

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for February 25, 2008

(Approved as amended April 14, 2008)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:00 p.m. Council members present: Jeff Moore, Chair. Council members: Andy Frank, Carol Sugimura, Sheila Cunha, Dean Nielsen and Dave Sadoff. Council members excused: Cheryl Miraglia, Vice-Chair. Staff present: Tona Henninger, Jana Beatty and Maria Elena Marquez. There were approximately 10 people in the audience.

B. Approval of Minutes of January 28 and February 11, 2008

Mr. Sadoff submitted minor corrections to the minutes of January 28, 2008; after that, he made a motion to approve the minutes. Ms. Sugimura seconded. Motion carried 6/1/0 with Ms. Miraglia excused.

Ms. Sugimura submitted corrections to the minutes of February 11, 2008. Ms. Cunha seconded. Motion carried 6/1/0 with Ms. Miraglia excused.

C. PUBLIC ANNOUNCEMENTS / Open Forum

Mr. Moore informed the people in the audience that Variance, V-12099 will be heard by the WBZA at the March 12, 2008 hearing.

Consent Calendar

- 1. SITE DEVELOPMENT REVIEW, S-2119 MCDONALDS/RHL DESIGN GROUP -** Application to allow the demolition and reconstruction of a McDonald's restaurant with a drive through located within the CVCBD-SUB1 (Castro Valley Central Business District Specific Plan, Sub Area 1) District, located on 1620 Strobridge Avenue, east side, 200 feet south of Castro Valley Boulevard, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Numbers: 084A-0007-022-00, 084A-0007-023-02, and 084A-0007-023-03. **(Continued from January 14 to April 14, 2008). Staff Planner: Jana Beatty**

D. Regular Calendar

- 1. CONDITIONAL USE PERMIT, C-8708 – METRO PCS – Continued to March 24** Application to allow continued operation of a cell site, in a "A" (Agricultural) district, located at 23207 Hollis Canyon Road, east side 100 feet north of I-580 Freeway, Castro Valley area unincorporated Alameda County, bearing County Assessor's designation: 085A-1150-001-05. **Staff Planner: Richard Tarbell (Continued to March 24, 2008)**
- 2. VARIANCE, V-12099 & SITE DEVELOPMENT REVIEW, S-2089 – YATES, BILLY & KIMBERLY -** Variance application to allow reduced parking and two roof signs where otherwise not permitted, and Site Development Review application to allow an addition to an existing restaurant (JD's) on a property located in Sub-area 5 of the Castro Valley Central Business District Specific Plan, located at 2837 Castro Valley Boulevard, in the unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084A-0017-003-00 **Staff Planner: Pat Anekayuwat**

Ms. Beatty summarized the staff report. She stated that this project is part of the Redevelopment Agency façade improvement program. In relation to the parking variance, typically the variance would be required because it is more of a technicality; they are not increasing the number of patrons and it is not an expansion of use. The Castro Valley Chamber of Commerce supports the application.

Mr. Yates, applicant, said that they are rebuilding the patio. He expects that the work will be finished by May or June and that he expects that everybody will be happy with the results.

Mr. Nielsen asked about the area that has an awning at the west side if it will have a hard roof. Mr. Yates said no. It will be open. Mr. Nielsen said that during winter it will not be OK. Mr. Yates said he will try to improve that.

Mr. Sadoff said that he is inclined to be in favor. Ms. Cunha concurred; she said that it is a great project. Ms. Sugimura loves the upgrades. Mr. Nielsen said it is a good plan. He has no problem with the signs.

Mr. Frank moved for approval of Variance, V-12099 and Site Development Review, S-2089 with planning considerations. Ms. Cunha seconded. Motion carried 6/1/0 with Ms. Miraglia excused.

3. **VARIANCE, V-12100 – SLAR DESIGN CA, INC/BARBARA HAMRICK**
Application to allow a 6-foot side yard where 10-feet are required in conjunction with a residential care facility in a R-S-D-20 (Suburban Residence, 2,000 square foot per dwelling unit) District located at 20531 Forest Avenue, west side, 750 feet, north of Castro Valley Boulevard, unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084C-0724-079. **Staff Planner: Christine Greene**

Ms. Beatty summarized the staff report. She stated that staff recommends denial.

Harold Eldridge, representing the Applicant, said that when they first applied for this permit they did a little research. They spoke with one of the planners and it was deemed at that time that a set back was allowed; an 8 foot set back was OK. The owner said that it would be fine. They dropped those plans and submitted new plans. A senior planner told them that a 10 foot set back was not allowed. He said that there is a misunderstanding. Regarding the property problems, he said that the existing deck is useless. It is virtually hidden by trees and shrubbery. He said that the house has no visibility per se from the neighbor. There is an apartment complex with 5 or 6 tenants.

Mr. Sadoff told Mr. Eldridge that he has 2 options. Mr. Eldridge replied that they have not investigated that one yet.

Barbara Hamrick, owner of the facility, said that the option of building where the oak tree was is not an option because there are 2 bedrooms facing that area.

Mr. Frank said that he has been in the facility and that it has charm and nice landscaping.

