

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for December 11, 2006

(Approved as presented January 8, 2007)

A. CALL TO ORDER: The Chair called the meeting to order at 6:35 p.m. Council members present: Dean Nielsen, Chair; Ineda Adesanya, Vice Chair. Council members: Jeff Moore, Cheryl Miraglia and Dave Sadoff. Council members excused: Carol Sugimura and Andy Frank. Staff present: Sonia Urzua, Steve Buckley, Bob Swanson and Maria Elena Marquez. There were approximately 27 people in the audience.

B. Approval of Minutes of November 13 and 27, 2006.

The minutes of November 27, 2006 were continued to the next meeting.

Ms. Miraglia moved to approve the minutes of November 13, 2006 as corrected. Mr. Moore seconded. Motion carried 4/1/2 with Mr. Sadoff abstaining and Mr. Frank and Ms. Sugimura excused.

C. PUBLIC ANNOUNCEMENTS – None.

D. Consent Calendar - None.

E. Regular Calendar

1. VARIANCE, V-12038 – ZORAN MILENKOVIC – Application to allow a five foot side yard setback where seven feet is required with the construction of an attached garage and construction of an accessory structure covering 58% of the required rear yard where 30% is allowed, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 3575 Christensen Lane, south side 800 feet east of Lake Chabot Road, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084B-0529-002-00.

Ms. Urzua presented the staff report. Staff recommends denial of the accessory structure and approval of the attached addition.

Zoran Milenkovic, representing the applicant, spoke in support of both parts of the variance stating that it would reduce noise.

Mr. Nielsen and Mr. Moore explained to Mr. Milenkovic the possibility of constructing the garage in conformance with the ordinance.

Mr. Moore asked staff if the pool cover is an accessory structure. Ms. Urzua said yes, the pool is an accessory structure and the covered pool is an accessory structure also.

Mr. Sadoff, Mr. Nielsen, Ms. Adesanya asked Mr. Milenkovic about the proposed design of the pool structure and explored ways to reduce the impacts on the required rear yard.

Ms. Adesanya asked staff if a pool calculation has been done to see what the maximum size of the structure could be not to exceed the 30%. Ms. Urzua said that we should be focused on part of the structure affecting the required rear yard.

Mr. Moore asked staff if the pool itself without the cover count towards the lot coverage or is the fact that you put a loop over it that creates the coverage. Ms. Urzua said that the pool and related structure are analyzed as accessory structures. The accessory structure ordinance requires a minimum of 6 feet separation for the main dwelling. Here, you can cover up to 30% of the required rear yard, which is 450 square feet. Ms. Adesanya asked if they tore down the existing pool house they might be able to do this. Ms. Urzua said that we would have to look at the dimensions.

Public testimony was called for. No public testimony submitted.

Mr. Moore asked Mr. Milenkovic if he had talked to neighbors about this. Mr. Mileknovic said that the owner's immediate neighbor to the right is in the process of developing that parcel. The neighbor to the left does not have comment. The neighbor at the back of the property line does not have comment either.

Ms. Adesanya told staff that the staff report talks about the minimum parking size and she feels that the Council is leaning towards reducing the width of the garage and still meeting the requirements. She asked if there was any building code limitations. Ms. Urzua said not that she knew.

Mr. Milenkovic said the building code would require additional foot in each side just to frame the wall.

Ms. Miraglia said that she has no problem with the extension of the garage but the pool structure takes too much of the yard.

Mr. Moore said that from the consistency stand point there were options for the side yard variance. If the fire place was redone the problem goes away. It is just a cost issue. He agreed with Ms. Miraglia about the pool.

Mr. Sadoff asked staff what was the adjacent side yard set back. Ms. Urzua said it looks by the graphics that it requires 5 feet because it is a narrower lot. Mr. Sadoff said he was inclined to follow Ms. Miraglia's comment.

