

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for April 13, 2009

(Approved as submitted April 27, 2009)

- 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: Sheila Cunha, Dean Nielsen, Andy Frank, Dave Sadoff and John Ryzanych. Council member Frank arrived after the motion approving the minutes was made. Council members excused: None. Staff present: Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 15 people in the audience.
- B. Approval of Minutes of March 23, 2009**
Council member Cunha made a motion to approve the minutes as submitted. Council member Miraglia seconded. Motion carried 6/1/0.
- C. PUBLIC ANNOUNCEMENTS / Open Forum – None.**
- D. Consent Calendar – No Items.**
- E. Regular Calendar**
- 1. CONDITIONAL USE PERMIT, PLN2008-00006 – KO -** Application to allow a proposed addition of approximately 27,800 square feet to the Neighborhood Church facility that will include a new lobby, chapel and two-story school/office building. The subject property contains 16 acres, is zoned R-1-CSU-RV (Single-Family Residential, Secondary Unit, Recreational Vehicle parking), located at 20600 John Drive, in the unincorporated Castro Valley area of Alameda County, bearing County Assessor's Parcel Numbers: 84A-0240-001-02, 84A-0228-001-03, 84A-0235-001-06, 84A-0230-003-03, 84A-0230-001-02 and 84A-230-004-00. **(Continued from: March 9, 2009) Staff Planner: Jeff Bonekemper**

Ms. Urzua summarized the staff report. Council member Sadoff asked if the Castro Valley Sanitary District was notified.. Ms. Urzua looked in the file and did not find evidence that the Sanitary District was notified. Council member Sadoff asked if they will be notified later given the expansion of the bathrooms and kitchen.

Council member Miraglia asked staff about the anticipated church and classroom attendance when the project was originally approved. Ms Urzua said that this information was not in the file.

Peter Ko, architect for the project, said that they have been working on this project a year ago, submitted the application and all the traffic studies and has worked with the Planning Department.

He introduced Larry Vold, Senior Pastor, who described the purpose of the church and the project. He explained that they wanted to upgrade the space for the children. A Power Point presentation followed.

Council member Miraglia asked Pastor Larry if the classrooms are going to be used for Sunday only and not for the regular everyday school. Pastor Larry said it is intended only for their ministry purposes.

Council member Moore asked staff if the applicant will come back for the Site Development Review for the finishes, etc. because it is a pretty big project to be dealing with exterior finish issues. He would like to see this project back once the architect and the church have a chance to work out some of the architectural details. Ms. Urzua noted that the staff report did not recommend that but it seems to make sense.

Public testimony was called for. No public testimony submitted.

Council members Nielsen moved to approve Conditional Use Permit, PLN 2009-00006. Council member Frank seconded. Council member Moore requested clarification to bring it back for Site Development Review. Also, Council member Sadoff made an amendment to the motion to refer the project to the Castro Valley Sanitary District for their comments and approval. Motion amended and carried 7/0.

- 2. CONDITIONAL USE PERMIT – PLN-C-8734 - T-Mobile/HARD -**
Application to allow the installation of a 35 foot telecommunications facility with four (4) concealed antennas camouflaged as light pole, a 240 square foot lease area for placement of equipment cabinet, and landscaping, in the R-1-CSU-RV (Single-family Residential, Conditional Secondary Unit, Recreational Vehicle parking) District. The subject parcel contains approximately 0.9 acres and is located at 18988 Lake Chabot Road, east side, northeast of Keith Avenue, in the unincorporated Castro Valley area of Alameda County, bearing County Assessor's Parcel Number: 84D-1305-009-12. **(Continued from January 12, 2009). Staff Planner: Jeff Bonekemper**

Ms. Urzua summarized the staff report. She said that this item has been twice before this Council. On January 12, 2009 the Council directed the applicant to revise the proposed location and discuss alternate locations for the facility. The proposal itself is the same that was reviewed January 12. The staff report does review a few of the options that the applicant presented. The applicant had conversations with some of the neighbors as well.

Ben Davis, representing T-Mobile, summarized the three reasons why the project was continued on January 12. A copy of the RF emissions study was distributed to the Council members.

He noted that there were two alternatives for Council members to consider: the 80 foot pole situated in amongst the trees or the 35 foot light in the parking lot.

Council member Frank asked Mr. Davis to approach HARD for removal and the replacement of trees because those trees are old. Karl Zabel, representing H.A.R.D., said that the trees are still in good condition. Neighbors have expressed a desire to leave them to have some shade and privacy. Council member Frank asked Mr. Zabel about replacing the trees. Mr. Zabel said that if they plant new trees in there it will take a number of years to reach the height to provide shade and amenities for the public. The typical standard size is 15 to 24 inch box tree.

