

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for December 10, 2007

(Approved January 14, 2008)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:35 p.m. Council members present: Jeff Moore, Chair; Cheryl Miraglia, Vice Chair. Council members: Andy Frank, Dean Nielsen, Dave Sadoff and Sheila Cunha. Council members excused: Carol Sugimura. 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 November 13 and 26, 2007

Mr. Nielsen moved to approve the minutes of November 13, 2007 as presented. Ms. Cunha seconded. Motion carried 4/2/1 with Ms. Miraglia and Mr. Sadoff abstaining and Ms. Sugimura excused.

Mr. Frank moved to approve the minutes of November 26, 2007 as submitted. Mr. Nielsen seconded. Motion carried 6/0/1 with Ms. Sugimura excused.

C. PUBLIC ANNOUNCEMENTS – None.

D. Consent Calendar -

- 1. CONDITIONAL USE PERMIT, C-8582 – KRISTIE CORUJO** – Application to allow continued operation of a community facility (Child Care) for 50 children, in a R-S-D-15 (Suburban Residence, 1500 sq. ft. per dwelling unit) District, located at 20166 Wisteria St., east side .2 miles south of Somerset Ave., unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084A-0130-066-00. Staff Planner: Richard Tarbell – **Moved from the Regular Calendar.**

Ms. Miraglia moved to approve Conditional Use Permit, C-8582 with the term of the use permit for 10 years. Ms. Cunha seconded. Motion carried 6/0/1 with Ms. Sugimura excused.

E. Regular Calendar

- 1. CONDITIONAL USE PERMIT, C-8582 – KRISTIE CORUJO** – Application to allow continued operation of a community facility (Child Care) for 50 children, in a R-S-D-15 (Suburban Residence, 1500 sq. ft. per dwelling unit) District, located at 20166 Wisteria St., east side .2 miles south of Somerset Ave., unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084A-0130-066-00. Staff Planner: Richard Tarbell. **This item was moved to the Consent Calendar.**

- 2. CONDITIONAL USE PERMIT, -C-8662 – T-MOBILE** Application to allow a telecommunication facility (cell site T-Mobile) in a P-D (ZU-1334, 1336, 1341) Planned Development (1334th, 1336th & 1341st Zoning Unit) District, located at Coolidge Court, north east side corner of Summerglen Place, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 085A-0100-002-08. Staff Planner: Christine Greene

Ms. Beatty presented the staff report. She said that the proposal meets all of the policies, except policy H-2. However, the FCC has very strict standards for the protection of residences. Because of the FCC standards, staff is recommending approval of this application.

Mr. Sadoff said that on sheet A-1 he does not see where the 250 feet residences. Ms. Beatty said that looking at the map, she had to disagree with the staff report. It looks like it is right on the edge.

Kelly Pepper, representing T-Mobile, said that they are proposing to install four panel antennas mounted on a pole standing 12 feet and five inches in height to provide increased, improved service in this area. The proposed facility will be painted brown to blend with its surroundings and will be set back from adjacent properties and will not be readily visible from a public street or residential use.

Public testimony was called for.

Lee Petersen, resident at 6300 Boone Drive, said that the he is the president of the Palomares Hills Homeowners Association and he is concerned because two other companies tried to come to the neighborhood to put cell towers. The latest one that they had was at the fire station. He did not know anything about this until late this afternoon. The towers will be in a very visible area in the neighborhood. They (T-Mobile) will try to do their best to hide them. He said he expected T-Mobile had come to them and to have informed them about their plans. The homeowners are concerned about it, their CC&R's antennas throughout the neighborhood and have been like that for years and they may not be the most up to date. He highly discouraged any outside antennas; regular antennas are strictly prohibited, federal government forced them better TV that way. He said he did not know about the 250 feet but is not on a flat area. It is on an elevated area in the neighborhood and makes it easier to see it from a larger area.

Mr. Moore asked Mr. Petersen if this was an EBMUD property. Mr. Petersen said he does not know but it is not inside their Homeowners Association. It sits at the top of their HOA. It is not a common area but it definitely affects several hundred homes in their neighborhood.