Ms. Adesanya asked Mr. Milenkovic that if he thought that the owners would be willing or interested in taking down the pool house. Mr. Milenkovic said that most likely the owners would like to keep it.

- Ms. Miraglia made a motion that the Council follow staff's recommendation to deny Variance, V-12038 regarding the accessory structure and approve the attached addition with the conditions that staff recommends. Ms. Adesanya seconded. Motion carried 4/1/2 with Mr. Moore opposed and Mr. Frank and Ms. Sugimura excused.**
2. **VARIANCE, V-12041 – LUIS BARBOSA** - Application to allow construction of a new single Family Dwelling 27.5' high where 25' is maximum allowed, in a P-D (ZU-1451) (Planned Development, 1451st Zoning Unit) District, located at 2867 Eugene Terrace, south side 270 feet west of Dominic Court, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084B-0405-036-00. **(Continued to January 8, 2007)**
 3. **TENTATIVE MAP, PARCEL MAP, PM-8570 – PARKINSON** – Application to subdivide one site into four parcels, containing approximately 1.14 acre in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit with Recreational Vehicle) District, located at 2757 Talbot Lane, south east side, 300 feet north east of Stanton Avenue, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084B-0460-004-00 **(Continued to a later date to be determined).**
 4. **PARCEL MAP, PM-8826 – SETHI** Application to subdivide one parcel containing 0.34 acres into two lots, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 3213 Keith Avenue, south side, approximately 524 feet west of Lake Chabot Road, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084B-0510-011-01

Mr. Moore recused himself. Ms. Urzua presented the staff report. Staff received two calls from concerned residents. There are issues with the General Plan and the Castro Valley General Plan. Staff relied on the categorical exemption for environmental review for projects for which denial is recommended. Staff noted that the proposed lot is not consistent with the lot size of these proposed lots or the area. There is an easement for the driveway resulting in the net size of 5,022 square feet for parcel 1 and 7,695 square feet for parcel 2.

Ms. Adesanya asked if the portion of the house needs to be removed. Ms. Urzua said yes. Ms. Adesanya said that the chimney is cutting the corner off. Ms. Adesanya asked if the parking is conforming. Ms. Urzua said that it would be conforming.

Doug Rogers, representing the applicant, discussed the history of the project. He is very familiar with the requirements of this advisory council and the County Planning Department. They got involved and part of their initial review of the previously submitted plan; it became apparent that the access on the west side as

originally proposed was not feasible for a number of reasons. They worked the plan and shifted the access over to the east side of the house. This change does require removal of 5.5 feet of the left side of the existing house. Those 5.5 feet is in an area that constitutes the existing garage on the first floor of the house. They have proposed conversion of what is the existing garage into a living space. A new garage will be constructed at the rear of the existing house. The proposal meets all the parking requirements with the construction of the new garage.

As far as the referrals that were sent out to the various agencies, his only concern is the Fire Department's comments. They have been working very closely with the Fire Department since they got involved in this project. The Fire Department had concerns regarding the access and the grade of the access. The width and grade of the drive way is adequate. Another concern was the maximum grade of the road where the fire truck would stop in front of the proposed house on parcel two, that would meet the maximum 15% grade. As far as the other planning considerations, the staff report talks quite extensively about conformance to the General Plan. With the first one, General Development Policies, Principle 3.9, the Planning Department staff thought that the plan does not take into consideration the existing vegetation in the property. He disagrees with that. Their whole involvement in this project has been directed towards addressing these issues as to grading and the topography of the site. The General Plan does not specify any particular restraints as far as maximum grade for development of the site. He is not sure how they can qualify that issue with regard to the actual slope of their property. The maximum grade of the building site they are developing on parcel 2 is about 27%. The staff report says that most of the lots in this area are built on slopes. It also says that their lot contains the deepest slope in the area. An adjoining parcel to the east, two lot parcel map that was recorded about a year and a half ago, the home that was built in conjunction with that map was recently completed, that house was built on a slope that greatly exceeded the slope on their property. That house is built in an area that is about 45% slope. The proposed property is much less steep. The comment on retaining walls, their walls, with the exception of the walls that go around the site and the two garages, are significantly high. Those walls and the rear of the garage would be ducked into the garage, therefore would not be visible from the house. The other site retaining walls is a similar type development and similar topography. They are not proposing anything unusual for this area. As far as the Residential Development Policies, Principle 3.5, the staff member at the County stated that this proposal would provide open space for the existing home. This is due to the fact that they are going to be building a new garage behind the existing house and that garage with the associated driveway would be located in an area which commonly will be used as private open space. While there are no zoning issues associated with that, the area that is being used for the garage will not be available as open space area. If you take all of the usable open space decks, private areas, there are approximately 1,050 square feet of open space for the front lot.

