

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for July 9, 2007

(Approved as corrected September 10, 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, Andy Frank, Cheryl Miraglia, Carol Sugimura and Dave Sadoff. Council members excused: none. Staff present: Tona Henninger, Jana Beatty, Bob Swanson and Maria Elena Marquez. There were approximately 25 people in the audience.
- B. Approval of Minutes of May 14, 2007**
Ms. Sugimura and Ms. Adesanya submitted minor corrections. Mr. Sadoff had a correction on page 2, fourth paragraph, to say: “Mr. Sadoff said that the 5 lots, 10,000-12,000 square feet, should not be excluded from the lot size consistency analyses because they likely would not be recommended for lot division by the MAC, because such division would result in sub-lots far below the median”. **Mr. Sadoff moved to approve the minutes of May 14, 2007 as corrected. Ms. Miraglia seconded. Motion carried 7/0.**
- C. PUBLIC ANNOUNCEMENTS – None.**
- D. Consent Calendar –**
- 1. CLUB CONDITIONAL USE PERMIT, C-8607 - CASTRO VALLEY WOMEN’S CLUB –** Application to allow continued operation of a clubhouse (C.V. Women’s Club) in a P-D (Planned Development – 1581st Zoning Unit) District, located at 18330 Redwood Road, east side 90 feet south of Emily Court, Castro Valley area of unincorporated Alameda County, bearing County Assessor’s designation: 084C-0851-097-00. **Moved from the Regular Calendar. Mr. Sadoff moved to approve Conditional Use Permit, C-8607. Ms. Miraglia seconded. Motion carried 7/0.**
- 2. CONDITIONAL USE PERMIT, C-8632 – CHRISANN NICHOLSON –** Application to allow continued operation of a pre-school for 22 children, in a R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling) District, located at 20121 Santa Maria Avenue, west side 280 feet north of Jamison Way, Castro Valley area of unincorporated Alameda County, bearing County Assessor’s designation: 084A-0108-001-04. **Moved from the Regular Calendar. Mr. Sadoff moved to approve Conditional Use Permit, C-8632. Ms. Miraglia seconded. Motion carried 7/0.**
- 3. SITE DEVELOPMENT REVIEW, S-2118-ACCURATE IMPRESSIONS -** Application to allow signage on a building, in a CVCBD Specific Plan – Sub10 (Castro Valley Central Business District Specific Plan – Sub-area 10) District, located at 3726 Castro Valley Blvd., north side 150 feet south east of Yeandle

Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084C-0724-123-00. **Moved from the Regular Calendar. Mr. Sadoff moved to approve Site Development Review, S-2118. Ms. Miraglia seconded. Motion carried 7/0.**

E. Regular Calendar

1. Council Elections – Chair & Vice Chair

Ms. Sugimura proposed Ms. Adesanya as Chair. Ms. Miraglia seconded. Motion carried 7/0.

Ms. Sugimura proposed Mr. Moore as Vice Chair. Mr. Moore seconded. Motion carried 7/0.

2. Alameda County Ordinance Modification Regarding Billboards – A presentation by the Redevelopment Agency.

Marita Hawryluk, representing the Redevelopment Agency, spoke briefly about the sign ordinance amendment regarding billboards. Staff has been working with Supervisor Miley's office in regards to the number of billboards that currently exist in the unincorporated area. 66 billboards have been located in the area of Castro Valley, Ashland, Cherryland and San Lorenzo. Some residents have addressed the issue of removing or relocating the billboards. Billboards are protected by State law, so it is difficult to make modifications to their location. The County is looking at how to better approach potentially removing or relocating some of these billboards so it does not cause visual clutter in such a concentrated area. Clear Channel is the owner of most of the billboards. Several specific plans actually prohibit billboards. The specific plans that impact the County do not cover all of the unincorporated area. The exceptions are actually allowing current billboards to continue to exist because they already have existing legal status. All of the billboards in these various communities have been prioritized by the Redevelopment committee for each of the particular areas, Castro Valley included. The packet includes a map where the billboards are located and language for changes on future location of billboards. The County is not prohibiting billboards. The language will allow billboards to be located in the unincorporated areas but limited to certain areas. Ms. Hawryluk stated that they will work with current owners of billboards in trying to relocate some of them. We need to develop an ordinance in order to have something to work from in regards to the current locations and possibly future locations of billboards. Mr. Nielsen inquired about content of billboards. Ms. Hawryluk said it is difficult to regulate content. She expects that whenever the negotiation process starts with owners of the billboards, County Counsel will be a participant at those meetings.

