

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for November 13, 2006

(Approved December 11, 2006 as presented)

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, Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 15 people in the audience.

B. Approval of Minutes of October 23,2006.

Ms. Sugimura requested clarification on page 2 last paragraph third sentence. Mr. Buckley said that it should say: “Ms. Urzua said that the nonconforming building footprint can not be expanded by attaching a patio to the side yard”. **Mr. Frank moved to approve the minutes of October 23, 2006 as amended. Ms. Sugimura seconded. Motion passed 5/1/0 with Ms. Adesanya excused (Ms. Adesanya arrived at 7:05 after the motion was made).**

C. PUBLIC ANNOUNCEMENTS – None.

D. Consent Calendar - None.

E. Regular Calendar

1. TENTATIVE MAP, PARCEL MAP, PM-8605 & VARIANCE , V-11987 – FONG & FONG/TANG – Application to subdivide one site measuring 20,568 square feet in area (approximately 0.47 acres) into two parcels resulting in one parcel with a building site area of 9,154 square feet where 10,000 square feet are required, in a R-1-B-E-CSU-RV (Single Family Residence, Conditional Secondary Unit with Recreational Vehicle) District, located at 17472 Almond Road, north east side, 600 feet south west of Vineyard Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor’s designation: 084D-1250-031-01 **(Continued from June 12, 2006).**

Ms. Urzua presented the staff report. Mr. Moore asked Ms. Urzua what were the findings. Ms. Urzua said that the special circumstances were identified as the size and shape of the lot. The planner also opined that there would be no special privilege and no detriment to the community.

Ms. Sugimura asked Ms. Urzua if under the revised plan, the 80 feet minimum lot width for both lots are met. Ms. Urzua indicated that, yes, the minimum width would be met on both lots. Mr. Nielsen asked Ms. Urzua if the 27,000 square feet parcel was included in the staff analysis. Ms. Urzua said yes. Mr. Nielsen asked if

these parcels are developable. Ms. Urzua stated that the lots were suitable for development.

Mr. Frank spoke about other lots that are in the area.

Mr. Frank asked Ms. Urzua to clarify the gross and net lot square footages and about the road easement.

Mr. Frank asked what was the final recommendation from the planner. Ms. Urzua said that the planner recommended approval.

Ms. Nielsen asked if the dwelling on lot 1 will be replaced. Ms. Urzua said no, only a portion of the dwelling would be removed at this time.

Richard Fong Jr., representing the applicant, described the proposed project. He said it should be noted that the gross square footage exceeds the minimum by 450 square feet including the easement. The variance being requested is for reduction in size, and it appears that variances have been granted for parcels to be under 10,000 square feet in size, or for width less than 80 feet. He stated why he believed the variance should be granted. The plan is to keep as much of the property qualities as possible, including trees, including one of them that is close to the driveway.

Mr. Moore asked Mr. Fong about the Fire Department's position on the width of the road. Mr. Fong said that a cross-section of the road could be provided when the final Parcel Map is actually issued.

Ms. Miraglia asked what were the plans for the garage on lot one. Mr. Fong said that there are no plans. Not only is the garage being removed, the workshop is to be removed.

Public testimony was called for.

Donald Pledger, resident at 17409 Vineyard Rd., testified against the project. He was told by the Planning Department that this could never happen.

Tom Hines, resident at 4538 Grenadier Place, testified against the project. He stated that he lives next door to the subject property and the fence is on his property. This property was purchased knowing it could not be split. Everybody has a right as long as it falls within the guidelines. Please send a message that Castro Valley is not for sale.

Eugene Franklin, resident at 17448 Almond Road, testified against the project. He said that he objected to the request for this Variance down the street from him on Almond Road. He said that creating a lot size below 10,000 square feet will really impact the neighborhood. The only reason that owners requested the

variance is to make money. There is no concern for the impact on the community.