In regards to Lot Size Consistency policy, he said that they are very familiar with this policy. This is a number one concern when there is development potential for a site. They looked at this when they got involved with this project. This is a very diverse area with respect to lot sizes. There are lots of all sizes, all located within the neighborhood. Their analysis showed that there are lots within the surrounding area up to 11,000 square feet in area, much over 11,000 square feet than you get into a situation where you don't have development potential. Their analysis showed, based upon lot sizes up to and including 11,000 square feet the average lot size is about 7,700 square feet. The Planning Department has given the range lot size in this area; they felt that they were consistent with the lot size policy consistency.

Ms. Miraglia asked Mr. Rogers about the trees which were removed and about open space along the side yards.

Mr. Sadoff asked Mr. Rogers if the Fire Department approved this plan as presented. Mr. Rogers said yes and spoke more about the Fire Department's concerns.

Public testimony was called for.

Tony Dubbarley, resident at 3214 Keith Avenue, the neighbor across the street, did not object to the project. He does not see a problem allowing them to go ahead with their project.

Joel Sabenorio, resident at 3181 Keith Avenue, the neighbor next door, stated that he spoke with Mr. Rogers in the past. He expressed concerns about access, grading and the appropriateness of this site for this project. He enjoys the Plan's designation of suburban low density residential.

Mr. Rogers responded to the comments from Mr. Sabenorio. He said that Mr. Sabenorio's comments and concerns are very legitimate, but his project will not impact his side at all. The issue of the grading and lack of the grading plan for the house that is being developed is a legitimate concern. What they attempted to do here with the plan that they submitted is to show that they can provide adequate access into the rear part of this property. They can meet planning and zoning issues with regard to parking on the two parcels by demonstrating that they will be able to construct a new garage for the existing house and then a new garage for the proposed dwelling on parcel 2. The side of the house on parcel 2 itself is not something that they normally would be required to address. There has been discussion with the staff planner that is not normally required for a project like initiate this accelerating our submittal of that type of information to provide prior to a formal action to be taken on the tentative map. If that is the decision of the Council, they will go along with that, even though is not something that they prefer to do. The reason they did not address them up to now is because they wanted to at least get some feed back on the overall field for the subdivision that

they are proposing in terms of the general plan consistency, the availability of the access and other issues that were talked about earlier. Those issues can be solved. They are willing to move on and provide some more detail information on the grading and design of the proposed house.

Mr. Sadoff said that he is concerned with the lot size consistency and up to 14 foot retaining walls, drainage, and runoff issues. As far as lot size consistency, The first parcel at 5,042 would be significant lower than the majority of the surrounding properties.

Ms. Adesanya said that she is concerned with the lot size consistency, she knows that the two acre lots were included even the 20,000 including lots that are more than double the size of the minimum lot size. She is not comfortable with the grading. She would like to see more information before making any recommendation but it would not be for the lot size consistency issue.

Mr. Nielsen asked staff if the 20,933, 40,670 and the 43,407 square feet lots were included in the average size calculations. Ms. Urzua said that it appears that it was.

