

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for June 22, 2009

(Approved as submitted July 13, 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, Andy Frank, Sheila Cunha, Dave Sadoff and John Ryzanych. Council members excused: Dean Nielsen. Staff present: Tona Henninger, Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 16 people in the audience.

B. Approval of Minutes of May 26 and June 8, 2009

Council member Miraglia moved to approve the minutes of May 26, 2009 as submitted. Council member Sadoff seconded. Motion carried 5/1/1. Council member Frank abstained and council member Nielsen was excused. The minutes of June 8, 2009 were continued to the next meeting.

C. PUBLIC ANNOUNCEMENTS / Open Forum –

Bill Yates, JD's Restaurant owner, described the work he has completed thus far and his future plans of adding an outdoor seating area upstairs. He wanted to make sure that the Council considers it as a viable idea.

Council members were primarily concerned with noise, the adjacent neighbors, site development, hours of operation and consultation with County departments including Planning and Redevelopment.

After raising the various issues, Council members did not object to the concept.

Suzanne Barba, Castro Valley resident, described green-related efforts in the City of Hayward and San Leandro and asked about the County's efforts.

Council member Miraglia asked Ms. Barba which other cities and what department handles that plan. Ms. Barba said David Rizk, with the Hayward Planning Department, they have a green and clean committee.

Ms. Urzua briefly discussed the various ways that the County is working on green efforts including updating General Plans, SB 375, and the PACE program.

D. Consent Calendar – No items.

E. Regular Calendar

1. SITE DEVELOPMENT REVIEW, PLN2009-00059 – NEIGHBORHOOD CHURCH/KO Application to allow the addition of 27,800 square feet to an existing church and school facility in an R-1-CSU-RV (Residential Suburban,

Secondary Units, Recreational Vehicle) District, located at 20600 John Drive, unincorporated Castro Valley area of Alameda County, designated 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, 84A-230-004-00. **(Continued from June 8, 2009). Staff Planner: Jeff Bonekemper**

Ms. Urzua summarized the staff report. The applicant was present with some changes for the MAC's consideration.

Larry Bold, church Pastor, said that he really believes that these improvements will help them do better with the community and people who want to join them. From the safety and aesthetic aspect, for the last couple of years the church has worked diligently with Peter Ko & Associates and have enjoyed so much their ideas. He said he hoped that the MAC join them in this effort in getting this off the ground.

A Power Point presentation followed. After the presentation, Council members looked at the sample materials followed by questions to the presenter regarding colors and materials to be used.

Council member Moore noted that there are no storm water controls requirements for this project at all in the staff report. Ms. Urzua said these requirements were not included. The architect said that they did a preliminary storm water control plan to the Public Works and discussed with them about the system that they are proposing. Public Works was okay with the direction that they are going, pending construction documents from the civil engineer. Council member Moore said that as long as it is okay and they have reviewed it. He just wanted to make sure that it is at County's satisfaction. The architect described their proposed storm water treatment plan.

Council member Moore asked the architect if the air conditioning is completely screened and if they were relying on the parapet to screen it from the view. The architect said that they are pushing it to the far back of the edge of the roof. The remaining buildings will have them behind the actual structures themselves. Council member Moore asked Ms. Urzua if Planning was OK with it. A condition of approval was added in this regard.

Council member Sadoff inquired about the project's potential for LEED certification. Mr. Ko said that they can calculate the points and see what level they are. Council member Moore said that that would be a nice thing to do to show that if it is over and beyond by the point what you theoretically could do to show that you are making an effort. He also asked Mr. Ko about the material for the decking if it is going to be red brick. Mr. Ko said it is going to be concrete and they are going to sand blast certain patterns on it.

Public testimony was called for. No public testimony submitted.

Council member Miraglia said that it looks great and that she is pleased that the architect changed the concrete blocks that the Council saw before but she feels that the windows on the side of the chapel to break the big wall and would like to see matching concrete block on the cross in front of the chapel and school so it ties the whole project and screen the air condition units.

Council member Miraglia made a motion to approve Site Development Review, PLN2009-00059 with the addition of a condition for screening of the air condition units adding concrete blocks to match the base of the chapel and school with the main sanctuary building and adding the windows on the side of the chapel. Council member Cunha seconded. Motion carried 6/1/0.

John McParland, BART Director for District 5, which includes portions of Hayward, all of Castro Valley and Tri Valley area, he was elected in the November election and thanked everybody for their support. He described his background.

Council member Sadoff asked Mr. McParland about the ongoing contract dispute. Council member Frank asked Mr. McParland about the anticipated date for completion of the Pleasanton station. Mr. McParland said April 1st. Mr. McParland asked if MAC has a web page for public access. Council member Miraglia said no but she understands that CDA is re-doing the entire web site.

2. An Ordinance of the Board of Supervisors of Alameda County, CA, Adding Section 470 “Construction and Demolition Debris Management” to the Alameda County General Ordinance Code Chapter 15.08, Building Code. Presentation by Allen Lang, Building Inspection Department

Council member Moore gave an update of the subcommittee meeting, which consisted of Council members Ryzanych, Nielsen and himself. They had a meeting with the head of the Building Department, Alan Lang, Bob Swanson, Ronald Williams, of the Castro Valley Sanitary District and Marc Crawford, a local developer and contractor, in order to get some clarity and understanding of what this proposed ordinance was and it was a really positive meeting. Two revisions resulted from the meeting. The fee structure was fixed to one half hour of staff time, or \$62.50, regardless of the size of the project. It was also clarified that it would not apply to small remodeling projects.