Mr. Nielsen asked Mr. Petersen if they posted notices in the area. Mr. Petersen said he does not know.

Mr. Frank asked Mr. Petersen that if it is continued if he could resolve it with T-Mobile. Mr. Petersen said yes.

Mr. Moore asked Mr. Petersen if he could speak to homeowners and make a decision. He would like to have a general consensus and comments from the Council. Mr. Petersen said he has to let all the 7 members of the association take a look at it. Mr. Petersen claimed he did not receive notice of this hearing.

Mr. Moore told Mr. Petersen that he has a copy of the mailing list and told him that the association address is on the list and according to this list it was notified properly.

Public testimony was closed.

Ms. Miraglia said that looking at the pictures, the existing and the proposed antennas look as if they were the same and neighbors are not going to see anything and those trees, she asked Ms. Pepper if that is true. Ms. Pepper said that the antennas are very low, they are 13.5 feet poles. Trees are much taller.

Mr. Nielsen said he did not know the color of the antennas. Ms. Pepper showed color photos.

Mr. Frank said that he did not have any objection provided the association reviews the application, and said that Mr. Petersen's request is not unreasonable. He would like to see that T-Mobile and the association work together. He suggested to continue it to 1/14/08 so Mr. Petersen and the others members have an opportunity to review it.

Mr. Moore said that it was noticed and posted properly and as a policy question he asked where do you draw the line upon, when do you have to start going outside and how the applicant know that. Mr. Frank said that the 1600 homes in the association is obvious presence in the neighborhood that is going to be impacted either directly or indirectly, regardless of what they have there. There is a duty responsibility to go to that association and let them know what is happening there. Mr. Nielsen agreed with Mr. Frank. The Council will set a precedent by putting this up because if one of these antennas goes up, T-Mobile competitors will want the same thing, so if the Council allows one based on improper notification. He would prefer continuance to give the homeowners association an opportunity to meet with T-Mobile.

Ms. Miraglia said that if she thought that there was an issue at all, that there was any visibility, she would say to continue it. She thinks it is not going to make a difference on the long run. She does not see anything that they can do differently.

Mr. Sadoff said that the Council should allow the Homeowners Association the ability to review the plans. Based on these pictures, he does not see an issue to go through the process and allow them to comment.

Ms. Cunha said that more than 1 or 2 members of the association has T-Mobile service and would probably would welcome the antenna.

Mr. Moore agreed with Ms. Cunha. He said that if the Homeowners Association says no, they do not want it, but there is a policy against it; if the answer is no, he asked the Council if that impacts anybody's decision here. If it is continued, the Council will deal with the issue and the question again. Mr. Sadoff asked if it is no, he would like to know why it is no.

Mr. Petersen asked the Council for an opportunity to do some research.

Mr. Nielsen moved to continue this item to February 11, 2008. Mr. Sadoff seconded. Motion carried 4/2/1 with Mr. Moore and Ms. Miraglia opposed and Ms. Sugimura excused.

- 3. CONDITIONAL USE PERMIT, C-8684 – METRO PCS - Application to allow a telecommunication facility (Metro PCS) in a "A" (Agricultural) District, located at 17930**

Lake Chabot Road, north side .34 miles east of Fairmont Drive, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084D-1400-002-17. Staff Planner: Christine Greene

Ms. Beatty presented the staff report. She said that this application meets all the policies except for Policy H-3. Staff encourages co-location. Staff is recommending approval.

Mr. Frank asked if the location is near a group of buildings. Ms. Beatty said she did not believe so.

Maryann Miller, consultant for Metro PCS, said that the wireless carrier is trying to bring better cell coverage to the Castro Valley area. They try to keep the profile of the antennas as low as possible and that was the reason for mounting at that city existing T-Mobile site. If they had tried to co-locate on the same pole, T-Mobile would require a thicker and taller pole so they thought in keeping the aesthetics, they would keep it at a lower profile and keep it shorter.

Public testimony was called for. No public testimony submitted.

Ms. Miraglia moved to approve Conditional Use Permit, C-8684. Mr. Nielsen seconded. Motion carried 6/0/1 with Ms. Sugimura excused.

