

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for September 11, 2006

(Approved as corrected September 25, 2006)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:30 p.m. Council members present: Dean Nielsen, Chair; Ineda Adesanya, Vice Chair. Council members: Jeff Moore, Andy Frank, Cheryl Miraglia and Carol Sugimura. Council members excused: None. Staff present: Steve Buckley, Lou Andrade, Alex Amoroso, Beth Greene and Maria Elena Marquez. There were approximately 10 people in the audience.
- B. Approval of Minutes August 28, 2006.**
The minutes of August 28, 2006 will be continued to the next meeting.
- C. PUBLIC ANNOUNCEMENTS – None.**
- D. Consent Calendar – None.**
- E. REGULAR CALENDAR**
- 1. PROGRAM TO DEVELOP DESIGN STANDARDS FOR INFILL DEVELOPMENT -** Outline of staff work-program to form design standards for infill development including single-family, multi-family and mixed commercial/residential development. This will include a discussion of the scope of work, work products and time line for delivery of work products.

Lou Andrade gave an outline of staff work-program for design standards in the County. MAC and other bodies have expressed the need on several occasions to improve design standards for infill development, as well as for better implementation. The first phase will consist of a review of existing design and development standards. Later phases will include opportunities for public input and a review of design guidelines used in other jurisdictions. A separate process would be used to develop design guidelines for East County because of its rural character.

Mr. Nielsen suggested the appointment of a standing committee to work with staff in developing design guidelines. He felt that this would save time.

Mr. Moore asked Mr. Andrade if they have any intentions to come up with a draft guidelines. According to his experience, drafts make it better. Lot of people try to figure out design guidelines. Mr. Andrade said there are a lot of design policies and guidelines ordinance and general plans, specific plans. No one place has an easy way.

Ms. Sugimura asked Mr. Andrade if he is going to be taking a look at standards that are in other areas as well. Mr. Andrade said yes.

Ms. Miraglia said that guidelines from other areas like Livermore and Mountain View are great and that it would be good to have something like them. She also suggested that illustrations show what is not acceptable as well as what is acceptable.

Mr. Frank said that this was a good start. The community feels that design is very important.

Mr. Nielsen said that the east county has different, rural issues that should be addressed separately. Whatever guidelines apply to Castro Valley could also apply to Cherryland. The point is that their needs are similar.

Mr. Amoroso said that there was a need to address the mixed-use and high density issues that will be coming up in Castro Valley and other areas. Mr. Nielsen asked Mr. Amoroso what would be the process. Mr. Amoroso said that everything is on the table, that there are a lot of these issues. He would like to talk to the Planning Commission and other councils and come back with a stronger proposal by the end of the calendar year. There is not much money in the budget to do some of the work.

Mr. Moore asked Mr. Amoroso if he was leaning more towards staff driven design guidelines or some type of formal design review body. He stated that design review is both good and bad, but it is very subjective. There has to be a mechanism where a homeowner can ask somebody ahead of time before spending a lot of money in design fees and taking months to get some answers. Guidelines should move the process quickly and efficiently. Mr. Andrade said that the goal would be to have standardized development guidelines that are user friendly.

Mr. Nielsen said that design guidelines need to address transitions from high-density development to single-family neighborhoods.

2. **VARIANCE, V-11963 – VAN VOORHIS** - Application to effect a boundary adjustment and thereafter approve as two building sites that are reduced in area from the required 100 acres (under Alameda County General Ordinance Code Section 17.06.060) to 5 and 73 acres in an A (Agriculture) District located at 22000 Eden Canyon Road, southeast side, 1.4 miles north of Interstate I-580, rural canyons area of Castro Valley, bearing Assessor's Parcel Number: 85A-2201-12. This is a referral by the Board of Supervisors to consider alternative approach to establishing building sites and report back to the Board.

