

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for October 23, 2006

(Approved as amended November 13, 2006)

A. CALL TO ORDER: The Chair called the meeting to order at 6:30 p.m. Council members present: Dean Nielsen, Chair; Council members: Jeff Moore, Andy Frank, Cheryl Miraglia and Carol Sugimura. Council members excused: Ineda Adesanya, Vice Chair. Staff present: Sonia Urzua, Tona Henninger and Maria Elena Marquez. There were approximately 12 people in the audience.

B. Approval of Minutes of September 25, 2006.

Mr. Frank moved to approve the minutes of September 25, 2006 as corrected. Ms. Sugimura seconded. Motion carried 5/0/1 with Ms. Adesanya excused.

C. PUBLIC ANNOUNCEMENTS – None.

D. Consent Calendar - None.

E. Regular Calendar

1. Rachel Osajima, Executive Director of the Alameda County Arts Commission, will give a presentation about the project plans and community involvement opportunities for the future Castro Valley library public art program.

Ms. Osajima spoke briefly about the goal of the project and encouraged the audience and the public in general to participate and get involved.

2. VARIANCE, V-12028 – DOUG ROGERS/LENORE STORMES -

Application to allow a boundary adjustment between 2 parcels resulting in a 5.6 foot side yard where 7 foot is required, in a R-1-RV (Single family Residence, Recreational Vehicle) District, located at 18646 Crest Avenue, east side 80 feet north of Easy Street, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation 084-0370-007-22.

Mr. Moore recused himself. Ms. Urzua presented the staff report. She stated that the staff planner recommends approval of the boundary adjustment as described on the exhibit "A" on file.

Lenore Stormes, applicant, stated that the boundary line cuts diagonally between the two houses. The Boundary Adjustment related to this Variance would formalize a verbal agreement marked by an existing fence. In doing so they will have equal access to the side of their houses. She feels that this is really a simple and logical thing that she initiated. They are good neighbors and get along.

Public testimony was called for. No public testimony submitted.

Ms. Miraglia moved to approve Variance, V-12028 with staff recommendations. Ms. Sugimura seconded. Motion carried. 4/0/1/1 with Mr. Moore recused and Ms. Adesanya excused.

- 3. VARIANCE, V-12040 –DOUG ROGERS/HASIJA & SEAD SISIC** – Application to allow a boundary adjustment between 2 parcels resulting in a 5.7 foot side yard where 6 foot is required, in a R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 18652 Crest Avenue, east side 80 feet north of Easy Street, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation 084B-0370-007-19.

Mr. Moore recused himself. Ms. Urzua presented the staff report. She said that this is a companion variance to the previous variance. The staff planner considered that this application qualifies as special circumstances for granting a variance. The applicant, Ms. Sisic, agreed with the explanation given by Ms. Stormes.

Public testimony was called for. No public testimony submitted.

Mr. Frank moved to approve Variance, V-12040 with staff recommendations. Ms. Miraglia seconded. Motion carried 4/1/1 with Mr. Moore recused and Ms. Adesanya excused.

- 4. VARIANCE, V-12030 – CENTURY PATIO VILLAGE/YVONNE BASSARD** – Application to allow expansion of a nonconforming use (street side yard setback) with construction of 2 patio covers (1 conforming) and one with a 2 foot street side yard where 10 feet is required, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 2687 Grove Way, south east side corner north east of Lantana Ct., unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation 416-0090-045-02.

Ms. Urzua presented the staff report. She said that the staff planner found that there appears to be special circumstances that warrants approving a variance to allow for a conforming patio cover located in the rear of the house but not for the patio covered located along the street side yard.

Mr. Nielsen asked Ms. Urzua if the patio cover at the rear of the house required a variance and why. Ms. Urzua said yes. Ms. Urzua said that the nonconforming building footprint can not be expanded by attaching a patio to the side yard. Mr. Nielsen asked Ms. Urzua if the garage was in compliance. He said that if this was any other house, if they have another patio to the rear, would it have required a variance if the garage was conforming. Ms. Urzua said that it appears to be the case because the site plan indicates that the required site rear yard set back would be okay. Mr. Nielsen said that in making a decision we can separate the two patio covers. The resolution would have to state that the approval is for the patio cover on the side. Ms. Urzua said that is correct.

Mike Nagy, representing the applicant, said that he met the homeowner in July and she wanted him to build a patio on the west side of the house where the driveway was so she can park her car and serve as a shelter from the environment. He told her he was not sure how feasible that would be but that he would try. She said she also would like to have a patio covered in the back yard which is facing south because it is too hot for the grandkids to go outside. He discussed with her the findings and understands where we are at and she is pretty much in agreement with what this Council recommends.

Public testimony was called for. No public testimony submitted.

Mr. Moore said he can not support the one on the side. Mr. Moore asked if this was an approval or a modification or a denial. Ms. Urzua told Mr. Moore if he wanted to go with the staff recommendation, she said that is a partial approval.

Ms. Miraglia made a motion to authorize expansion of a non-conforming use with the construction of an attached patio cover approximately 15 and one-half feet by 34 feet in area located to the rear of the house and denial of the patio cover located on the street side yard located 2 feet from the property line. Mr. Frank seconded. Motion carried 5/0/1 with Ms. Adesanya excused.