Rick Jones, resident at 17462 Almond Road, testified against the project. He stated that he lives directly north of the property. He stated concerns related to buildings towering over his house, the possible effect on property values, and uniqueness of the area. He agreed with the previous speaker about the owner's desire to make money. The neighborhood is opposed to it and this has to be taken into account. The aesthetics of this area have an impact on their property values. This proposal requires one more driveway on the parcel, and the County has expressed a preference before not to have new driveways. He requested that the Council deny the application.

Zelda Durden, resident at 4603 Grenadier Place, testified against the project. . She stated that she spent one Saturday in this particular area and had a feel about it that can not be duplicated. She is very protective and her neighbors are very protective of that decision, the neighborhood has a lot of senior citizens. There is something that they can offer, people come here to stay. Look at what is being proposed. People are not part of the community who bought it. She thinks that the Council should listen. She read a letter on behalf of Rick and Rose Damiani, who were unable to attend this meeting. They are opposed to the project. The letter was entered into the record. She is also opposed to project.

Public testimony was closed.

Mr. Fong said that the primary concern is the comments against the project. The Tangs would not have bought the property under a condition prohibiting its subdivision. He stated that the owners would not be establishing a precedent regarding under sized lots considering that there are four homes of either side of this property, that are significantly under 9,00 square feet or under the 10,000 square feet minimum requirement. Finally, with respect to driveway penetrations, there is an existing driveway where the new driveway is proposed. Originally this was a home accommodating horses, and so the existing drive will be utilized. The Tangs will be receptive to your comments. They do not want to infringe upon their neighbors.

Public testimony was closed.

Mr. Frank stated that he was in favor of denying the petition. He noted concerns with setting a precedent for subdivisions with undersized lots when other subdivisions create lots in excess of 10,000 square feet, such as a project on Ewing Road. He is in favor of denial.

Ms. Miraglia said that the integrity of the neighborhood is very important and that the standards should be observed.

Ms. Sugimura agreed. Looking at the map and lot sizes, there are 5 parcels close by that are below 10,000 square feet minimum. She does not support creating lots that are less than 10,000 square feet in the neighborhood.

Mr. Moore asserted that lot size consistency was important and that he could not make the findings to support a variance.

Ms. Adesanya said that she could not make the findings to support a variance. She recommended denial.

Mr. Nielsen said he is against this, but said he would abstain from voting due to the proximity of his project to the site.

Mr. Miraglia made a motion to deny Tentative Parcel Map, PM-8605 and Variance, V-11987. Mr. Frank seconded. Motion passed 5/1/0 with Mr. Nielsen abstaining.

2. **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 from October 23, 2006)**
3. **MODIFIED SITE DEVELOPMENT REVIEW, MS-1450 – McDONALD's** – Petition to modify an existing site development for an existing fast-food restaurant (McDonald's Restaurant) to allow 1,050 square feet addition of a playground, in a C-N (General Commercial) District, located at 2905 Grove Way, southeast side, approximately 150 feet southwest of Center Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 416-100-034-07.

Ms. Urzua presented the staff report.

Rick Dichoco, applicant, stated the additional play area is based on McDonald's concept of exercise based play area. The proposal also includes accessible path of travel to the parking area.

Mr. Nielsen asked Mr. Dichoco for a color rendering of this building.

Mr. Frank asked about the exterior of the play area overall.

Mr. Moore commented about the elevations and noted concerns of the big rectangular structure while acknowledging the 16-foot height required by the play structure.

Mr. Nielsen said that enclosing the play structure is a good idea, but that using a different color scheme would be very refreshing.

Mr. Dichoco commented about the different color schemes used by McDonald's.

Mr. Nielsen noted that other fast food franchises have revisited their color schemes and recommended Mr. Dichoco do the same.

Mr. Frank said that he agreed with Mr. Moore regarding modifications to the exterior design. He suggested ways to soften the "boxy" features of the building.

Ms. Sugimura agreed with Mr. Frank.

Ms. Adesanya said that although she liked the colors, she would like to see change of materials on the roof, so that it matches throughout.