Mr. Miraglia said she is also concerned with lot size consistency. She could see taking out the 20,933 but she thinks that the other two are the same size as the lot so it makes sense to leave it there. She was concerned about private open space.

Mr. Nielsen is also concerned with the lot size consistency. The lots could be subdivided, if the 20,933 square feet were excluded, we could probably do that as far as the median being about 8,000 square feet.

Ms. Adesanya said that the policy does not give the Council a clear direction as to where to cut it off in terms of their development potential. In this case, she can not see where the policy intent was ever to require a 9,000 or 10,000 square feet minimum where the zoning is 5,000 square foot.

Ms. Adesanya said that without further CEQA analysis and grading information she would not recommend approval or recommend denial.

Ms. Miraglia made a motion to deny Parcel Map, PM-8826 based on inconsistency with lot size and open space and concerns regarding the slope of the property. Mr. Sadoff seconded. Motion carried 3/1/1/2 with Ms. Adesanya opposing, Mr. Moore recused and Mr. Frank and Ms. Sugimura excused.

5. **TENTATIVE PARCEL MAP, PM-9016 & VARIANCE, V-12006 – HUANG**
- Application to allow the subdivision of one lot into three and to allow a side yard setback of one foot where seven feet is required, located at 21125 Tye Court, northwest side, approximately 500 feet north of Norbridge Avenue, Castro

Valley area of unincorporated Alameda County, bearing the Assessor's Parcel Number 084A-0025-002-00. (**Continued indefinitely**).

4. **TENTATIVE PARCEL MAP, PM-9249 – YOUNG** - Application to subdivide one parcel containing 0.38 acres into two lots in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 18914 Brickell Way, east side, 230 feet north of James Avenue, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084C-0816-022-00.

Councilmember Adesanya left at 7:50 p.m.

Ms. Urzua presented the staff report. She stated that staff received phone calls and letters in opposition based on concerns regarding parking.

Yev Philipovitch, represented the applicant. He stated that the frequency chart shows that there is a variety of lots sizes from smaller to bigger. Directly across the street there are lots that are smaller.

Public testimony was called for.

Sherry Ditmer, resident at 18903 Brickel Way, expressed concerns about the public notice, parking, access.

Kurt Ditmer, resident at 18903 Brickell Way, stated that he is concerned about the general downsizing of the lots in the area. As you start subdividing lots, the neighborhood will have smaller and smaller lots, which will affect the quality of life.

Raenna Rorabeck, resident at 4439 Alma Avenue, stated similar concerns, like lack of parking and inadequate landscaping. She mentioned that she got her notice November 30 with comment cut off December 1. A lot of people did not have the opportunity to comment.

Mr. Moore asked staff about the noticing and posting process. Ms. Urzua said typically we have at least 10 days before the meeting the do the posting and mail the notices.

Ms. Miraglia asked if this project could be continued so the people in the neighborhood can meet with Mr. Philipovitch. Mr. Moore said if the Council can get beyond that, instead of wasting the applicant's time.

Mr. Nielsen asked Council members if they have any major concerns as far as lot size consistency. Ms. Miraglia said that 1,200 square feet is not that far off to her, it could be okay if some of the other issues like parking could work out.

Mr. Moore said that according to past experiences, the Council has looked at 1,200 square feet quite a significant deviation. Just from the lot size consistency policy issue, the lots are significantly far off to be able to approve it.

Mr. Sadoff agreed with Mr. Moore about waiting to see what they come back with. Working in more parking spaces would further diminish lots.

Ms. Miraglia said that if the Council has an issue with 1,260 square foot, we should stop now instead of making the applicant spend more time and money.

Mr. Nielsen said that 1,260 square feet is a significant number. He agreed with Mr. Moore as to not make the applicant waste his time and money.

Mr. Sadoff moved to deny Parcel Map, PM-9249 as presented. Ms. Miraglia seconded. Motion carried 4/0/3 with Ms. Adesanya absent for this portion of the meeting and Mr. Frank and Ms. Sugimura excused.

