

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for August 25, 2008

(Approved on September 8, 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, John Ryzanych and Dave Sadoff. Council members excused: none. Staff present: Tona Henninger, Sonia Urzua and Maria Palmeri. There were approximately 6 people in the audience.
- B. Approval of Minutes of June 9, 2008 and June 23, 2008**
Member Nielsen moved to approve the minutes of June 9, 2008 with minor changes. Member Cunha seconded. Motion carried 6/1. Member Miraglia moved to approve the minutes of June 23, 2008 as presented. Member Cunha seconded. Motion carried 4/3.
- C. PUBLIC ANNOUNCEMENTS / Open Forum**

Craig Ragg introduced a proposed development on Forest Avenue. The parcel is approximately 17,000 square feet. The surrounding area is composed of a mixture of various developments such as multiple town homes and single family homes. This parcel has adequate access and enough room for parking on site. He asked for a general consensus from council members on developments on Forest Avenue. Ms. Miraglia said the main issue is parking, and making sure that the driveway is at least 16 foot wide. She stated that it sounds like both of these issues will be addressed. Mr. Nielsen asked if he will need any variances. Mr. Ragg said that it is very unlikely since the lot is so wide. The Chair asked that the applicant stay for the Fire Department's presentation as they will be addressing driveway widths on future developments. The Chair said that as long as it meets lot size consistency, driveway access, and there is not a need for a variance, it sounds like a good project.

Sonia Urzua informed council members of the change of the Daily Review coverage for Castro Valley news. The new reporter will be Kris Noceda.

- D. Consent Calendar** – The Chair asked that item #5, S-2177, Ly/Chiu, be moved to the consent calendar. Member Miraglia moved to approve the consent calendar with staff consideration, Member Cunha seconded.
- E. Regular Calendar**
- 1. Informational Item - Fire Department's Access and Water Supply Overview – Chief Bradley/Bonnie Terra, Fire Marshall**

Chief Bradley addressed the council members on the importance of working with residents of Alameda County on construction developments while maintaining consistency and striving for the best in fire safety. He introduced Bonnie Terra, Fire Marshall and Randy Bradley the newest Deputy Chief, very knowledgeable in regulatory and commercial fire prevention and nationally recognized in fire code adoption process.

Ms. Terra gave a presentation on current Fire Department Standards for Alameda County. She stated that the Fire Department works closely with the Planning Department and other departments on all projects and always strives to provide a fire safe community. All projects have special nuances and we work with the applicants to achieve their goal. We will come back to the council with more detailed information on some of the items on the presentation today. As of January of this year California was brought up to comply with the rest of the national fire code standards. These are good safeguard practices for the public and equally important to get the firefighters in and out of dangerous situations. We comply with the rules from the 2007 Fire Code as amended by the County Ordinance, 2007 California Building Code as amended by the County Ordinance, NFPA Standards, including but not limited to 13, 13D, 13R – 2002 edition, NFPA 1142 and Title 14, Public Resource Code 4290 and 4291.

Ms. Terra defined the SRA (State Responsibility Areas) some of the areas are Crow Canyon, southside of the 580 freeway Palomares area, Tesla, Dell Valle and Sunol. The LRA (Local Responsibility areas) is the remainder of the unincorporated areas such as Castro Valley, San Lorenzo, Cherryland, etc.

Effective January 1, 2008 is the new fire apparatus access roads which shall extend to 150 feet of all portions of the first story of a building as measured by an approved route around the exterior of the building. Dimensions of fire apparatus roads shall have an unobstructed width of not less than 20 feet and a vertical clearance of 13'6". Past practice has been less than 20 feet. The fire department will be working closely with applicants in order to meet the new requirement. If a project has less than the 20 feet driveway, the Fire Department will work on alternative means to meet the code. Other requirements that also took effect at the beginning of the year refers to dead end streets which need to provide a turn around for fire apparatus and grade to an access road shall be within the limits established by the fire code official. Water supply and flow has to meet the required fire flow for fire protection. The new codes also address areas without water supply systems.

Ms. Terra explained the setbacks for structure defense. All parcels in a SRA zone shall provide a minimum of 30 foot setback for buildings from all property lines or center of road no matter what local ordinances state. If a project already has conditions set, the Fire Department will not change it. This will apply to new projects only. Chapter 7 addresses ignition resistant materials to make buildings fire safe such as roofs, attic ventilation, exterior walls, decking, under floor and appendages and ancillary building and structures.

Ms. Terra offered to bring maps for high fire severity zones for council members that show the areas subject to state and local rules. There are certain areas that go up against wild life urban line such as Lake Chabot, Hillcrest Knolls, Sunol, some of these areas will be part of the high fire severity zones. Member Nielsen asked if there is a code book the council members can refer to when looking at the different projects. Ms. Terra said they will send the council members a summary sheet of the codes.

Discussion ensued on how to deal with upcoming projects and new codes. Ms. Terra said the most important thing is to be able to get to the structure. There are things everyone can do to make their building/home safer/fire resistant. Fire Chief said they need to get to a structure within 150 feet because that is the length of the fire hose. Ms. Terra said that she will give the

council members a list of names and phone numbers for staff members if they have any questions. Council members discussed the 10% grade and if there are other options. Fire Chief said if the hill is too high it might be too steep to have the truck climb.