5. **SITE DEVELOPMENT REVIEW, S-2079 – NGUYEN** – Application to allow the remodel of an existing building to be used as a restaurant in the CVCBD, Sub 3 (Castro Valley Central Business District Specific Plan, Sub Area 3) located at 2652 Castro Valley Boulevard, north side, about 125 feet west of Park Way, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 84A-0181-070-00.

Ms. Urzua presented the staff report. Staff believes that the applicant's proposed full service restaurant is generally consistent with the Plan. She stated that there is a parking easement agreement between Mr. Nguyen and Brother's Furniture that they (Mr. Nguyen) will be able to use Brother's Furniture parking spaces. Ms. Urzua gave a copy of this agreement to Mr. Nielsen. She said that comments from Commpre were received. She gave a copy of the comment letter to the council members. Commpre supports the project with 6 conditions which are consistent with staff recommendations.

Ms. Miraglia asked what will be the hours of operation. Ms. Urzua said she doesn't have the specific hours, but they will not be open from 3:30 p.m. to 5:30 p.m. because that would nearly double their traffic impact fees.

Mr. Moore asked if the rendering of the design is the final design or if it will come back through Redevelopment's Façade program. Ms. Urzua said that this is what Planning is approving as a sign. Redevelopment stated that they are going to work with them as part of the façade improvement but if they change it they will have to come back for modifications of the site development review.

Ms. Sugimura asked the applicant about hours of operation. Joseph Nguyen, applicant, said that the hours will be 10:00 a.m. to 9:00 p.m. but closed from 3:30 p.m. to 5:30 p.m.

He said there will be no happy hour in the restaurant. He is working with Redevelopment and he wishes to comply with everything. His whole point is to make it very nice.

Ms. Miraglia asked Mr. Nguyen whether his agreement with Brothers Furniture makes parking available only in the evening or during the day too. Mr. Nguyen said that the furniture store closes at 7:00 p.m. and during the day they have light traffic. That is why they allowed him (Mr. Nguyen) to use the parking after 6 p.m.

Ms. Sugimura asked staff whether the parking agreement with Brothers Furniture will meet the need for the 15 required parking spaces. Ms. Urzua said that it will help mitigate the fact that they don't have space in the back. We are asking Brothers Furniture that the spaces be labeled as such to clarify that for clients. Ms. Sugimura asked if there is parking in the front. Mr. Nguyen said yes.

Mr. Moore asked Mr. Nguyen if he owns any other restaurants. Mr. Nguyen said no but his brother has had one in Hayward on Mission Boulevard for 25 years. He has a very big clientele. This is basically a family tradition.

Public testimony was called for.

Akilah Cadet, a program manager at Commpre, stated that they are in support of this application. She referred to the letter that they sent to Planning and said that she and her staff went to look at the area before this meeting. They noticed trash on the ground outside Castro Valley Sports and Bar and more trash outside Mr. Nguyen's vacant building. They are concerned about the bar and Tony and Ted's. She is suggesting that the owner of the sports bar be held accountable.

Mr. Nguyen said that he noticed the problem next door and talked to police. If it is a recurring problem, they will do something about it.

Public testimony was closed.

Ms. Miraglia said that she loved the idea of the restaurant but she would prefer that the parking agreement should be for all day not only for evening because she thinks it is not enough parking.

Mr. Moore asked Mr. Nguyen if he thinks that he can get the agreement with Brothers Furniture. Mr. Nguyen said he will try to get the agreement. Brother's Furniture manager/owner told him verbally that there will not be a problem.

Mr. Nielsen told Mr. Nguyen to try to get an agreement because parking is tight.

Mr. Frank moved to approve Site Development Review, S-2079 with staff consideration and the recommendation that the applicant tries the best he can to make arrangements for a reciprocal parking agreement. Ms. Sugimura seconded. Motion carried 4/1/1 with Ms. Miraglia opposed and Ms. Adesanya excused.

- 6. TENTATIVE PARCEL MAP, PM-9237 / VARIANCE, V-12023 – TEIXEIRA –**
Application to subdivide one parcel containing 0.54 acres into three lots, and allow a 4' corner side yard setback from the private street where 10' is required, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 19448 Lake Chabot Road, east side, approximately 250 feet north of Barlow Drive, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084B-0529-038-04. **(Continued to November 13, 2006).**
- F. Open Forum – None.**
- G. Chair's Report – None.**
- H. Committee Reports**
- **Eden Area Alcohol Policy Committee**
 - **Redevelopment Citizens Advisory Committee**
 - **Castro Valley Parkland Committee**
Ms. Miraglia stated that they raised \$10,000 at the recent fundraiser. It was great. They will meet Thursday from 5:30 to 8:30.
 - **Ordinance Review Committee**
- I. Staff Announcements, Comments and Reports – None.**
- J. Council Announcements, Comments and Reports – None.**
- K. Adjourn**

The meeting was adjourned at 7:25 p.m.

Next Hearing Date: November 13, 2006