Mr. Nielsen said that he has no problem with it, and that the deck be restricted to a sun room.

Ms. Sugimura said that her concern is that it is so close between the neighbors and this location. Mr. Sadoff, Ms. Cunha and Mr. Moore concurred.

Mr. Nielsen moved to approve Variance, V-12100 with the condition that it be a sun room only and not converted to a bedroom. Ms. Sugimura seconded. Motion carried 6/1/0 with Ms. Miraglia excused.

4. **SITE DEVELOPMENT REVIEW, S-2148 – FUGFUGOSH** - Application to allow new signage, in a C-N (Neighborhood Commercial) District, located at 18950 Lake Chabot Road, east side corner southeast of Quail Avenue, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 84C-0630-006-06. **(Continued from February 11, 2008). Staff Planner: Christine Greene.**

Ms. Beatty summarized the staff report. This item was continued from the previous meeting because the applicant was not present. She said that staff is recommending approval.

Mr. Moore asked Mr. Fugfugosh if he will be adding a small piece of landscaping. Mr. Fugfugosh said that it is part of it. Mr. Moore said that he does not see the requirement for landscaping in the staff report. Mr. Fugfugosh said that the sign is on the ground. Mr. Moore asked if his intent was to put landscaping. Mr. Fugfugosh said yes.

Mr. Sadoff said that the staff report says that the banners are not permitted and that they should be removed immediately. Mr. Fugfugosh said he removed them already.

Public testimony was called for. No public testimony submitted.

Mr. Nielsen moved to approve Site Development Review, S-2148 with the condition that the planning area be a part of the project. Mr. Sadoff seconded. Motion carried 6/1/0 with Ms. Miraglia excused.

5. **2252nd ZONING UNIT – JAMES ANDRADE** - Petition to reclassify from an R-S-D-20 (Suburban Residence, 2,000 square feet building site area per dwelling unit) District to a PD (Planned Development) District, to allow subdivision of one site containing approximately 0.34 acres into four parcels and to permit construction of four detached single family residences and allowing site-specific development standards, located at 20540 Forest Avenue, east side, 540 feet north of Vincent Court, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084C-0713-009-01. **Staff Planner: Andy Young**

Ms. Beatty summarized the staff report. She indicated that the staff planner did not do a lot size consistency analysis of the surrounding neighborhood. Due to that policy, the applicable density could go up to 7 units on this parcel, with required set backs. A single family home is proposed here plus 4 units. This application has been before the Planning Commission for a pre-hearing recommendation. Staff is recommending approval.

Mr. Sadoff referred to page 3 of the staff report, regarding the enhanced window treatment. Ms. Beatty said it is because the house will be facing Forest Avenue, the treatment will make it look better.

Mr. Nielsen asked why it was heard first by the Planning Commission. Ms. Beatty said that in accordance with the requirements for re-classification of property to the PD (Planned Development) District.

Craig Ragg, representing the applicant, said that this subdivision is very similar in style to the project built on Roxy Way, with the same concept they did over there. They are proposing 4 guest parking spaces. Andy Young suggested eliminating the last of the four guest parking spaces to provide an additional backing area. This is something that the architect looked at and they are addressing that issue. In addition, he met with the Grading Department and paid the application fee for a soils report. The only other comment about the driveway entrance, it was talked about being only 16 feet wide from the 4 foot sidewalk. One of the neighbors is concerned about the retaining wall. They are assuring them that they would be taking care of that. No retaining wall.

Mr. Moore asked Mr. Ragg if the retaining wall is no more than 2 feet. Mr. Ragg said it is very small. Mr. Moore asked if the walk way will be flush.

Mr. Sadoff asked about the construction of the retaining wall. Mr. Ragg said that it is a cement retaining wall.

Judith Carlson, resident at 20520 Forest Avenue, is concerned about the fence on top of the retaining wall. They have a swimming pool that is right behind the fence. She wants to know what is going to happen to the fence. She asked that this issue be addressed and be agreeable to both parties.

Mr. Moore said that the County needs to address this issue. Ms. Beatty said that he will be required to construct everything according to requirements. The Building inspectors will go and there will be a lot of oversight during construction. Mr. Moore suggested to address these concerns right away with Mr. Ragg.

Mr. Nielsen moved to approve Zoning Unit, ZU-2252 with Planning considerations. Ms. Cunha seconded. Motion carried 6/1/0 with Ms. Miraglia excused.

F. Chair's Report - None

G. Committee Reports

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

Ms. Sugimura said that there was a meeting on Wednesday. The public came and had the opportunity to talk about the previous meetings in October regarding the unincorporated area. Concerns need to be addressed otherwise they are going to be lost. They have followed 2 tracks. One of the tracks has 106 issues that will be

addressed at a series of sessions. If you want to address those concerns, you need to attend the meetings or at least one of the meetings. In order to address the issues that were identified by the Task Forces as top priority, we will have the Charrette on April 5th. The people will have an opportunity to vote.

H. Staff Announcements, Comments and Reports

I. Council Announcements, Comments and Reports

J. Adjourn

The meeting was adjourned at 6:48 p.m.

Next Hearing Date: Monday, March 10, 2008