The Chair thanked the Fire Department for the explanation on the new codes/changes so they can make an informed decision when these projects come before the council.

2. Informational Item - Signs and Sign Regulation in Castro Valley – Clarification on process to be used when a business proposes changing to an existing "can" sign. **Staff Planner: Sonia Urzua**

Sonia Urzua presented the staff report. She reported the proposed changes to streamline the process for sign changes. The Planning Department is working with Redevelopment Façade Improvement Program on the sign applications. Redevelopment has forgivable loans for façade improvements projects which include signs. Ms. Urzua said the sign review with no changes in size, then the application would come to the Council as a referral to the Chair instead of an item on the agenda unless the Chair notified staff that there was interest in placing the change on the agenda. The Chair said that he favors speeding up the process but feels that by having the applications come to council there is some leverage for a better project. Ms. Urzua said that this will make the process simpler. The planners will not have to write a staff report and it will be a quick turnaround. Council members asked if they can get a pdf format of the application before it is approved. All council members asked staff to send it to them by e-mail. The Chair said e-mail is more efficient. Member Ryzanych asked that personal e-mail not be given out to the public.

Member Cunha asked if County has regulations in regards to real estate signs on the right of way. She said the City of Pleasanton pulls real estate signs off the street and in order to get them back there is a \$12.00 charge. Tona Henninger said they have ordinances for "A" frame signs on public right-of-way and Public Works is working on tightening up the ordinance.

3. PROPOSED AMENDMENTS TO THE SUBDIVISION AND ZONING ORDINANCES RELATING TO NOTICE AND APPEALS - Proposed amendments to Chapter 8 of Title 16 of the Alameda County Ordinance Code, the Subdivision Ordinance of Alameda County, and to Chapters 18 and 54 of Title 17 of the Alameda County Ordinance Code, the Zoning Ordinance of Alameda County, and other sections as appropriate. The proposed amendments would change the requirements for notices of public hearings by the Planning Director, Board of Zoning Adjustments, Planning Commission, and Board of Supervisors on variances, conditional use permits, site development reviews, subdivisions, and re-zonings by expanding the radius of properties to which notice must be mailed, expanding the base to which notices must be mailed to include residents as well as property owners, eliminating the requirement to post notices in the vicinity of the property, and requiring the applicant to post a notice on the property; and would allow an appellant to file an appeal at the Planning Department offices as well as at the Board of Supervisors offices. **Staff Planner: Sonia Urzua**

Sonia Urzua reported on the noticing changes for County public hearings. The radius for notices will be expanded to 500 feet. There will be no more postings on poles, the property owner will be required to post a notice on their property, 2'X3', with all information pertinent to the

proposed project, the size of postcards will be increased to half of a page and applicants will be able to submit appeals to the Planning Department instead of in Oakland at the Board of Supervisors. Once an application is complete, all the neighbors will get a courtesy notice informing them of the proposed project. This will give everyone time to follow the application process from the very beginning instead of receiving a notice prior to a meeting. Member Nielsen asked if item is continued, is a re-notice sent to the neighbors. Ms. Urzua said the process would be the same as it is now for noticing the neighbors, a ten day notice. If the project is controversial we do re-notice the neighbors. The government code requires us to notice the initial meeting.

The Chair commented that he likes the courtesy notice instead of getting the legal notice right prior to the meeting, which does not leave enough time to review the project. Discussion ensued on noticing requirements and how to guarantee that owner is posting the sign on his property as required by the County. Staff said the applicant will have to show proof of posting. Member Miraglia said she personally likes the changes, she suggested having the projects on the web so everyone can have access to the current projects. Member Sadoff commented that having the agenda for the various public meetings with an attachment for each item giving a brief description of the project posted on the web would be very useful. Member Miraglia asked that a typo on the third page to be corrected to 500 feet instead of 300 feet for noticing requirement. Council members welcomed the changes and asked that the signs to be posted on the properties have a mandatory template size and maybe color coded to define the various types of applications.

Public testimony was called for.

Suzanne Barba wanted to make comments for a friend that lives in the rural area and has concerns with the signs on the property but for remote areas she felt the pole signs work better. She did like the 500 feet radius for notices to the neighborhood. She felt that urban and rural areas are very different and should not have the same rules. She expressed concern with leaving the owner of the property in charge of putting up the sign on the property with information on the proposed project.

John Aufdermauer, resident on Madison Avenue, inquired about the sign on private streets and 1000 feet away from a public street. A lot of lots that are behind other lots, how will this be handled. How the public will be able to access these properties to read about the proposed project? Maybe it should be on the public street. Ms. Urzua said that they will have to further discuss this issue.

Council members discussed the issues with urban versus rural but the consensus was that all properties should follow the same rule. Signs should be standardized and possibly color coded. They should all follow one rule. The font should be large.

The Chair re-opened the public testimony.

Debra Butler commented that in her neighborhood is very hard to park to be able to read the sign. The sign should be large enough for someone driving by to see it. Council members commented that a 2' by 3' sign would be sufficient.