Mr. Buckley presented the staff report. He indicated that this item was before the MAC previously in January 2005. The project site consists of two legal parcels, one with 2.17 acres and the other with 76.67 acres. Neither one has buildings on them. They are for residential use. One driveway accesses both lots. The original proposal was for a boundary adjustment between the two parcels to create a 5-

acre parcel and a 73-acre parcel. When the 2.17-acre parcel was created in 1968, the zoning called for a five-acre minimum lot size. In 1972, the minimum lot area requirement changed to 100 acres. This property is currently one legal building site, by virtue of the larger parcel meeting the grandfather provisions of the Zoning Ordinance; the smaller lot did not meet the minimum requirement when it was created in 1968 and therefore is not grandfathered as a building site. The MAC and the BZA previously voted against the variance. In August 2006 the Board of Supervisors voted unanimously to continue this item. They were interested in exploring an alternative; rather than considering a variance from the minimum lot size, the Board suggested considering a variance from the minimum building site area. It was also suggested that each lot be limited to one main dwelling; currently the zoning would permit a secondary unit on each legal building site. This would balance out the building potential currently permitted on the site and grants some equitable relief to the owner.

A discussion followed between the Council members and staff regarding the legality of the lots and the suggestion to limit the lots to one unit per lot as opposed to one unit plus one secondary unit per lot. The proposal regarding limiting the lots to one unit was questioned. It was asked why they should consider limiting the development potential of these lots if other lots in the surrounding canyon area do not have that limit. Staff pointed out that the zoning history in the surrounding areas could be different. The smaller lot, while legally created, never met the minimum building lot size, and therefore was not grandfathered as a building site. Staff thought that the applicant was agreeable to the development limit.

Mr. Moore asked if the applicant agrees with staff.

Thomas Van Voorhis, applicant, corrected the date of his last hearing: it was February 8, 2006. He was concerned with Measure D. He and County Counsel (Brian Washington) discussed the restriction that would limit each parcel to a single primary dwelling. He believes that the Board of Supervisors, County Counsel and staff feel if the smaller parcel is increased to five acres and each parcel has this restriction, then the proposal will not run afoul of Measure D. He has no objection to this development restriction. One important problem we had initially was that staff was of the opinion that he did not have two lots. The primary reason for the variance is the cost of the driveway to access the larger lot, which after Fish and Game fees and engineering costs, would run approximately \$300,000. He can not afford to put a house on that property without dividing the property and selling one off. This is the very reason that the state law allows you a variance, so you can get relief to use the property (he has owned this property for 33 years). His application will be heard by WBZA on Wednesday, September 13, and he would like to go before them with a recommendation of approval from the MAC.

Mr. Moore asked Mr. Van Voorhis if the \$300,000 included the Fish and Game fees. Mr. Van Voorhis stated that it did.

Public testimony was called for. No public testimony submitted.

Ms. Miraglia made a motion to approve Variance, V-11963 with staff requirements allowing one lot line adjustment to create a 5-acre parcel that includes a condition limiting the residences on each building site to one primary dwelling. Ms. Sugimura seconded. Motion carried 6/0.

3. **MODIFIED ZONING UNIT, MZU-1763 and CONDITIONAL USE PERMIT, C-8523 – WILLIAM LANE** - Petition to allow minor modification of the 1763rd Zoning Unit (to be implemented by Conditional Use Permit, C-8523) and allow construction of a three story addition, in a PD-ZU-1763 (Planned Development, 1763rd Zoning Unit) District, located at 21966 Dolores Street, east side, approximately 100 feet north of Grove Way, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 415-0110-062-00.

Ms. Greene presented the staff report. In 1987, this development came before this Council and the Planning Commission to build a senior community care facility for up to 258 senior citizens. It was approved and built. The request now is to amend the approved Planned Development to allow the applicant to add a three-story addition to one corner of the existing three-story south wing. The first floor addition would enlarge the existing all-purpose room. The second story would enlarge the existing dining room. The third story would be a new meeting room. The addition will be on a corner of the building which faces an interior courtyard and pool. It should only be visible from the opposite wing of the facility and should not have any impact on the surrounding community. There is also a proposal to add a new single-story, 96 square-foot storage area. Basically, this will require two votes. The first vote is to determine whether this is a minor modification to the approved Planned Development and the second vote is to approve or deny the project. This addition will not add any additional units or residents, it is strictly to create a better environment for residents.

Mr. Nielsen asked when the original application was approved. Ms. Greene replied in 1987. Mr. Nielsen asked why the modification required a hearing rather than just a building permit. Ms. Greene said that all PDs are approved for a specific project. Any change to what was presented is a change to the Planned Development and would require a hearing. If the change is major, the applicant must go through a new Planned Development process. However, if a change is considered minor in nature, then the proposal would just go through the conditional use process. This is why there are two votes on this proposal: to determine the nature of the change and to decide on the change itself.