5. **SITE DEVELOPMENT REVIEW, S-2095 – VANDERBILT/PETE’S HARDWARE CO.** - Application to allow construction of a 4,000 square foot metal storage building and a 640 square foot storage shed on one parcel containing approximately 1.79 acres, in the “CVCBD-SUB-2” (Castro Valley Central Business District, Sub-Area 2) District, at 2569 Castro Valley Boulevard, south side, approximately 180 feet west of Park Way, Castro Valley area of unincorporated Alameda County, bearing County Assessor’s Parcel Number: 084A-0012-001-01.

Ms. Urzua presented the staff report. The Redevelopment agency supports this project and encourages façade treatments and appropriate landscaping. She stated that the staff planner recommended a landscaping component to be included to the conditions of the site development review at the south side of the driveway with a screening approach for residents and neighbors.

Linda R, owner, stated that representatives from the Redevelopment Agency approached them about doing some work on their façade as part of their program. She explained their need for additional storage.

Mr. Nielsen asked about the warehouse as far as storage is concerned.

The owner said that they wanted to have a warehouse and a little storage unit, to be able to take care of storing things like items that can be forklifted in and out. The warehouse would also have access for the forklift to keep other items in there like seasonal things. She explained future plans for further expansion.

Public testimony was called for.

Jaimie Benson, from the Redevelopment Agency, said the warehouse would help cover items currently stored outdoors.

Mr. Moore asked if the Redevelopment Agency will be able to help not only for the façade but also funding for landscaping.

Ms. Benson discussed potential funding sources in the form of a partial grant or loan. She suggested additional landscaping would be a benefit to the warehouse. Certainly it should not be so much as to hinder their construction.

Linda said that this is a project that needs to get done. She and her husband were looking at loans, their children wanted to take over the business.

Public testimony was called for. No public testimony submitted.

Mr. Moore moved to approve Site Development Review, S-2095 with staff considerations. Ms. Miraglia seconded. Motion carried 4/0/3 with Ms. Adesanya absent for this portion of the meeting and Mr. Frank and Ms. Sugimura excused.

F. Open Forum

Sam Alikian, commented about the façade of the restaurant located at the Castro Valley Blvd. and Yeandle Avenue. He was not pleased with the final product which fronts his property.

Ms. Miraglia said that she voted to disapprove the project. Mr. Nielsen noted the County's future plan for a design guideline committee. This is going to be a very important aspect for Castro Valley.

Mr. Alikian said that Planning and Zoning should say no. Mr. Moore said that it is a problem. Aesthetics is difficult. How can you say what looks good for everybody?

Mr. Alikian thought that not enough information was provided during the review process. Mr. Moore noted that he voted for that project. The applicant did complete elevations and materials. However, he would like to see some sort of design guidelines. Ms. Miraglia said that it would be easier once we have the guidelines. She agreed with Mr. Alikian.

Mr. Nielsen told Mr. Alikian that this is something that he might want to volunteer to be on as far as a citizens' representative.

Mr. Alikian said that he applied for a monument sign with one name only. He said that Ms. Benson told him that he could only have one name on the monument sign.

Mr. Buckley said gave some background on the regulations.

Mr. Alikian said that how come his sign cannot be approved while others are approved. He would like to have something in writing from the Planning Department.

G. Chair's Report – None.

H. Committee Reports

- **Eden Area Alcohol Policy Committee**

- **Redevelopment Citizens Advisory Committee –.**

- **Castro Valley Parkland Committee**

Ms. Miraglia said that there will be a meeting Friday morning and Friday evening to draw the winner of the raffle. They got 26 responses that have not been opened yet.

- **Ordinance Review Committee**

I. Staff Announcements, Comments and Reports – None.

J. Council Announcements, Comments and Reports – None.

K. Adjourn

The meeting was adjourned at 8:36 p.m.

Next Hearing Date: January 8, 2007