4. TENTATIVE TRACT MAP, TR-7973 - SANTACROCE

– Application to convert six existing dwelling units (two duplexes, two single units) into condominiums zoned R-S-D20 (Residential Suburban, 2,000 square feet per unit). The subject site consists of two adjoining properties located at 2518 - 2528 Grove Way, north side, near Redwood Road., in the unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Numbers: 416-0040-047-00 & 416-0040-048-00. **Staff Planner: Jeff Bonekemper**

Sonia Urzua presented the staff report. The proposed project is for a condo conversion of six existing dwelling units (two duplexes, two single units). There will be no changes to the existing buildings. The project does not meet the following condominium guidelines in terms of private open space, private entrances, unit orientation and play area. Member Sadoff asked about building permits. Ms. Urzua said normally that is not something the Planning Department checks into. He inquired about 14a, if it was confirmed that no qualifying residents reside on the property. Ms. Urzua said that question can be posed to the applicant. Member Nielsen made a suggestion on change to the northeast side of the parking spaces to accommodate for open space and also the opposite side. Member Frank commented to Member Sadoff that in the past existing buildings that are conforming or non-conforming have been an issue and this issue should not be easily dismissed. Member Miraglia visited the property and said the residents are parking all over the place. Member Frank asked if in the past this was an application for a subdivision. Ms. Urzua said there is not the history of the rezoning. Member Frank asked for the history on the subdivision.

Mr. Santacroce, applicant, answered the question in regards to the 14a item on qualifying renters over 65 or have children under 12 years of age or with serious physical handicaps. He said none of the renters qualify under these requirements. Member Frank asked if the County required proof of documentation on this item. The applicant said he was not asked but he can certainly provide if required. This was a lot split but now the applicant just wants to make all the units condos. They are two separate parcels but if the condo conversion is approved each unit will have their own lot and a common area. The applicant commented on private open space issue and they wanted to maximize parking and were advised by the Planning Department to leave the parking and space for sufficient turnaround space. The two homes do have their own private back yard. These units are located on a street that has public transportation which allows the residents to use it and not need a car. Member Frank asked about all the cars currently parked at the units. The applicant said that he knows one of the residents has too many cars, but they have been notified. All the units are one bedroom units, except the houses, they have two bedroom. Discussion ensued on parking spaces and open space. The applicant addressed the unit orientation and that because these are existing there is not much that can be done to change this.

Member Nielsen commented on how important private space is to a project and quality of life. Member Miraglia agreed but said that it would be trading one problem for another. She said this project has the look and feel of an apartment building. She could not understand staff's recommendations. It says providing new housing with quality and conducive to long term. She feels this will not be a place where people will stay longterm, unless this was a senior housing. Without any of the improvements to open space, play are, unit orientation, she will not be in favor of approving this project. Member Frank concurred with Member Miraglia. Member

Cunha agreed with previous comments and not sure how affordable this will be. Member Sadoff said it looks like an apartment with lots of pavement. Member Ryzanych said this project would be better off as apartments, not high end units.

The Chair asked about the price of the units. The applicant said he is planning to sell them for \$275,000 each. The Chair said that these might be affordable but not desirable. There has been no effort made to change the looks of the units. He understands that the applicant needs to make money, but these units need less pavement, façade improvement, significant upgrades to the building. They need some loving.

The Chair asked if the applicant wanted to respond to the members' comments.

The applicant offered a tour of the inside of the units to councilmembers. He said the applicant has spent quite a significant amount of money to upgrade the inside of the units. The applicant picked up this property and now the market has gone quite contrary and he wants to liquidate his assets. Great effort has been made to make them desirable and the line has to be drawn somewhere on how much money can be spent on upgrading. This is an entry level home, these homes will go for a reasonable price and bring stability to the community. If you drive around that neighborhood, these units are the gem in this area.

All councilmembers agreed that a lot more improvement has to be done to the exterior of these units before they can recommend approval and asked the applicant if he would like this item continued to give him an opportunity to work with County staff on improvements.

Applicant asked for a continuance.

F. Chair's Report – None.

G. Committee Reports

- **Eden Area Alcohol Policy Committee – None.**
- **Redevelopment Citizens Advisory Committee - None**
- **Ordinance Review Committee - None**
- **Eden Area Livability Initiative - None**

H. Staff Announcements, Comments and Reports

Ms. Urzua informed the council that from now on the staff reports will have a front page snapshot of the project and recommendations. This will make it much easier for the council to review the projects. The Chair welcomed the recommendations and the snapshot approach.

I. Council Announcements, Comments and Reports

Mr. Nielsen informed the council members on the appeal of the Kramer project on Charlene Way. It has been scheduled for October. He was pleased with the Planning Director's, Albert Lopez, decision to deny the subdivision.

The Chair informed the council members that HARD is looking for volunteers to give input on the five year plan for the park district. This is a one time deal, two hours to listen and provide input. Member Ryzanych volunteered.

J. Adjourn –

The meeting was adjourned at 8:20 p.m.

Next Hearing Date: Monday, September 8, 2008