4. **TENTATIVE PARCEL MAP, PM- 9419 – DELUCCHI** – Application to subdivide one parcel containing 1.00 acre into two parcels in a R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle Parking) District, located at 19050 Hayes Street, south side, 250 feet north of Massachusetts Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084B-0510-008-00. **Continued to January 14, 2008.** Staff Planner: Andrew Young
5. **TENTATIVE PARCEL MAP, PM-9566 AND VARIANCE, V-12080 – KREMER**
Application to subdivide one parcel containing 0.40 acres into two lots and to retain an existing secondary dwelling unit, two stories in height where one story is the maximum, and with a 2.5' side yard where 7' is the minimum for a residential use, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District located at 22440 Charlene Way, east side, approximately 200 feet southeast of Redwood Road, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel No.: 416-0130-001-00. Staff Planner: Andrew Young

Ms. Beatty presented the staff report. Mr. Moore asked Ms. Beatty why this item is back. Ms. Beatty said that the applicant wanted it to be referred back to the MAC because there were significant changes made that should be presented. Mr. Moore asked if staff agreed and concluded with the applicant that the project was substantially altered enough to warrant everybody's time to hear this again. Ms. Beatty said that the MAC's decision was based on no compliance with the lot size consistency policy, even with the design changes, there was some new information found. One of the lot sizes was presented incorrectly. The parcels will still be substantially smaller than the prevailing lots in the area. The applicant did meet with the neighborhood as well.

Ms. Beatty said that this matter was considered last at the MAC on October 8. The Council voted that the application be denied because the proposal was not consistent with

the prevailing lots in the area. The applicant requested that the Council re-consider the application. She noted that since the last staff report, the applicant did point out to staff that one of the parcels that was used to calculate the surrounding lot sizes was incorrect, there was also an additional parcel map that was granted extension, which should also have been included in the calculation. It has now been corrected. However, the parcels are still smaller. The applicant has also met with the neighborhood to discuss their concerns. At this time, staff does not have a recommendation for the WBZA.

Mr. Nielsen asked about the lot size that was incorrect what the correction was. Ms. Beatty said 29,000 square feet down to 23,000 square feet.

Mr. Moore stated for the record that his company is under proposal for the adjacent property to the north to do a boundary survey. It has nothing to do with the subject property. He stated this just in the interest of disclosure. He proposed Mr. Kremer to make his presentation, however, he told council members to focus on lot size consistency. He said that this matter was heard twice and the decision was voted on. Mr. Nielsen said that he does not see any significant differences for the Council to hear this again. Mr. Moore said that the County has asked the Council to give the applicant the opportunity to give the information that he feels is important. However, he thinks that it is not necessary for the Council to hear this again.

Ken Kremer, applicant, said that staff did acknowledge the substantial changes in the entire project. The parcel size has been corrected to 18,062 square feet. In previous hearings, Parcel Map 7960 was not included in the consideration for surrounding properties because it had not been finalized. The frontage is actually 100 feet. After speaking to the neighborhood, Development Services has approved the revised plan. A full geotechnical report required by the Grading Department has been submitted. Andy Young had a discussion with Bob Bohman from the Fire Department, Mr. Bohman agreed that he can work with this revised plan, sprinklers in the rear house and the first 0.5 feet wide as now existing in the current plan. One of the major differences of this plan and the previous plan was the alternative driveway and resolved that any concerns for the fire and emergency vehicles to comply with Bob Bohman preferred approach. In doing so, we had to lose a tree, but it was replaced by 5 trees. Mr. Kremer also noted that he received several letters of support. He said that it should be noted that the proposed parcel 2 will remain the same at 7,051 square feet. Also, the 28 inches pine tree is to be maintained. Mr. Kremer referred to the lot consistency issue on page 6 as presented in the staff report. He also said that he met with the neighbors October 20th. He requested the Council approval on this proposal.

Mr. Moore asked council members their consensus on the issue. The technical issues may be legitimate concerns but he can not get beyond the lot consistency issue.

Mr. Frank said that his position has not changed. Mr. Nielsen said he does not meet the lot size consistency. Ms. Miraglia said that despite the fact that the applicant made several changes, the main thing was the lot size consistency. The letters of support are not from people in the neighborhood. Mr. Sadoff said that the proposed properties are far smaller than the average in the neighborhood. It does not meet the lot size consistency. Ms. Cunha agreed with the other council members.

