

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for January 8, 2007

(Approved as corrected 1-22-07)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:30 p.m. Council members present: Ineda Adesanya, Vice Chair. Council members: Andy Frank, Dave Sadoff, Cheryl Miraglia, Carol Sugimura. Council members excused: Dean Nielsen, Chair and Jeff Moore. Staff present: Tona Henninger, Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 25 people in the audience.
- B. Approval of Minutes of November 27 and December 11, 2006.**
The minutes of November 27, 2006 were amended. A suggested correction by Ms. Miraglia was entered into the record. Ms. Sugimura made minor corrections. Mr. Frank made a motion to approve the November 27, 2006 minutes as amended with a second by Ms. Sugimura. Motion carried 4/1/2 with an abstention by Ms. Miraglia and with Mr. Nielsen and Mr. Moore excused.
Mr. Sadoff moved to approve the minutes of December 11, 2006 as presented. Ms. Miraglia seconded. Mr. Frank and Ms. Sugimura abstained. Motion carried 3/2/2 with Mr. Nielsen and Mr. Moore excused.
- C. PUBLIC ANNOUNCEMENTS**
Ms. Adesanya indicated that she has a flier about a low interest loan program from the Community Development Agency for the unincorporated areas of the County. Those interested can call 670-5399.
- D. Consent Calendar**
- 1. VARIANCE, V-11982, PATRICK LOVE** - application to retain a converted one-car garage so as to locate one required on-site parking space partially in the side yard and on a five foot easement along the west property line where otherwise not permitted in a R-1-CSU-RV (Single Family Residence, Conditionally Permitted Secondary Unit, Recreational Vehicle) District located at 3773 Cottage Court, north side, approximately 284 feet west of Parsons Avenue, in the unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel designation: 84D-1329-017-00. **(Continued from April 24, 2006; to be continued to March 12, 2007).**
- E. Regular Calendar**
- 1. 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 from December 11, 2006).**

Ms. Urzua presented the staff report.

Ms. Sugimura asked about the proposed balcony and Mr. Frank asked about the HOA's referral response.

Since the applicant is not present at this time, Ms. Adesanya moved this item to the end of the agenda.

2. **VARIANCE, V-12037 – MICHAEL GAHAGAN** - Application to allow a Secondary Unit of 720 square feet where 640 square feet is maximum, in a R-1-B-E-CSU-RV (Single Family Residence, 10,000 square feet, Minimum Building Site Area, Conditional Secondary Unit, Recreational Vehicle) District, located at 4157 Krolop Rd., south side 450 feet west of Vineyard Ave., Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084D-1140-017-12. **(Continued to January 22, 2007).**
3. **VARIANCE, V-12043 – MARK HEUER** – Application to allow expansion of a non-conforming lot (side yard setback) with a conforming addition, in a R-1-B-E-CSU-RV (Single Family Residence, 7500 square feet, M.B.S.A., Conditional Secondary Unit, Recreational Vehicle) District, located at 19967 Alana Road, west side corner northwest of Omega Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel designation: 084C-07070017-00.

Ms. Urzua presented the staff report. She indicated that no objections were received from the different agencies. Findings could be found to support this variance.

Mark Heuer, the applicant, made himself available for questions.

Public testimony was called for.

Dean C. applicant's neighbor, spoke in support of the project.

Public testimony was closed.

Ms. Miraglia moved to approve Variance, V-12043 with staff recommendations. Mr. Sadoff seconded. Motion carried 5/0/2 with Mr. Nielsen and Mr. Moore excused.

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4. **VARIANCE, V-12045 – TONY FURLONG** - Application to allow a 16.5 foot rear yard where 20 feet is required with the construction of a new single family dwelling in a R-S-D-20 (Suburban Residence, 2,000 square foot Minimum Building Site Area per dwelling unit density) District located on Meadow Lark Drive, south side, terminus of Meadow Lark Drive, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084C-0724-045-00.

Ms. Urzua presented the staff report. She indicated that the staff planner found appropriate in case of approval of this variance.

Ms. Miraglia asked about the access easement.

Tony Furlong, applicant, explained to council members, using a full size plan for the details of his proposal.

Public testimony was called for.

Linda Billings, resident at 20267 Meadowlark Drive, raised concerns about driveways, the height of the building and traffic congestion.

Dale Ruiz, resident at 20370 Yeandle Avenue, spoke in opposition to the application. He read 3 letters expressing opposition from neighbors who could not attend the meeting. The letters from the Velasquez', Mathew Pulos, and Foster and Virginia Wood were entered into the record. Mr. Ruiz and his wife have lived in this area for 23 years. He expressed concerns about the size and scale of the project and responses from the referral agencies, the loss of privacy, and the impact to local raccoons and possums.

