

## **CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**

### **Minutes for March 12, 2007**

(Approved as corrected March 26, 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: Andy Frank, Jeff Moore, Cheryl Miraglia, Carol Sugimura and Dave Sadoff. Council members excused: None. Staff present: Tona Henninger, Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 20 people in the audience.
- B. Approval of Minutes of February 26, 2007**  
Ms. Sugimura moved to approve the minutes of February 26, 2007 as corrected. Ms. Miraglia seconded. Motion carried 6/0/1. Mr. Moore arrived after the motion was made.
- C. PUBLIC ANNOUNCEMENTS – None.**
- D. Consent Calendar**
- 1. CONDITIONAL USE PERMIT, C-8547 – OSBORNE/EASTWOOD –**  
Application to allow continued operation of a wireless communication facility (Sprint/Nextel) in an “A” (Agricultural) District, located at Eden Canyon Road, east side, 2/3 mile north of I-580 in the unincorporated Castro Valley area of Alameda County, and designated Assessor’s parcel number: 085A-1200-001-11. **(Continued from February 26, 2007 to a date uncertain).**
- E. Regular Calendar**
- 1. Update on Work Program for Design and Development Standards for West Unincorporated Alameda County.**

Mr. Andrade presented the proposed work program and timeline for developing new Design and Development Standards. He described some of the program’s features including: measures to receive community input; the employment of a consultant team; an implementation and training component to ensure compliance; mixed use; hillside developments; and inclusion of a representative selection of stakeholders. The next phase will be public meetings.

Mr. Nielsen asked Mr. Andrade about selecting the consultants. Mr. Andrade said that a few members of the public would be part of the selection team. Mr. Nielsen asked about the series of public meetings, the scope of the project and what the consultants would do. He said that he is concerned about what is appropriate for Castro Valley because of the distinct characteristics among the different communities in the unincorporated areas.

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Ms. Miraglia opined that they are going to find a lot more commonality than differences once the basic standards are established.

Mr. Frank noted that the differences might arise in terms of slope and topography.

Mr. Andrade recognized that certain areas are unique, including Castro Valley hills as well as Fairview.

Ms. Adesanya asked Mr. Andrade if the design guidelines will cover all land use types. Mr. Andrade said yes. She also asked about the funding source.

Mr. Sadoff asked if this would integrate the historical ordinance as well. Mr. Andrade said that he does not know, it will depend on a survey that is going on.

Public testimony was called for.

Connie Deets spoke in support of the effort and asked about public outreach.

2. **CONDITIONAL USE PERMIT, C-8565 – EDEN MEDICAL CENTER -** Application to allow continued operation of a helicopter landing facility, in the CVCBD Specific Plan Subarea-4 (Castro Valley Central Business District Plan Sub-Area 4, Hospital/Medical-Oriented Office and Retail) District, at 20103 Lake Chabot Road, Castro Valley.

Mr. Moore recused himself.

Ms. Urzua presented the staff report.

Robert Bosold, project director of the Medical Center, stated that it has been a very successful landing site. There have been no complaints or accidents. They comply with all the requirements. He and a Planning staff member discussed some of the conditions that were in the original Conditional Use Permit and he thinks he answered all these questions.

Ms. Sugimura asked about complaints regarding noise or lack of parking. Mr. Bosold said no. They have added a parking area.

Public testimony was called for. No public testimony submitted.

**Ms. Adesanya moved to approve Conditional Use Permit, C-8565, subject to Planning considerations and recommended conditions of approval. Mr. Sadoff seconded. 6/0/1 with Mr. Moore recused.**

3. **CONDITIONAL USE PERMIT, C-8574 – LAKE CHABOT SPA** Application to allow the operation of a health spa, in the CVCBD Specific Plan – Sub 4 (Castro Valley Central Business District Specific Plan) District, located at 19830

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Lake Chabot Road, east side 400 feet south of Somerset Avenue, unincorporated area of Castro Valley, bearing Assessor's number: 084A-0150-010-02.

Ms. Urzua presented the staff report.

Mr. Nielsen asked staff if there were any violations or complaints. Ms. Urzua said that Code Enforcement responded on February 27, 2007 that there were no current complaints on the property.

Ms. Adesanya asked about additional uses on the site. Ms. Urzua suggested asking the Applicant for more information.

Ms. Miraglia asked staff if there was a county health permit given that one of the recommendations is to meet the requirements from the Health Care Services Agency. Ms. Urzua said she was not familiar with the requirements but a condition is included in the event such a permit is required.

The owner, Im Sung Hee, appeared with a translator and described the business. He addressed the concerns regarding parking and privacy issues.