Mr. Moore asked if the dining room is on the second floor. Ms. Greene said that the lower area is the all purpose room and the third floor will be the meeting room. There will be no parking impact. At the present time, not everybody can sit down together in the dining room, so this will allow everybody to be seated at one sitting.

Ms. Adesanya inquired about the existing use of the L-shaped area, and whether open space may have been required in the original PD. Ms. Adesanya also asked if the open area was concrete and if it was landscaped.

Kelly Wiest, Baywood Director, stated that there is minor landscaping. He said this is really a quality life issue for the current and future residents. The average age of the residents is 88 years old. They are very active residents, and at the residents' association meetings, many of them have to sit in the commons (by the entry), because there is no room for them in the room. The residence staff has to bring a big TV for the residents outside the all-purpose room to see the presentations. The enlarged dining room would include a two sided buffet. Part of the dining room will be dedicated to staff as a bussing station. On the third floor, they will have the meeting room. Depending on need, it could be used as a game room, a larger gymnasium-exercise room for the seniors or an area for art shows, programs and services. The project architect, William Lane, was in attendance to answer questions.

Mr. Nielsen said that he has been in the facility and that a couple of residents said they would like to see more room in the facility. He complimented Mr. Wiest.

Public testimony was called for. No public testimony submitted.

Mr. Frank said that the modification is minor and it improves the quality of life for the residents. Mr. Frank moved to approve the Modified Zoning Unit, MZU-1763. Ms. Miraglia seconded. Motion carried 6/0.

Ms. Adesanya asked about how the roof is going to fit with the existing structures. William Lane, architect, indicated that the roof area is very complex, and it would be difficult to match because of the cupola roof structure. A flat roof seemed to be the best option, and it will not be visible from the exterior of the project. He took special care to match the fascia to the existing. The roof equipment would be setback and screened from view. Ms. Adesanya asked if the windows will be similar to the existing. Mr. Lane said the new windows will be exactly the same manufacturer, color and materials as the existing.

Mr. Frank moved to approve Conditional Use Permit, C-8523, with planning considerations. Ms. Adesanya seconded the motion. Motion carried 6/0.

4. **SITE DEVELOPMENT REVIEW, S-2084 – SAMUEL ALIKIAN**
Application to allow a Sign Review at an existing commercial building with

minor building facade improvements, located at 3701 Castro Valley Boulevard, south side, about 350 feet east of Yeandle Avenue, Unincorporated Castro Valley Area of Alameda County, designated Assessor's Parcel Number 084C-0621-002-00.

Ms. Greene presented the staff report. She indicated that the façade of this commercial building has been changed through a County Redevelopment program. The new façade currently has no signage. The project is located in Subarea 10 of the Castro Valley Central Business District and must go through a Site Development Review process for any new signage. The Planning Director is the approving body in these cases. The applicant is requesting to place four new, non-illuminated wall signs along the front façade of the building. The signs are smaller than permitted by the Specific Plan and meet all other regulations, such as being in proportion to the building and having complementary colors and lettering.

Mr. Moore asked staff about the sign material. Ms. Greene said that the signs are on one-inch thick omega board, with a two-inch thick border. The letters are half and inch thick and are plastic.

Sam Alikian, applicant and Jaimie Benson from the Redevelopment Agency, spoke in support of this project. The purpose of the sign program is to make the signage for the tenants in this building consistent. As new tenants come in, new letters can be applied but the background and border would remain the same. The Redevelopment Agency's goal is to create consistency with signage on Castro Valley Boulevard.

Ms. Miraglia asked the applicant what kind of red is on the signs. Ms. Benson said that the color is shown incorrectly. They will correct that. The Council would like to see an adobe or brick red to complement the roof tiles.

Mr. Moore asked staff whether future signs for the site would be restricted by this sign program. Ms. Greene said this program would restrict future signs to these parameters. The sign program is the result of an agreement between the applicant and the Redevelopment Agency, and that these programs are developed to ensure sign consistency in the future as new tenants come in.