Mr. Frank, Ms. Miraglia, and Ms. Adesanya requested clarification with regards to the Parcel Map, PM-8215 approved on February 4, 2004.

Mr. Furlong explained that two new houses would be constructed.

Public testimony was closed.

Mr. Frank said that he did not support the variance due to the impacts of a two-story structure on a reduced rear yard. He also noted that surrounding properties were one story structures.

Ms. Sugimura asked if the apartments behind the property are visible.

Mr. Furlong described a variance processed at the time of the Parcel Map related to the location of a neighboring structure.

Mr. Frank asked about the 40 feet setback from the front property line.

Ms. Adesanya and Mr. Furlong discussed the possibility of tailoring the floor plans to accommodate the minimum yard requirements. Ms. Adesanya told Mr. Furlong that she would hesitate to approve a variance on the new lot because he can design a home to fit this lot.

Ms. Miraglia also suggested that the applicant continue to look into avoiding an encroachment onto the rear yard.

Ms. Adesanya suggested continuing the item to allow time to investigate the previous approved parcel map. She indicated that the easement can be reduced. She asked Mr. Furlong if he wanted a decision at this meeting or if he wanted to continue it. She said that 3 council members would vote to deny it, so it would be better to continue it and possibly avoid a rear yard set back. She encouraged Mr. Furlong to work with staff and look more on the parcel map and check the language, this way it would allow him to build a home with no variance at all. She told Mr. Furlong to talk to the neighbors, especially those that are opposed and explain his future plans to them.

Mr. Furlong agreed to a continuance and the item was scheduled for the January 22, 2007 agenda.

5. **TENTATIVE PARCEL MAP, PM-8798 – MEHRA** – Application to subdivide one parcel containing 0.27 acres into two parcels in a R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle Parking) District, located at 22348 Queen Street, east side, 550 feet south of Grove Way, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 0416-0090-066-00.

Ms. Urzua presented the staff report. She indicated that the proposed subdivision is tentatively considered to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA). Also, the Planning Director cannot approve the project until a soils and a geotechnical report are officially approved, and subject to peer review by County engineering consultants. Also, the Fire Department has several conditions of approval as stated in their letter, which is attached to the staff report.

Richard Lawrence, from the design firm and representing the applicant, stated that he met with the staff planner and discussed some of the problems. He described the history of the development. He presented an alternative site plan.

Public testimony was called for.

Russ Dodd, resident at 22354 Queen Street, spoke against the proposed subdivision. He raised concerns about consistency with the general plan, driveway curb cuts, and parking.

Albert Castaneda, resident at 22345 Cameron Street, spoke in opposition of the proposed subdivision. He stated concerns about parcel width, emergency egress and water runoff. He indicated that this property has been sold at least two times. Renters who do not maintain the property have occupied it. He thinks that the project is not consistent with the private properties in that area.

Diana Lynne, resident at 22351 Cameron Street, spoke in opposition of the proposed subdivision. She stated concerns about the size of the lot, noise, drainage, privacy issues and fire hazards.

Lauren Espino, resident at 22339 Cameron Street, stated concerns about impacts on the character of the neighborhood and the access driveway.

Public testimony was closed.

Richard Lawrence responded to some of the speakers' concerns.

Mr. Frank asked staff about the proposed driveway width, and the impacts to the net square footage if the width is increased.

Council members Sadoff, Miraglia and Sugimura expressed concerns about the lot size consistency of the project.

Based on the information provided by the staff planner, Ms. Adesanya that all those lots according to zoning are not in conflict with the general plan. She is concerned that the applicant will not be able to meet the minimum requirements. She suggested that the applicant continues the item to a future meeting. Ms. Urzua said that staff can work with the applicant to amend his proposal. Ms. Adesanya asked council members if they need more discussion on that.

Mr. Frank said that in order for this property to meet the requirements to increase the lot size in order to come closer. Mr. Sadoff and Ms. Miraglia said that they would go with the first table suggested by the planner.

Ms. Adesanya asked Mr. Lawrence if he wanted a decision tonight or if he preferred that the item be continued to a future meeting. Mr. Lawrence agreed to continue it. Ms. Adesanya continued the item to a date to be determined.

6. **TENTATIVE PARCEL MAP, PM-9121 – POLYZOS** – Application to subdivide one parcel containing 0.54 acres into three parcels in a R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle Parking) District, located at 4476 Heyer Avenue, north side, 200' east of Forest Avenue, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084C-0780-018-00.

Ms. Urzua presented the staff report.

Mr. Sadoff asked about the square footage of the existing structure.

George Polyzos, representing his father, discussed the history of the previous subdivision attempt related to Parcel Map, PM-7672. He described the current proposal in terms of the driveway, fence and tree removal. Mr. Polyzos believes that his plan is consistent with the neighborhood lots with the exception of four big lots on James Avenue. They have followed all the proposed recommendations and they expect that their proposal receives favorable approval by this Council.