Council members asked questions related to the review process for current and new locations and what sort of regulations would apply should the current

billboard owner want to move his billboard to another location. Ms. Hawryluk said that she believes it may involve a conditional use permit. She said she will have to re-read the ordinance.

Ms. Miraglia moved to affirm the billboard language proposed along with the recommendation for the request that any proposed new billboard relocation come back to the board for recommendation. Mr. Frank seconded. Motion carried 7/0.

3. **CLUB CONDITIONAL USE PERMIT, C-8607 - CASTRO VALLEY WOMEN'S CLUB** – Application to allow continued operation of a clubhouse (C.V. Women's Club) in a P-D (Planned Development – 1581st Zoning Unit) District, located at 18330 Redwood Road, east side 90 feet south of Emily Court, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084C-0851-097-00. **Moved to the Consent Calendar.**
4. **CONDITIONAL USE PERMIT, C-8632 – CHRISANN NICHOLSON** – Application to allow continued operation of a pre-school for 22 children, in a R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling) District, located at 20121 Santa Maria Avenue, west side 280 feet north of Jamison Way, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084A-0108-001-04. **Moved to the Consent Calendar.**
5. **TENTATIVE PARCEL MAP, PM-8757 – DUNG-GIPSON** Application to subdivide one site into three parcels, containing approximately 0.68 acre in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit with Recreational Vehicle) District, located at 19388 Lake Chabot Road, east side, 250 feet north of Barlow Drive, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084B-0529-035-02.

Mr. Moore recused himself. Ms. Beatty presented the staff report. She a lot size study for the surrounding area was done and the lots are generally 5,000 to 6,000 square feet in size. She noted that in April 2007, a property to the south of this location was approved allowing a similar lot size to be subdivided into three parcels.

Mr. Sadoff said that on page 3, it says that lots with subdivision potential have been omitted (Table 2), but in the calculation, it shows that they were left in. Ms. Beatty responded that it is possible those lots are not sub-dividable for other reasons.

Doug Rogers, from Greenwood and Moore and representing the property owners, stated that this is a straight forward project. Staff summarized the proposal and he is in concurrence with the staff report and the project is in conformance with the lot size consistency policy.

Public testimony was called for. No public testimony submitted.

Ms. Miraglia moved to approve Parcel Map, PM-8757 with staff considerations. Mr. Frank seconded. Motion carried 6/0/1 with Mr. Moore recused.

6. **TENTATIVE PARCEL MAP, PM-9438 –SHOFFNER** Petition to convert a four-unit apartment building into four condominiums in an R-S-D-25 (Suburban Residence, 2,500 square feet Minimum Building Site Area per Dwelling Unit) District, located at 19960 Wisteria Street, east side, approximately 600 feet south of Somerset Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0130-102-01.

Ms. Beatty presented the staff report. She stated that this is an existing structure, therefore it would be very difficult to make the project comply with the Condo Guidelines. There are a few things that are specifically lacking, such as parking, private open space and the front entrances are less than 12 feet from the driveway and the units are oriented toward the driveway. However, staff recommends approval of the project based on the status of the building structure.

Mr. Nielsen asked how many visitor parking spaces are in the property and also noted that the play area is half the size that it should be.

Mr. Moore asked Ms. Beatty about visitor parking and if there was an opinion not to make the parking worse as far as parking goes. She said that Planning is looking at it on a case by case basis.

Richard Hua, representing the owner, said that it is a straight forward condo conversion. They are proposing two parking spaces in the back which reduces the common space and there is also a guest parking in front of the building unit. Each unit has a two car garage. The planner is recommending approval, but that the guest parking in the back be removed because it is nicer to have the open space that has been there for 15 years for the entire community. There have been no complaints with the current parking situation. To offset this, there is also public transportation near the project.

Mr. Sadoff asked Mr. Hua if he would consider any play structures in that area if it was to remain as green open space. Mr. Hua said they are proposing a play area or a picnic area. They want to do something above and beyond what is there now.

Ms. Adesanya told Mr. Hua that the staff report mentions that he was going to bring information regarding the offers of leases to the tenants. Mr. Hua said that the owners plan on keeping their current tenants. In case the tenants had to be displaced, relocation assistance and moving expenses up to \$5,000 will be offered, and if tenants are 62 years or older or have a challenge in moving, they

will be offered leases if necessary and any kind of reasonable relocation plans to give them more time to relocate. Moore asked about market value.

Public testimony was called for. No public testimony submitted.