Ms. Benson said that any future signage for tenants must stay within these parameters. The only possible change is if one tenant occupies multiple story fronts, then a single, larger sign could be used, or if the Wild Iris site gets subdivided, the subsequent tenants would be allowed their own signs, conforming to this program.

Mr. Moore asked if the council was approving a sign program or a specific sign. Ms. Greene said that a sign program is being approved.

Mr. Moore moved to approve Site Development Review, S-2084 with staff considerations and a clarification that the color on the signage is an adobe red color and if the existing large tenant space is subdivided that each tenant space is allowed their own individual sign as long as the sign goes over the center of the space consistent with the other single tenants. Mr. Frank seconded. Ms. Greene said that staff noticed that the colors on the outside according to the plans are slightly different; they should all be consistent with each other. Mr. Moore amended the motion as saying that all borders shall have a consistent color. Mr. Frank seconded. Motion carried 6/0.

5. DISCUSSION OF GARAGE CONVERSION ORDINANCE - Possible revision to Zoning Regulations, Title 17, 52.955: Limitation on and necessary findings for approval of conversion of garages to non-garage uses.

Mr. Buckley indicated that this item is brought before this council after a discussion held on the August 28, 2006 meeting where there was a bit of a side bar regarding garage conversions. Staff determined to bring it back before this Council as a formal agenda item rather than a specific project. The staff report includes the history of the creation of the ordinance, including minutes, staff reports and ultimately board letter and resolutions. The ordinance includes a definition of a garage and limitations on garage conversions, which consist of seven points, which are the primary focus of the discussion. The minutes of the Ordinance Review Committee show that there was much discussion whether garage conversions require be a use permit, variances and it settled down on site development review. Much of the discussion repeatedly said more restrictive rules regarding garage conversions were desired. We are still holding some garage conversion cases in abeyance pending resolution of Finding A, which appears to be unreasonable, since it doesn't allow for conforming replacement parking on the property to be considered. There was also discussion regarding one-car garages in San Lorenzo which are not functional as garages because they are not large enough to accommodate a car. Finding A requires that no other possible building area be available on the lot before a garage conversion to be considered. Staff finds that sometimes the garage is the most reasonable place for an addition because of how it fits in with the layout of the house. We are here to discuss whether Finding A should be changed so that garage conversions can be permitted through the Site Development Review process without the need for a variance, which was the original intent of the ordinance.

Mr. Nielsen said he wanted the ordinance to be workable, and asked if there was additional comment from the Ordinance Review Committee.

Ms. Miraglia said that there hadn't been discussion with the Ordinance Review Committee. One member of the committee talked to her and told her that his recollection was that the consensus was that as long as there was parking elsewhere on the site that the garage should be allowed to be converted. She suggested at the last meeting to add on additional language to Finding A, "unless

a garage could be located elsewhere on the property”. The real question is: does it need to be a garage or does it just need to be area for parking (such as a parking pad)?

Mr. Moore said that it should be a conforming covered garage, and require one space for one space.

Mr. Nielsen said he agreed with Mr. Moore. If they only require a parking pad, then that spot can be used to park a motor home or extended boat on the pad. The parking should have legal access, (i.e. a driveway with a legal width) and it should comply with all the set back requirements so that it would be an improvement to the property.

Mr. Buckley said that height, building separation and lot coverage requirements would also need to be considered when determining the conformity of a new detached garage. Staff is concerned that requiring a conforming garage may result in sites being overbuilt. Requiring an attached garage may be difficult based on the layout of the houses windows and doors.

Ms. Sugimura said she was debating whether or not it was critical that it be a garage if you have a limited amount of space as long as there was parking available one for one, for example a one-car garage that was converted and if there was parking on the property versus parking in the street, so that you did not force the car to park on the street.

Mr. Frank asked staff for an example. Mr. Buckley said that an uncovered parking space could be located almost anywhere on a lot, because it is not subject to the lot coverage requirements. If you require a garage, then lot coverage issues come into play, and that may or may not be a good thing. Staff was also asked whether there have been lot coverage issues with replacement garages. Mr. Buckley said we have some small lots without garages, and when an applicant wants to add a garage, and we have to tell them that they can't do it without a variance, even though it may actually be a benefit for them and the neighborhood. Mr. Buckley said that there is a separate RV parking ordinance to address people parking RV in their back yards.

