

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
Minutes for June 9, 2008

(Approved as corrected August 25, 2008)

A. CALL TO ORDER: The Chair called the meeting to order at 6:00 p.m. Council members present: Jeff Moore, Chair; Cheryl Miraglia, Vice-Chair. Council members: Andy Frank, Sheila Cunha, Dean Nielsen, Carol Sugimura and Dave Sadoff. Council members excused: none. Staff present: Tona Henninger, Jana Beatty and Maria Elena Marquez. There were approximately 6 people in the audience.

B. Approval of Minutes of May 27, 2008

Ms. Cunha moved to approve the minutes of May 27, 2008 as presented. Mr. Frank seconded. Ms. Sugimura abstained. Motion carried 6/1/0 with Ms. Miraglia not present when the motion was made.

C. PUBLIC ANNOUNCEMENTS / Open Forum

John Coates, resident at 2650 Cohoe Court, asked the Council about the notification and posting process. He said that neighbors/residents do not have enough time to review the file before the meeting. He said that he got a copy of the staff report 4 days before the meeting. He asked if the process could be modified.

Ms. Beatty said that it will start to get better as the vacant positions at the Planning Department get filled. She told Mr. Coates that the file is always available at any time, probably not the staff report and recommendation.

D. Consent Calendar

1. SITE DEVELOPMENT REVIEW, S-2165 – ZHEN DENG – Application to allow new signage on a building, in the Castro Valley Central Business District Specific Plan – Sub-area 7 (CCVBDSP-Sub-7) District, located at 3235 Castro Valley Boulevard, south side, approximately 150 feet east of Chester Street, unincorporated Castro Valley area of Alameda County, designated Assessor's parcel number: 084A-0040-016-02. Staff Planner: Pate Anekayuwat Moved to consent calendar.

This item was moved from the Regular Calendar. Mr. Sadoff moved to approve Site Development Review, S-2165 with Planning recommendations. Ms. Cunha seconded. Motion carried 6/1/0 with Ms. Miraglia not present.

E. Regular Calendar

1. CONDITIONAL USE PERMIT, C-8730 – AMELIA SCHIMMELS – Application to allow an indoor recreation center for children in an CVCBDSP – Sub 5 (Castro Valley Central Business District – Specific Plan, Sub-area 5) District, located at 2751 Castro Valley Boulevard, south side 300' east of Lake Chabot Road, Castro Valley area of unincorporated Alameda County, bearing

County Assessor's designation: 084A-0015-004-00. **Staff Planner: Christine Greene. Continued from May 27, 2008.**

Ms. Beatty summarized the staff report. This item was heard at the previous meeting and the Council requested to see some paperwork. The applicant provided paperwork from Social Services and the State. The franchise agreement is attached to the staff report.

The item was put on hold until council member Miraglia arrived. Ms. Miraglia arrived at 6:20 p.m. Mr. Moore asked the applicant to summarize the center activities. Ms. Miraglia asked Ms. Schimmels if she will be running a pre-school. Ms. Schimmels said no. They have an exemption from the state. Ms. Miraglia said that in one section of the agreement says that 12 hours per child and in another section, the 2006 letter that refers to a program that is not more than 12 hours per week.

Christina Petrosky, franchise president, said that the children can actually be there for limited hours depending on the age. Ms. Miraglia asked if there will be a separate room for the pre-school kids. Ms. Schimmels said yes. Mr. Nielsen asked if the franchise is for 10 years. At least for the first license he didn't see a recommendation for the sign for the CUP. He would like the Council to consider approving it for 5 years rather than 10.

Ms. Sugimura referred to staff recommendation # 3. She asked Ms. Petroski how she determines how many hours each child is there and if the parents are aware in advance.

Mr. Sadoff asked Ms. Petroski if the timekeeper is automated. Ms. Petroski said yes. Mr. Sadoff said that he was confused with the letter from Social Services where it says that if the drop-in center operates under 15 hours per week it is not subject to licensing. The letter states they will operate for 9 hours per week.

Ms. Miraglia asked what was the status on the zoning. Ms. Beatty said that at the previous meeting staff asked the Council for direction as to the signage plans.

Ms. Sugimura asked what was the status on the signage. She is concerned because the staff report indicates that the applicant has been contacted 4 times requesting dimensioned elevation drawings among other things and the applicant has not submitted any sign proposal.

Mr. Nielsen moved to approve Conditional Use Permit, C-8730 with Planning considerations. Ms. Miraglia seconded. Motion carried 7/0.

2. **TENTATIVE PARCEL MAP, PM-9016 – HUANG** – Application to allow the subdivision of one lot into two lots located at 21125 Tyee Court, northwest side, approximately 500 feet north of Norbridge Avenue, Castro Valley area of

unincorporated Alameda County, bearing the Assessor's Parcel Number: 084A-0025-002-00. Staff Planner: Christine Greene.

Ms. Beatty summarized the staff report. This application was originally to subdivide one lot into three lots; however, the applicant has modified the project to two lots as recommended by MAC at the May 14, 2007 hearing. By reducing the number of lots in the subdivision, the variance request was eliminated. Since the last hearing in 2007, the applicant has been undecided as to pursue the two lot subdivision. He recently submitted updated drawings with a request to staff to move forward with this proposal.