Ms. Miraglia said that she does not follow or agree with the logic when Planning says that the property is deficient but “after all, these are pre-existing conditions because that’s how the buildings are built” and therefore we should approve it. Condominium Conversion Guidelines do, by definition, speak to existing buildings and the guidelines were written to address those pre-existing conditions.

This particular property is deficient in regards to open space, parking, orientation, and entrances. And, while the Board of Supervisors sometimes choose to disregard or override its own policies, guidelines, ordinances etc., her job and the other council members’ job on this Council is to uphold the standards of their own community. Therefore, she would be opposed to this conversion.

Mr. Frank and Mr. Moore said that the problem is with open space and parking and Mr. Nielsen concurred with Ms. Miraglia.

Ms. Sugimura said that the fact that it has existed as an apartment and it has not had problems as an apartment unit causes her to lean towards approval. The applicant tried to provide additional parking by removing some open space, but he did not remove it all. It is a nice facility and if we can provide low cost housing as a starter home, she would like to see people have a place of their own.

Mr. Sadoff has mixed feelings. He is leaning towards approval based on the fact that it is existing and he does not see much change as proposed. He would like to see, if it is approved, the entire open space remain and a nice play area be put in there. Mr. Moore said that one could argue in favor by saying that this will make what is existing, better. The Chair stated that the condo guidelines are supposed to differentiate between regular apartments and a condominium project. A condo project is supposed to be better than just a regular apartment building. This project is short in a lot of areas.

Mr. Nielsen made a motion to deny Parcel Map, PM-9438. Mr. Frank seconded. Motion carried 4/3/0 with Mr. Sadoff, Ms. Sugimura and Mr. Moore opposed.

7. **SITE DEVELOPMENT REVIEW, S-2118-ACCURATE IMPRESSIONS -**
Application to allow signage on a building, in a CVCBD Specific Plan – Sub10 (Castro Valley Central Business District Specific Plan – Sub-area 10) District, located at 3726 Castro Valley Blvd., north side 150 feet south east of Yeandle Avenue, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 084C-0724-123-00. **Moved to the Consent Calendar.**

F. Open Forum

Kathy Gamez, resident at 3423 Wyndale Dr., Castro Valley, spoke about the possibility of a power plant to be built in Hayward. This would not be a good thing for Hayward or the neighboring communities. The Texas based Sierra Energy Center has applied to build an energy center at Clawiter Road and Depot Road in Hayward. This location is surrounded by homes, school, businesses and convalescent homes. Another power plant already has been approved about a mile west of where this proposed plant is to be located. A large amount of pollution is generated in that area from highway 880 and 92. All of this will contribute to pollution in the area that can cause health problems, especially at risk are children, older people, and anyone with respiratory problems such as asthma. Also, there will be increased cancer risk for residents in the area caused by toxic contaminants in the air. Two plants in a populated area such as this one are unthinkable. They probably thought they could get this approved because this is an area where a lot of the residents do not speak or read English. A great concern is what is called the Emission Reduction Credits that mitigates pollution violations. This plant can exceed air pollution guidelines and it will be permitted to go on as long as the company purchases credits to do so. She asked that this council help in the opposition of this project.

G. Chair's Report - None.

H. Committee Reports

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

Ms. Miraglia informed that this committee was not able to meet.

- **Eden Area Livability Initiative**

Ms. Sugimura informed that the Eden Area Livability Initiative Town Hall meeting will be next Thursday, July 12, from 6:30 to 8:30 p.m. at the Eden Medical Center.

I. Staff Announcements, Comments and Reports

Ms. Henninger informed about the next Planning Commission hearing on Monday, July 16, at 6:00 p.m. at the Centennial Hall in Hayward.

J. Council Announcements, Comments and Reports

Ms. Sugimura commented on an article by the Daily Review on July 2nd, regarding Andy and Kathy Duncan on their home at the intersection of Omega and Fourth, with a townhouse that has 3 levels and towers over their property. Discussion ensued on the height of the towers and the approval process. Council members questioned if the Planning Commission or the MAC have any real influence when it comes to final decisions on various projects. It seems that the projects end up getting approved by the Board of Supervisors without any consideration to the MAC or PC's previous decisions or recommendations.

Ms. Adesanya asked what is going on with the design guideline process. Ms. Henninger said she is still looking into it.

Mr. Nielsen asked about the One Stop Shopping Permit Process. He thought that Public Works was going to come to make an announcement. Ms. Henninger said she will check with them. Mr. Nielsen said that Mr. Woldesenbet said that he would address that at the Council so the Council could see if it is making progress.

K. Adjourn

The meeting was adjourned at 7:42 p.m.

Next Hearing Date: Monday, July 23, 2007