Ms. Adesanya asked Mr. Polyzos to point out the major differences between the current proposal and the alternative proposal that was presented in 2000. Mr. Polyzos said that they increased the lot size in the back by decreasing the lot size in the front. The previous owner tried to get lot size approval for 4,000 square feet net properties in the rear while keeping 11,000 square feet which was a little bit out of line, it was not consistent at all.

Mr. Sadoff asked Mr. Polyzos about the past and proposed removal of trees. Mr. Polyzos replied that there are a few extremely mature redwood trees and a deceased Monterey pine.

Mr. Frank asked Mr. Polyzos about the proposed curb, and about the Fire Department's position regarding sprinklers. Mr. Frank asked staff if no complaints have been received regarding the property on Forest Avenue.

Public testimony was called for.

Dave Dykes, resident at 4482 Heyer Avenue, said he is not opposed to the project as long as it conforms to the neighborhood. He and his wife are concerned about the trees and setting a precedent.

Ms. Adesanya requested clarification from staff regarding driveway width. Ms. Urzua described the minimum requirements and the Fire Department's role in determining the recommended driveway width.

Mr. Frank asked Mr. Polyzos about turn around and additional parking. Mr. Polyzos said there is a 3-car garage and plenty of off street parking.

Mr. Polyzos described the 13-foot easement.

Mr. Sadoff said that he would be more comfortable if the property is subdivided into two lots instead of three.

Ms. Adesanya asked staff to clarify consideration of the larger parcels.
Ms. Urzua noted that some discrete tracts were developed with lots that exceed the minimum lot size requirements.

Ms. Miraglia asked for clarification about the lot size consistency policy.

Mr. Frank said that looking at the neighboring lot sizes presented here, the lot sizes are significantly smaller. He mentioned various developments in the vicinity. In reality, in terms of the net square footage, he does not have a problem with what the applicant is proposing.

Ms. Adesanya asked about problems in the past with garbage trucks and condominiums with more than one dwelling.

Ms. Sugimura said that they did a good job as to the distribution of each parcel, and according to the comparative tables, it looks consistent to her.

Mr. Frank made a motion to approve Parcel Map, PM-9121 with Planning considerations. The garbage pick up should not be on the private street and to keep the oak and redwood trees. Ms. Sugimura seconded. Ms. Miraglia asked for clarification regarding the conservation of the trees. Mr. Frank amended the motion to say that the applicant is to put garbage out onto the Heyer Avenue and that the Applicant will maintain the existing redwood trees on parcel 2 and live oak on parcel 3. Motion carried 4/1/2 with Mr. Sadoff opposed and Mr. Nielsen and Mr. Moore excused.

Ms. Adesanya said that Item 1 will be continued to the next meeting since the applicant did not appear.

F. Open Forum

Brenda Rae, resident at 20380 Stanton Avenue, presented her concerns about the amount of traffic volume on Stanton Avenue. Her dog was hit by a car recently. Nate Miley's office has been very helpful. She is also concerned with kids on motorized vehicles with no lights and not wearing a helmet. There were no sheriff's cars or CHP.

Ms. Adesanya asked if she has spoken to Public Works.

Mr. Sadoff asked her what she was proposing. She said that traffic conditions on Stanton should be enforced. There are increased traffic volumes, speeding and children on motorized scooters without scooters.

Ms. Adesanya asked staff about conversations with Public Works.

Ms. Henninger noted that the CHP has gone out to enforce. Ms. Henninger said that John Bates, from Public Works can look at this situation.

Ms. Adesanya told staff to look at whatever options are available. She would like to see it in the agenda on the General Purpose Meeting.

Mr. Swanson asked Ms. Rae if she has spoken with John Bates. Ms. Rae said that he has not heard from him.

Mr. Sadoff asked if there are Redevelopment funds available for sidewalks. Mr. Swanson said that money is limited and it has been allotted for sidewalks around schools and school access.

Ms. Adesanya suggested scheduling this item on the March agenda of the MAC's General Purpose meeting.

G. Chair's Report – None.

H. Committee Reports – None.

I. Staff Announcements, Comments and Reports

Ms. Urzua asked council members about the scheduled February 13 meeting.

J. Council Announcements, Comments and Reports – None.

Ms. Miraglia requested a copy of the MAC roster. She asked Ms. Henninger about a shed and a huge RV on Queen Street.

There was discussion on lot size consistency. Ms. Adesanya suggested to putting the item on a future agenda.

K. Adjourn

The meeting was adjourned at 9:26 p.m.

Next Hearing Date: Monday, January 22, 2007