Ms. Sugimura requested clarification on the number of employees working at the spa and where will they be parking. George said that the two owners come in one car and the other one is picked up by her husband.

Mr. Nielsen asked the applicant about the other uses in the building. The applicant replied that there is a doctor's office that specializes in (?) therapy, and a general practitioner doctor that specializes in family therapy.

Mr. Nielsen asked staff if the parking meets the County criteria. Ms. Urzua said yes.

Mr. Sadoff asked the Applicant about the fence and the vegetation that was removed and also if that is a chain link five-foot fence.

Ms. Adesanya asked how many clients would be seen at one time. The applicant replied that a maximum of two.

Public testimony was called for. No public testimony submitted.

**Ms. Miraglia moved to approve Conditional Use Permit, C-8574 with staff recommendations. Ms. Sugimura seconded. Motion carried 7/0.**

5. **TENTATIVE PARCEL MAP, PM-8798 – SANJAY 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,

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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 Applicant has submitted a revised site plan. She described issues from the prior meeting. The staff planner's recommendation is that the proposal remains inconsistent with the properties surrounding the neighborhood.

Mr. Nielsen asked why is the planner still including large lots that have the potential to be subdivided. Lots that could be subdivided should be excluded.

A discussion ensued regarding Lot Size Consistency. Council members discussed whether larger lots should be included or excluded when considering whether the proposed subdivision is consistent with the surrounding neighborhood. Council members also discussed whether developing a formula would produce consistent recommendations. They discussed the relationship between the general plan and the Lot Size Consistency policy.

Mr. Nielsen asked staff to put the lot size consistency issue in an agenda. Ms. Henninger said that it is already being worked on by Planning staff.

Richard Lawrence, representing the applicant, said that there were some major issues at the last meeting that have been addressed including driveway width and parking. He explained how these issues were addressed.

Public testimony was called for.

Albert Castaneda, resident at 22345 Cameron Street, expressed concerns about the driveway, distance between buildings, fire access, lot size consistency and building height.

Lauren Espino, resident at 22339 Cameron Street, expressed concerns about spot zoning, the lights, and compliance with basic standards, building height, and public notice requirements.

Ms. Urzua explained the zoning requirements.

Robert Bathgate, resident at 22112 Queen Street, expressed concerns about changing the character of the street and the neighborhood, and parking. He preferred owner occupied housing.

Rogelio Esqueda said that he is concerned with traffic flow. He has two small kids that play in the front yard. No more traffic, it put kids in danger.

Mr. Lawrence addressed the neighbors' concerns about new guest parking, driveway design, density and aesthetics.

Mr. Moore said that this project has to do with lot size consistency. The driveway width and the parking have been addressed per county standards. He opined that all parcels that could be subdivided should be subtracted and then averaged.

Mr. Sadoff said that looking at the lot sizes on the Queen Street map, which is clearly a contiguous development. There are not any splits among ten consecutive lots. He thinks it would set a bad precedent and is not appropriate for the neighborhood.

Ms. Adesanya said that she could not support this application because the lots are too small. Also, the driveway being very close to the neighbor sets a precedent that she is not comfortable with in this neighborhood, for potential future development.

Ms. Sugimura expressed concerns about setting a precedent given that there are many lots that are at 11,575 square feet. In her opinion, that is not appropriate.

Mr. Nielsen expressed concern about the trend toward using easements on adjacent lots to increase the square footage. He agrees with Mr. Moore that this is a bad practice. In too many instances, those easements were not formalized, and the Council should put a stop to it. This is a bad practice and needs to be stopped.

**Ms. Miraglia made a motion to deny Parcel Map, PM-8798. Mr. Sadoff seconded. Motion carried 7/0.**

4. **SITE DEVELOPMENT REVIEW, S-2086 – NAJI RJAILE** - Application to allow construction of a new single family dwelling in a PD (Planned Development) District allowing R-1, Single Family Residence Uses, located at 4403 Recreation Road, southwest side, north west of Five Canyon Parkway, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 417-0300-002-00.

Ms. Urzua presented the staff report. Staff recommends approval. Included in the staff report is "Exhibit C", which contains the Provisions of reclassification of the 2158<sup>th</sup> Zoning Unit.

Ms. Adesanya asked about the subject site's topography. Ms. Urzua stated that the rear of the lot is covered with dense trees and would not be touched.

Mr. Sadoff asked about grading. Ms. Urzua noted that a geotech report is included in the record.

Naji Rjaile, representing Maurice Nasra, said that the whole point of this project is to leave the sloped areas alone and as natural as possible and he thinks he has accomplished that with this design. There is very minimal grading that needs to be

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done. As for the dense trees at the back of the lot, he is not proposing any excavation. He is trying to leave the natural landscape as it is.