Ms. Adesanya said that set backs would not apply to parking pads. Mr. Buckley said that distinguish between required parking and parking for RVs. Required parking is a certain dimension and has to be it can not be in the setbacks.

Ms. Adesanya asked whether the new definition of garage covers carports. Mr. Buckley stated that the garage definition was developed primarily to be able to specify what can and can't be converted under the ordinance. It captures the whole universe of existing parking spaces, including garages that have become non-conforming due to their size.

Ms. Sugimura asked if this would include a car port. Mr. Buckley said that it is a building or enclosed portion of the building. Ms. Sugimura added that maybe that portion of the building would be questionable.

Ms. Adesanya was concerned about carports as replacement structures. Wants the ordinance to be clear on this point.

Public testimony was called for.

Patrick Love said he's not clear whether this will affect his application. He stated that the first time when he came before this Council, the Council was against his garage conversion. He changed his application and came back to the Council. It was clear to the Council that what he had was different from building on something new as opposed to just converting it. His understanding was at that time that because of his re-application he could not enforce that. He was told to go back and amend his application to what he originally asked for. What he heard at this meeting was not necessarily favorable.

Mr. Moore asked Mr. Buckley if the council was allowed to discuss items not on the agenda.

Public testimony was closed and Mr. Nielsen asked for a recommendation.

Mr. Moore made a motion that the Garage Conversion Ordinance be amended to reflect a condition upon which it is acceptable to do a garage conversion if you can replace the existing garage with an enclosed garage elsewhere on the site, fully conforming with all County ordinances including Building, Planning, Fire, etc. The intent is to address Finding A, which is very restrictive. Ms. Miraglia seconded. Motion carried 6/0.

F. Open Forum –

Sam Alikian spoke about signs put in Castro Valley illegally. What can MAC do about it? Also mentioned storage and containers placed on lots. It is an eye sore and a problem for him.

Mr. Nielsen asked Mr. Alikian if he has talked to any of the Code Enforcement investigators about the sign and the storage container. Mr. Alikian said no. Mr. Nielsen referred Mr. Alikian to Zoning Enforcement in order to correct the situation and have his concerns addressed. Sam Alikian showed some pictures of the different business signs he thought were illegal.

G. Chair's Report – None.

H. Committee Reports

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- **Eden Area Alcohol Policy Committee**
 - **Redevelopment Citizens Advisory Committee**
 - **Castro Valley Parkland Committee**

Ms. Miraglia commented on Measure Q and said that they had a great turn out at the festival. She said that help is needed in phone banking. There will be a fundraiser October 12, at the Golden Tee.

Mr. Nielsen said that the Castro Valley Festival was very successful.

Ordinance Review Committee

Ms. Miraglia said that there was no meeting. She asked for the status on the Eden Area committee. She referred to a letter in the C.V. Forum about a fee assessed on businesses, she said it never came before this Council, MAC talked about it after it was passed by the Board of Supervisors. She asked who came up with this \$1,200 fee on businesses. She felt that it would hurt small businesses, and she would like a formal presentation from EAAPC to explain the proposal.

I. Staff Announcements, Comments and Reports –

Ms. Greene gave an update on the Capers project. She said that part of the carport has come down and has been sold as scrap metal. The rest of the carport will come down soon. The frame of the building is up, and the applicant has submitted the landscaping plan. The project is scheduled to be finished by mid-November or December.

J. Council Announcements, Comments and Reports

Council members asked about the MAC 25th Anniversary celebration on September 18th, and asked if spouses were also invited. Ms. Marquez will find out for the Council.

Ms. Adesanya asked about the Billiards building. Mr. Buckley said there have been discussions off and on. The Redevelopment Agency is the staff to contact regarding this.

Mr. Moore commented on an article on the Castro Valley Forum regarding the condition of Cull Canyon that is slowly silting in on Cull Canyon. It is an eye sore but he thinks it is a money issue. Ms. Miraglia said it is 15 million to fix and it is part of the East Bay Regional Park District. Staff will contact EBRPD to get a status report. A report was also requested for the Don Castro Park.

Mrs. Alikian made a comment on property owners that do not take care of their properties. These and trailer parks are an eye sore on Castro Valley Blvd.

K. Adjourn

The meeting was adjourned at 8:19 p.m.

Next Hearing Date: September 25, 2006