Mr. Moore addressed for the record specifically the lot size consistency modifications to the staff report. The issue of the smallest adjacent lot has never been a calculation that the Council ever use for determining any type of lot size; the tentative map is included in the staff's alternate, whether the Council agrees or disagrees, the issue of the adjacent uses has been extenuating circumstances, he believes that it has been accounted for if the lot size themselves were actually used, the average would be even higher. He believes that has been looked at in Mr. Kremer's benefit, but he had to agree that the minor modifications have not significantly changed the lot size consistency, which was the major issue last time.

Public testimony was called for.

Brad Lucas, resident at 22440 Charlene Way, said he is co-owner of the subject property with Mr. Kremer and his family live there. He said that this property has been rundown for many years prior to them purchasing it. They have cleaned it tremendously from what it was. The approval on this lot split would allow them to improve the neighborhood further.

Brandee Lucas, resident at 22440 Charlene Way, spoke in favor of the lot split. She has worked hard to clean the lot and she would like to have a good relationship with the neighbors.

Steve Bright, resident at 17260 Redwood Road, said that the adjacent lot has not been finalized. He is concerned if it is not going to go ahead and being finalized. If that is the case, the lot should be considered for Mr. Kremer's request.

Gonzalo Nunez, resident at 22526 Charlene Way, said that he is concerned about additional homes being built in the neighborhood, with additional traffic, noise and major construction on the property. In his opinion, the landscaping could have been done before.

Gordon Burkhart-Shultz agreed with the Council and presented them with a copy of a statement prepared by him. The statement was entered into the record.

Kandie Abreu, resident at 22480 Charlene Way, said that the grading of the driveway next to Mr. Kuzni's property needed to be a 150 square cubic feet, she spoke to someone at the Grading Department and according to him it has to be 30 feet long, 15 feet wide and 9 feet deep. What he did would require a permit.

James Faulkner, resident at 22506 Charlene Way, spoke on behalf of Lillian Barrett. He said that the Barretts added professional right of way and included the gravel road since 1926 to make use of that road that runs on the eastern side of Mr. Kremer's property. The right of way that she has gives her ingress and egress from her property. Other vehicles like UPS, telephone companies and others use that road as well. Her concern is the use of potential damage to the road if the road is used by either Mr. Kremer or by any of his representatives. He referred to the public comment section of the staff report related to the October 20 meeting. It mentions that Mr. Kremer understands that access is not available from that driveway and that it is private property. His plans do not propose to have any access there and that he will be happy to put up a fence. Also, the staff report mentions that the applicant has indicated that he will seek to obtain access on this

easement through all legal means as may be adjudicated based on past use and access patterns. They still have the issue of the potential damage to the road way. He showed some color pictures to council members showing earth movement from different angles. Given his promise that he was not going to use that road for any construction work, the grading is right up to the level of the road. There is a concern that that road is going to deteriorate further. Mr. Kremer has no right to use that.

Mr. Sadoff asked Ms. Beatty what is the threshold. Ms. Beatty said that she has to consult the Grading Department. Mr. Moore said that the purpose of potential grading is maybe a violation maybe is not.

Genie Lester, resident at 22516 Charlene Way, said that she believed that the reports that you have and the testimony and what neighbors have said is pretty clear what is going on here and probably what needs to happen.

Mr. Burkhart-Schultz said that there is no precedent for allowing smaller lots on Charlene Way following the 1991 policy for lot size consistency. All of the lots on Charlene Way that are smaller were approved and built way before 1991, except for one lot and that is the one that Mr. Kremer is referring to. He said it was true that it was approved by MAC in 2002. However, the staff report provided at that time erroneously cited just the 1985 policy on lot size consistency. The basis on which the MAC made its decision in 2002 to allow the lot immediately north to the lot in question is based on the 1985 lot size consistency policy not based on the current policy.

