going to be 2200. It is a little bit larger but it is more open also. Ms. Miraglia said she assumed no Homeowners Association and if he is going to have a road maintenance agreement. Mr. Ragg said that is his intention. Ms. Miraglia asked Mr. Ragg why these lots are so small and why this versus putting in condos there. Mr. Ragg said there are several reasons: the lot size ends up about the same, you get more units, but there are issues that have to do with condominiums homeowners associations and he really wants to stay away from that. We feel that single family detached housing in the same price range what other people are doing with condominiums would be more desirable, it is a better product to provide to that area.



Mr. Frank asked Mr. Ragg about standard vehicle turn around, how is he proposing to do that within the development. Mr. Ragg said one in front of the house Mr. Frank said that he is actually downsizing. Mr. Ragg said yes.

Public testimony was called for.

Ken Rose, resident at 4883 Proctor Road, stated that he is here to support the concept that Mr. Ragg came up with. He is a builder and one thing that has bothered him in Castro Valley is, how do you deal with a long, deep narrow lot and still be aesthetically pleasing. When he heard about the concept of having the orientation of single family dwelling towards the main street Redwood Road and then basically going in a U shape having another one in the back facing forward, that was aesthetically pleasing to him. What he dislikes about Castro Valley and it is approved all the time, when you get one long narrow building that goes from the front all the way to the back and the orientation is not to the main street, you are looking at the side of the building. As a Castro Valley resident, he does not want to see that. The City of Hayward does not allow you to do that. It is a great concept and he supports it.

Public testimony was closed.

Mr. Frank said that it is well designed. Actually it is going to serve a real need by of the way it is laid out. You are dealing with not something that is tied up to the homeowners association because of its size, because it is functional. All you really need is the maintenance that they referred to and the fact that is laid out, that it is oriented and designed for the lot. This is not the typical situation somebody is trying to increase the density and push the limit to the wall, he is actually downsizing, giving their space and giving some type of design and relief to the lot, which is unusual.

Ms. Miraglia said she agreed about the orientation as mentioned by Mr. Rose. The Alameda County Ordinance Update Committee is starting to work on design guidelines, multi family dwellings, and that is one of the things that the Committee is going to address, those long buildings where you only see the wall.

Ms. Sugimura said that her only discomfort is that typically you have 20 feet front yard rear yard and then side yard of 10. It is so close together and she understands with the minimum amount of lot spaces there are, but the size of the houses just seems very tight to her.

Ms. Goodbody said this reminds her of the Abbeywood development in Five Canyons. They are very close together and reminds her of the old bungalow style home, patio kind of home, like a cottage. It really allows entry level first time homebuyers to get into this market and does not have to share a wall and deal with the homeowners association.

Mr. Nielsen said that the condominiums homeowners association are a real problem, getting insurance on the condominiums is a real problem, but he liked the concept of not having just a lot face building if you in fact build this type of design. It is interesting turning the house in the back, even though you have a shorter front yard, you have more of the front yard because the turnaround is there, you are not going to park cars there. It adds to the mix of the development.

**Ms. Miraglia made a motion to approve the 2221<sup>st</sup> Zoning Unit and Tentative Tract Map 7677. Ms. Goodbody seconded. Motion passed. 5/0**

### **Open Forum**

Bob Swanson announced the Halloween Harvest Festival October 29 from 9 a.m. to 1 p.m. at the BART parking lot. There will be a great pumpkin give away, free pumpkins for first customers. Encouraging kids to come, there will candy and give aways. Supervisor Miley will be there. Vendors' costumes will be judged. Mr. Nielsen asked Mr. Swanson about the Farmers Market. He said that there have been no complaints from BART. The market has going very well. Negotiations started with BART again. Mr. Moore said he will not be able to be a judge, however Ms. Goodbody will judge.

- G. Chair's Report – None.**
- H. Committee Reports – None.**
- I. Staff Announcements, Comments and Reports**
- J. Council Announcements, Comments and Reports –**

Ms. Goodbody said PG&E has a really wonderful green efficiency grant program which partners with local government and community organizations to fund green energy efficient public buildings. At the Library Commission meeting a few nights ago, they had a presentation from the architect that the County has hired to come up with a design plan for the library. As we are going through redevelopment and what Castro Valley is going to look like, to maybe hear about examples of some successful partnerships around the area, the state or the region, and begin thinking about the process, how much money is available, what criteria they are looking for, so that we are more ready to build the Library or any public building in Castro Valley. She said it would be a good idea to have a joint meeting of the MAC and the Library Commission so they can hear the presentation as well too. There are several components and people that have administered this program. They are very involved with the solar schools program and solar buildings and it is likely that they have that as a part of it.

Mr. Nielsen said it may be interesting because through Redevelopment buildings are built or upgraded, if there is grant money available, it will help as far as the size and the trucking business.

Mr. Frank said that it is an excellent idea. The federal government has 50% participation or some type of participation, because it is very expensive. If there can be redevelopment it is a great idea

Mr. Nielsen said they were looking at the Trader Joe's building, the problem was the IRS would allow for a write off they were 3 years short, they allow 15 years and the write off if they come up with new sells it will be interesting.

Ms. Goodbody asked Mr. Frank if he would like to coordinate with the library, invite the Library commissioners. He said it is a great idea.

Ms. Sugimura asked for clarification and the process that will be used for minutes corrections. Mr. Frank suggested to note corrections at the meeting like correction on paragraph X line X. Mr. Nielsen said to try to do it this way and if it is difficult, something else can be considered. Ms. Sugimura said that her corrections are grammatical, not content. Ms. Miraglia suggested that if it is content, to write it up and bring it up verbally at the meeting.

**K. Adjourn –**

The meeting was adjourned at 8:00 p.m.

**Next Hearing Date: Monday, November 14, 2005**