Council member Moore noted that any replacement tree is going to be substantially smaller and there would be a certain period of years to have the maturity and growth.

Council member Miraglia noted that an alternative view located at the end of the parking lot seemed to have been eliminated. She asked if it would be the same circumference at the top or would it be more like a light fixture. Mr. Davis said that it looked like this design here except it would be taller. Council member Miraglia asked if it would have a light fixture at the top. She said that this is not a light fixture the one that he is proposing at the middle of the parking lot.

Council member Sadoff asked Mr. Zabel why location D was not of interest to HARD. Mr. Zabel said that it was excluded because it was school property.

Public testimony was called for.

John Monroe, resident at 2682 Quail Avenue, previously expressed concerns with the radiation emission. Having received the RF report, he is now satisfied.

Council member Moore asked Mr. Monroe if he preferred the original design option rather than any other alternative. Mr. Monroe said that he still thinks that it should be hidden in the trees, camouflaged by the trees as much as possible.

Patrick Devine, resident at 3678 Quail Avenue, expressed concerns over the proposals. He said that the dome surrounding these antennas is the width of his front door. The last time that he was here he thought that it was agreed that we would move into the trees, that it was going to be camouflaged. We also talked that T-Mobile was going to lose a little bit of transmission but the neighbors agreed to move into the trees. When you look at this here, you look right into the trees and this pole is another 45 feet higher than the original. He said that if HARD needs the money that bad for whatever the lease is costing, he is willing to pay one year's worth of the cost to mitigate this problem.

Public testimony was closed.

Mr. Davis explained that the 80-foot pole was required in order to maintain the same coverage as the light standard design. Otherwise, the RF engineers will not want the site. The site would not be worth it.

Council member Nielsen did not support the proposed 80-foot alternative. Mr. Davis said that T-Mobile engineers want about a 10 foot clearance in the tree canopy. Council member Nielsen told Mr. Davis that those trees are not 70 feet high.

Council member Moore told Mr. Davis that if he has a 35 feet pole in the parking lot that works the gaps in the trees, and he is going to shove straight over in some line the gaps in the trees are still there, why it does not work hidden by the trees? It seems to him that if it were something like that or even 10 feet higher as he is saying, the Council will give him some flexibility. Mr. Davies said they can go back and measure how tall the trees actually are. Mr. Davies said that the projected location in the trees is right next to some adjacent trees and that does not have the same stability that the light standard in the parking lot does.

Mr. Zabel said that 80 foot height where the proposed location is probably about 20 feet lower in elevation than the existing pole because it drops down to the tennis courts in that area. That is the reason for adding the extra height in that pole.

Council member Moore told Council members he would like to see a motion either accept something or compromise.

Council member Frank made a motion to deny Conditional Use Permit, PLN2009-C-8734 T-Mobile. Council member Nielsen seconded. Council member Moore and council member Miraglia voted against the motion. Motion carried 5/2.

F. Chair's Report –None.

G. Committee Reports

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

H. Staff Announcements, Comments and Reports

Ms. Urzua gave an update on the progress of the billboard sign ordinance.

Council member Miraglia noted that a component should be considered where community announcements would be incorporated into the billboard space.

Ms. Urzua also provided an update about the advertising of alcohol and tobacco on billboards in proximity to sensitive receptors.

Council member Miraglia said that for the alcohol policy the Sheriff is giving a report at the next general meeting as a CUP part of that or is that just on the fee. Ms. Urzua said she was not sure.

I. Council Announcements, Comments and Reports

Council member Cunha asked about the status of the Castro Valley Gateway sign on the McDonald's site. Council members Nielsen and Miraglia said that the Redevelopment CAC is going to discuss it during their meeting on May 13.

Council member Moore said that McDonald's offered in good faith to do something. He is concerned that the delay related to County improvement plans will result in McDonalds getting penalized. The construction budget is going to be closed out, this money is going to be gone by the time the County gets around to doing anything. He asked about the possibility of offering McDonald's the option of making a monetary contribution, an in lieu fee. It could be held in escrow to be used by the Redevelopment Agency. Let them clean their books up. He thinks they are going to be held up for the County's collective delay. Let them finish their project. Let them build it in their timeframe.

J. Adjourn

The meeting was adjourned at 6:56 p.m.

Next Hearing Date: Monday, April 27, 2009