Bridget Paquette, resident at 22465 Charlene Way, pointed out on a map that this parcel is owned by the same owner, they just never joined them together legally. Mr. Silva originally purchased the parcel and built his house and there was no room for his garage sits partially on the front parcel and partially on the back parcel. The staff report states that there is a parcel without an address not used, it has his garage on it. When you add these two parcels together, it changes the overall average parcels on their street. She acknowledged that they had a meeting. The Board of Zoning Adjustments encouraged all to have a neighborhood group meeting, they went on a field trip and walked the property, however, they did not agreed to change their beliefs if the current property was improved. Mr. Kremer asked them to sign an agreement but they did not agree. There was not an agreement.

Mr. Kremer addressed some of the concerns of the neighbors. The lot size consistency policy states that the decision made to evaluate the neighborhood character. The staff report states that the subject property is unique to the street because to the rear is a mini storage and to the north is a convalescent home. While the single family lot that is a tentative map has been approved but spoken to the new owner, he was not committed to finalizing that map because he might want to put a building 5,000 square foot building on that site to accommodate his other units. If you eliminate the possibility of a single family lot and keep it as existing zoning commercial it speaks more favorably to his proposal. His neighbor to the rear is the mini storage and his neighbor to the left, a 42 bed dementia home. He thinks that if you look at the big picture as it relates to the uniqueness of his property as it relates to the senior care facility and relates to the mini storage to the rear, it is a right decision to move for approval.

Public testimony was closed.

Mr. Sadoff said that he still thinks that numbers are a big part of it. He can not see this lot split meeting the lot size consistency. Ms. Cunha agreed with Mr. Sadoff. Ms. Miraglia said she has not changed her mind but to her it does not affect the character of the neighborhood. Mr. Nielsen said that he stays with the previous motion. It is pretty clear, and in the staff report the staff planner points out that it is very important to recognize the property values and the consistency in the neighborhood. Mr. Frank's decision has not changed.

Mr. Moore concurred with the rest of the Council. He told Mr. Kremer that the County has calculated a couple of different ways to address his concerns.

Mr. Nielsen moved to deny Parcel Map, PM-9566 and Variance, V-12080. Mr. Sadoff seconded. Motion carried 6/0/1 with Ms. Sugimura excused.

6. **SITE DEVELOPMENT REVIEW, S- 2141 – SIGN PRODUCTIONS/BANK OF AMERICA** – Application to allow new signage for a bank building, in the Castro Valley Central Business District Specific Plan – Sub-area 7 (CVCBDSP-SUB 7) District located at 3067 Castro Valley Boulevard, south side corner, approximately 250 feet west of San Miguel Avenue, Unincorporated Castro Valley Area of Alameda County, designated Assessor's Parcel Number 084A-0036-003-01. **Continued to January 14, 2008.** Staff Planner: Richard Tarbell
7. **SITE DEVELOPMENT REVIEW, S-2143 – MCDONALD'S CORPORATION/ELIZABETH SCHMIDT** Petition to allow new signage at an existing McDonald's restaurant, in a C-2 (General Commercial) District, located at 2905 Grove Way, southeast side, 150 feet southwest of Center Street, unincorporated Castro Valley area of Alameda County, designated County Assessor's Parcel Number: 416-0100-034-07. Staff Planner: Christine Greene

Ms. Beatty presented the staff report.

Dave Coberly, representing the applicant, said that he is here to support the application for a new sign. Some of the signs that are on the building now have been there before but with the new addition of the play place, some things have moved around, a couple of signs were removed and the owner would like to have the sign up on the building because he spent a lot of money in the play ground and it is a recognized entity of McDonald's Corporation.

Mr. Nielsen said that he wished the owner was in attendance because he would like to compliment him in recognizing community's concern about the way the building looked and taking our suggestions to heart.

Mr. Sadoff made a motion to approve Site Development Review, S-2143. Ms. Cunha seconded. Motion carried 6/0/1 with Ms. Sugimura excused.

- F. **Open Forum – None.**
- G. **Chair's Report - None**

H. Committee Reports

- **Eden Area Alcohol Policy Committee**

Mr. Moore asked who is in that committee. Ms. Miraglia said that she is not in that committee but there will be a meeting this coming Wednesday.