Mr. Dichoco noted some issues with the recommendations.

Ms. Adesanya asked if the existing red tile is manufactured and not painted. Mr. Dichoco said it is metal tile.

Mr. Frank asked Mr. Dichoco what would be his recommendation.

Mr. Moore said that he liked the building's proposed awning and asked Mr. Dichoco if it had to be that high. The introduction of the same solid color scheme. he is working with staff to drop the corners.

Mr. Dichoco said it is more cost effective to replace the existing tile in order to get the match. Every year you have to paint it. Mr. Moore said that he is concerned with the solid more substantial Mr. Dichoco said that everything else would remain the same.

Mr. Frank asked Mr. Dichoco if he agreed to use the same material consistent with the look.

Mr. Nielsen said that the Council is concerned with consistency.

Mr. Moore made a motion to approve Site Development Review, MS-1450 with the condition that the roofing material be the same. Mr. Frank seconded with the clarification. Motion carried 6/0.

SITE DEVELOPMENT REVIEW, S-2091 – SAM’s SIGNS – Application to allow new signage on an existing building in a CVCBD- SP-SUB-7 (Castro Valley Central Business District Specific Plan, Subarea-7) District, located at 3223 Castro Valley Boulevard, south side, 150 feet east of Chester Street, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 84A-0040-015-00.

Ms. Urzua presented the staff report.

Jaimie Benson, from the Redevelopment Agency (RDA) and representing the applicant, added information about the project. The upper signage for businesses will be replacing an internally illuminated signage box, keeping the same structure, with route out push through signage. This route out push through signage will include a flat face that is pushed out around each of letters and graphics and internally halo lit. It is more economical than individually cut letters, but gives a similar effect. The bottom of the windows will have a vinyl banner installed where all secondary signage that is currently placed throughout the window area will be moved. This will group the signage at the top and bottom of the windows and leave the middle area open. The adjacent tenants and property owner have been made aware of these changes and fully support them.

Mr. Frank asked Ms. Benson if she will be trimming/thinning the trees as part of the project. Tree trimming is something Ms. Benson can try to coordinate with Public Works Agency, however it is an ongoing maintenance issue.

Mr. Nielsen clarified that the concern was for the care of the trees, not an opposition to the trees. Ms. Benson said that the type of tree that would work best would grow over time above the signage image.

Mr. Nielsen asked if the trees have not been trimmed. Ms. Benson said that direction response from Public Works.

Ms. Miraglia asked Ms. Benson if she knew what color the background would be. Ms. Benson said that would be background would be a cream color for both of bottom and on top.

Mr. Moore asked if the building owners and tenants are required to do something to keep clutter out of windows. Ms. Benson said that in the owner’s participation agreement they agreed to maintain the improvements and keep within Zoning Ordinance. All signage will be removed from the windows other than in the area at the bottom, the banner sign. There is a small neon sign that Ms. Benson has negotiated to keep. Ms. Urzua mentioned that there was an incorrect calculation of the signage and that a certain amount square feet will have to be reduced. Ms. Benson said that the property owner is understanding of the signage limitations and has been willing to compromise. We should just let her know which areas are excessive.

Public testimony was called for. No public testimony submitted.

Ms. Adesanya made a motion to approve Site Development Review, S-2091, subject to final signage. Ms. Miraglia seconded. Motion carried 6/0.

Ms. Miraglia asked Ms. Benson if the Redevelopment Agency pays for the signage. Ms. Benson explained the two programs available to local businesses.

Ms. Miraglia asked Ms. Benson how RDA decides on design projects. Ms. Benson described RDA's collaboration with architects, local community groups and the business owners.

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 informed council members and staff that Measure Q did not pass.

- **Ordinance Review Committee**

I. Staff Announcements, Comments and Reports – None.

J. Council Announcements, Comments and Reports – None.

K. Adjourn

The meeting was adjourned at 8:17 p.m.

Next Hearing Date: November 27, 2006