Dylan Quam, representing the applicant, said that the applicant agrees to move the garage from the first parcel and build a 2 car garage. He said that Mr. Huang accepts the conditions for approval.

Ms. Sugimura asked Mr. Quam if the applicant is accepting staff's recommendation regarding the removal of the garage so there can be additional guest parking. Mr. Quam said yes. There is plenty of parking space in the existing lot. They agree with the recommendations.

Public testimony was called for.

John Coates, resident at 2650 Cohoe Court, stated that he was pleased to see the subdivision into only two lots. He said that he agrees with the staff's recommendation to build a new two car garage for Parcel A at the rear of the building. He is also concerned about water pressure. He mentioned an EBMUD statement dated October 2006 that says that offsite pipeline improvements may be required to serve the proposed development. He also noted that the staff report does not mention any requirements for fencing before the construction starts. He would like that someone come and talk to him before construction starts. There is only a chain link fence.

Public testimony was closed.

Mr. Moore said he agreed with Mr. Coates in regards to the lot size consistency table presented by Mr. Coates. He said that the numbers might be a little bit questionable. He thinks it is a technical issue, theoretically it's over the 10,000 square feet limit.

A discussion ensued among council members Sadoff, Frank and Nielsen regarding the lot size consistency calculations table attached to the staff report.

Mr. Moore said that for the purpose of this application it's a bigger issue here. He asked council members if they had a problem to have the applicant come back. Mr. Sadoff said he would want the applicant to come back. Mr. Frank said anytime there is an split, you have to find the boundaries have to be defined.

Mr. Moore said he totally concurred. Now is a good opportunity since the applicant is here and he encouraged him to talk to Mr. Coates and share some information so they can try to get together and come to an agreement on the fence issue. In regards to the water, he acknowledged that. Typically, you got to go ahead and be served by EBMUD, he has to have sufficient water issues. He thinks that EBMUD is going to be the guarantor of his requirements and allow the development to go through without the degradation of the water system.

Mr. Frank referred to page 2 of the staff report under Agency referrals, the one related to EBMUD.

Ms. Sugimura asked what the other council members think about the demolition of the garage in order to get more parking. Council members said it is a great idea.

Mr. Sadoff moved to approve Parcel Map, PM-9016 with staff considerations. Ms. Miraglia seconded. Motion carried 7/0.

- 3. SITE DEVELOPMENT REVIEW, S-2165 – ZHEN DENG** – Application to allow new signage on a building, in the Castro Valley Central Business District Specific Plan – Sub-area 7 (CCVBDS-Sub-7) District, located at 3235 Castro Valley Boulevard, south side, approximately 150 feet east of Chester Street, unincorporated Castro Valley area of Alameda County, designated Assessor's parcel number: 084A-0040-016-02. **Staff Planner: Pat Anekayuwat. This item was moved to the Consent Calendar.**

F. Chair's Report – None.

G. Committee Reports

- **Eden Area Alcohol Policy Committee – None.**
- **Redevelopment Citizens Advisory Committee**

Mr. Moore said he is trying to get the status on the old Daughtry's building and as far as he knows there is no active deal with the Redevelopment Agency. He has heard rumors that the building is back on the market for sale. Ms. Beatty said that as far as she knows, the deal fell through.

Bob Swanson said that the farmers market is going strong and doing great.

- **Ordinance Review Committee**

Ms. Miraglia said that the Task Force group is reviewing applications. They had already one preliminary meeting. They are going to schedule interviews with the people who applied for the Task Force and that should be happening if not next week, the following week.

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- Eden Area Livability Initiative

H. Staff Announcements, Comments and Reports

Ms. Henninger said that the election for chair and vice chair will be at the next meeting.

I. Council Announcements, Comments and Reports

Ms. Miraglia commented that several previous MAC items were going to the Board of Supervisors including the Kremer variance. She sent an e-mail to Supervisor Miley telling him that he hoped he was going to uphold the MAC and WBZA recommendations. She said she wasn't going to be able to attend the Board of Supervisors meeting but hoped that other members could.

Mr. Nielsen said he mentioned to staff he didn't understand how both the variance and the lot split got put together and going to the Board of Supervisors because of the subdivision. He said he is not happy about that.

Ms. Beatty said that the appeal was for the variance only. The WBZA denied the variance, the Planning Director did not take action on the parcel map.

Ms. Miraglia noted that Planning staff recommends that the variance be approved. She said it is very confusing.

Mr. Nielsen said that it should be referred back to the Council in order to weigh in on the lot split because we are circumventing the process because it did not go to the Planning Commission, the supervisors should be looking at the variance. Ms. Beatty said that parcel maps go to the Planning Director, not to the Planning Commission. Mr. Nielsen asked if the variance is approved as far as the secondary unit, where that leads the Council. Mr. Nielsen said that the point is that he asked for the variance so he could build the garage, not the lot split. The description of the project is incorrect.

Ms. Henninger said that we will bring the concerns to Chris Bazar and Albert Lopez prior to the hearing, but it is not appropriate to discuss any further details at this meeting.

J. Adjourn –

The meeting was adjourned at 6:43 p.m.

Next Hearing Date: Monday, June 23, 2008