- **Redevelopment Citizens Advisory Committee**

- **Ordinance Review Committee**

Ms. Miraglia said they actually had a meeting and regarding design guidelines there is going to be a steering committee that is going to specifically work on design guidelines because it is really too big of a project to come under just the Ordinance Review Committee. They discussed what should be the make up of the committee, and it was pretty much agreed that all the people should live in the unincorporated area. They also talked about having some businesses representation, businesses that obviously will be impacted by guidelines on commercial buildings. It was definitely felt that people who do not live or have a business on the unincorporated area should not be on that committee. They also said that the committee should be made up of people who really understand how to read a plan and look at plans. It should include possibly some developers, people who will have to go by these guidelines. Also, they talked about how they should be selected. It was agreed that they should be appointed but the Board of Supervisors should not appoint them directly. There will be an application process. People should apply if they want to be on this committee. The Planning Department should really select from that and make those recommendations to the Supervisors. We want people to actually be qualified. This is in the preliminary stage. Next meeting in January, Rodrigo Orduna will come with some more concrete specifications. The members should not be more than 12.

- **Eden Area Livability Initiative**

Mr. Sadoff commented on the PRHC meeting on Thursday. There were some questions about the ordinance itself. There is some concern over noticing, people that are actually going to be on the historical inventory, property owners will be noticed by mail. The ordinance is based on CEQA. There is a hierarchy of from what is considered to be most important, down to point of interest. Trees were not considered, only structures.

I. Staff Announcements, Comments and Reports

J. Council Announcements, Comments and Reports

Ms. Miraglia said that she was not at the meeting where they talked about the Caltrans property. About a week and a half ago she received a call from Senator Corbett's office because she sent them a copy on all the letters. They have been in contact with Caltrans. Apparently, Caltrans said that is not a done deal with the CHP. They gave her the name of a person who will work with us in the interim about getting some enhancement on the outside of that property. They are going to be leasing the property instead of buying it.

Mr. Frank said that he heard basically is a standard procedure. First, they have to determine if they can use it and if there is going to be a lease or rental.

Mr. Nielsen said that he is concerned Hayward has it all zoned, they are ready to annex a good portion of that. He would like to find out from Public Works and from the County what the status of that property is, because we need a post office and a work play and this is one of the few opportunities we are going to have looking at that piece of property large enough to accommodate that. He asked if it is possible to get a report on the status of the Foothill Surplus property and where we are in the process before all of a sudden Hayward has it. Mr. Swanson said that the only property that he thinks is big enough is the property on unincorporated Ruby. Mr. Nielsen said that there are several parcels in there but the point is that there is an apartment house there but before that disappears we need to know where we are now rather than wait, look at each other and say that that was a good idea.

Ms. Miraglia said that she emailed all council members a copy of the letter that she sent to Safeway to let them know that Safeway was appealing the decision. Her understanding is that Safeway has postponed their appeal to January. They are working with Planning some of the details. Ms. Henninger said that they met with the Safeway people that was here for a presentation, and it was Redevelopment and Planning. They worked out some corrections like the alley way with regards to the garbage and the debris, as well as the loading deck area. As you know, they were doing the internal remodel. In the mean time, they talked about all the conditions that were originally placed like same type of enclosure as they have now. We have to be consistent with what will be behind the enclosure.

Mr. Nielsen said that he noticed for the re-design, those trailers on Castro Valley Blvd. were unacceptable and they moved them to the rear. Ms. Henninger said they moved them to the portion where the employee parking is. Also, some concerns were discussed like the number of spaces that will be taken away from their employee parking and what they can do with that but that is much better then what is back in that area. They were pretty responsive.

Mr. Moore asked Ms. Beatty regarding Mr. Kremer's application if anybody can do that and keep bringing it back, he wanted to know what the threshold is. Ms. Beatty said that this was a judgment call. Mr. Moore said that the Council heard an open testimony two previous times, he just wanted to make sure that the Council has the ability and the authority to limit those changes to just move things forward. Once you open for public testimony can you kind of restrict what they are saying or not. Ms. Henninger said that technically they can talk about whatever they want.

K. Adjourn

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

Next Hearing Date: Monday, January 14, 2008