Public testimony was called for. No public testimony submitted.

Mr. Moore expressed concerns for the lack of aesthetic detail in the proposal and asked for other Council members' opinion. Mr. Nielsen and Ms. Miraglia concurred.

Ms. Miraglia noted that the Five Canyons Association originally asked that there be some review so that development would be in keeping with the rest of Five Canyons particularly, Recreation Road. There is also a negotiated agreement with the Five Canyons Homeowners Association regarding parking.

Ms. Adesanya noted that architectural and building design analysis was missing in the staff analysis and requested a discussion about the architecture of the surrounding area. Ms. Urzua said that the County does not have Design Guidelines.

Mr. Frank asked about the zoning history. Ms. Urzua clarified the zoning history within the context of the Five Canyons development.

Mr. Naji said that he is confident that with few minor window trimmings and minor details, the house will be consistent with many of the other houses in the area.

Mr. Nielsen said that what the Council is saying that it is not and we need to find a way in order to approve this, so it will not be an eye sore for the neighborhood.

Mr. Sadoff said that there are no pictures in the packet of adjacent properties. He would like to see it again. He recommended continuance. Mr. Moore also recommends continuance. He told the applicant to work with staff, take a look at the neighbors and have details on a lot of the things here, including photographs also of adjacent properties.

Mr. Moore asked Mr. Rjaile how much time he needs to be able to work out the details. He said by next Monday. Mr. Nielsen told him two weeks because it has to be scheduled in the agenda.

**Mr. Sadoff moved to continue Site Development Review, S-2086 to a date to be determined. Mr. Frank seconded. Motion carried 7/0.**

- 5. SITE DEVELOPMENT REVIEW, S-2093 – LORI & ERIC FABIANAC**  
Application to allow construction of a kennel, in the "A" (Agricultural) District, located at 10671 Crow Canyon Road, south west side 1.28 miles north of Norris

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Canyon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor's number: 085-1991-006-00.

Ms. Urzua presented the staff report. This site development review comes under Conditional Use Permit, C-8328 that was approved in January 2006. Staff planner recommends approval for this SDR. The resolution for the previous CUP is also attached.

Mr. Sadoff said that under Conditional Use Permit, C-8328, an existing barn was to be demolished. He asked if it is the same structure that came to the PRHC. Ms. Urzua said that it did and it required a letter from the architectural historian evaluating the conditions. Mr. Sadoff said that he believed the decision by the PRHC was that it should not be considered historical.

Ms. Adesanya asked about the various components of the conditional use permit.

Ms. Urzua noted that under parking requirements, the staff planner discussed the discrepancy between the number of parking spaces proposed under the conditional use permit and the current site development review.

A discussion ensued regarding parking between Ms. Adesanya, Mr. Frank, Ms. Miraglia and Mr. Fabianac.

Mr. Nielsen expressed concerns about sanitation and water source and the residue from the animals.

Mr. Sadoff asked if there have been complaints about noise. Mr. Fabianac said they have not had a single complaint from any of their neighbors.

Ms. Miraglia asked Mr. Fabianac about previous complaints regarding dog noise, and it seemed that was coming from the property next door to him and they probably moved. Mr. Fabianac said yes.

Ms. Adesanya asked Mr. Fabianac if he would object to showing four more parking spaces for customers. She thinks it is a large enough facility with waiting rooms, kid rooms and offices. Mr. Fabianac said that the calculation from the traffic engineers said that 6 are sufficient.

Ms. Miraglia asked if this is based on 150 dogs and if the annex building will have parking. Mr. Fabianac said yes.

Mr. Moore asked staff what was staff's position on parking. Ms. Urzua said that the staff planner suggested that six spaces might not be adequate.

Ms. Urzua distinguished the kennel building under review and the two remaining components considered under the conditional use permit.

Mr. Moore asked if employees do not park at the parking spaces. Mr. Fabianac said no.

Public testimony was called for. No public testimony submitted.

**Ms. Adesanya moved to approve Site Development Review, S-2093 subject to the parking complying with the intent of the approved Conditional Use Permit C, 8328. Mr. Moore seconded. Motion carried 7/0.**

**F. Open Forum** – None.

**G. Chair's Report** – None.

**H. Committee Reports**

- **Eden Area Alcohol Policy Committee**
- **Redevelopment Citizens Advisory Committee**
- **Ordinance Review Committee**

**I. Staff Announcements, Comments and Reports** – None.

**J. Council Announcements, Comments and Reports** – None.

**K. Adjourn**

The meeting was adjourned at 8:34 p.m.

**Next Hearing Date: March 26, 2007**