Public testimony was called for. No public testimony submitted.

Council member Miraglia moved to approve the new Construction & Demolition Ordinance as revised. Council member Ryzanych seconded. Motion carried 6/1 with Council member Nielsen excused.

**3. Draft Ordinance related to SB 1137 – Vacant Foreclosed Properties
Presentation by Tona Henninger, Asst. Deputy Director, Code Enforcement
Division.**

Tona Henninger summarized the staff report. The ordinance provides for collecting fines on foreclosed properties. She describes how the new ordinance compares and differs from current practice. It is an extra tool for the Code Enforcement section. Code Enforcement would rather get rid of the blight. This Draft Ordinance is due to go before the Planning Commission on July 6 and before the Board of Supervisors on July 14.

Council member Sadoff asked Ms. Henninger about the County's experience with foreclosed properties. She explained that thus far, there has been no problem because Code Enforcement tends to abate. The issue has been with parties that acquire the properties and do not want to pay the fines and fees. County Counsel has opined that they are responsible to pay the bills.

Council member Frank said that it makes good sense. He mentioned a similar example in Discovery Bay. Ms. Henninger said that that is one reason we want to move forward with the abatement as well because that type of issues on the properties as well. We would rather abate the properties and clean them up.

Council member Sadoff moved to approve the Draft Ordinance related to SB 1137. Council member Frank seconded. Motion carried 6/1/0 with council member Nielsen excused.

4. MAC Officers Elections

Council member Frank nominated Council member Miraglia to be the Chair of the Council. Council member Ryzanych seconded. Motion carried 6/1 with council member Nielsen excused.

Council member Miraglia nominated Council member Sadoff to be the co chair of the Council. Council member Cunha seconded. Motion carried 6/1 with council member Nielsen excused.

5. Chair's Report - None

6. Committee Reports

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

- **Eden Area Livability Initiative**

Council member Miraglia gave a report on the EALI Governance meeting held June 17, 2009. Her entire report follows:

Dean, John, and I attended the EALI Governance meeting last Wednesday as one of the topics was the concept of a MAC for the rest of the Unincorporated Area as well as the MAC's motion to become a BZA for Castro Valley. As I reported before, they (as in our San Lorenzo and Cherryland neighbors) do not wish to have their own MAC but they are against Castro Valley having its own BZA. Dean did a very good job in attempting to calmly explain how the MAC has evolved over time and how we understand that they are not at the point of wanting a MAC for themselves but for us this is really about going to the next step. He shared some of the history of the MAC taking on more responsibility over time and how this is important to us. By and large, his words fell on deaf ears. They are adamantly opposed to Castro Valley having its own BZA.

There were, however, no unemotional or justifiable reasons put forth by the rest of the Unincorporated Area. We heard things like:

- 1) they don't think they would have enough people to sit on a BZA or a MAC because after all, they haven't been able to fill the open San Lorenzo position on the BZA (open for about a year) and they need Castro Valley to participate;
- 2) they worked very hard to get a BZA vs. what they termed the "zoning czar" and they are not about to let Castro Valley split or "grab it";
- 3) they said it was necessary to keep one BZA for "consistency" – I started to point out at one point that we have two different general plans in the Unincorporated Area but I was cut off and they, of course, did not address the fact that we do have East and West County BZA's already and that not only makes sense but doesn't seem to hurt anything from a consistency standpoint;
- 4) they alleged that to allow CV to have a BZA would undermine EALI – even though Dean tried to point out that what makes all of us in the Unincorporated Area one community is not having one BZA but rather coming together for meaningful meetings and discussions like we were doing (or attempting to do) that night;
- 5) that the "consensus" of the Governance Group was that there should be only one BZA although I pointed out that all the votes they take are skewed as San Lorenzo and Cherryland attend the meetings in larger numbers than Castro Valley.

When Nate called on me to speak, I first said that when I had brought forward the idea of them having their own MAC and it wasn't embraced, I distinctly remember saying as did two other Castro Valley residents that night that we did not want to tell them how they should want to govern themselves. If HOA governance did it for them, so be it. It was their choice and I respected that. Then I pointed out that during this current meeting, I had heard the overwhelming

majority voice their disgust with another Supervisor who would not support an idea put forth by the Committee – an idea that the community wanted and had worked hard for and yet he was just dismissing that. And yet, here we have what another neighboring community wants and has worked hard for and it's being dismissed by them. I said I was having a very difficult time with that – I didn't understand it and it didn't sit well.

The discussion went on for a while but we were unable to make any headway. In fact, at one point Jewell Spalding actually said that she thought it was terrible that two MAC appointees were putting down the Castro Valley BZA appointee. She said that we must be proposing this scenario because we don't think our Castro Valley representative is doing a good enough job. I was shocked as neither Dean nor I had said that nor even came close to implying it. Her smokescreen tactic was very off base and I told her so then and in a follow-up email. I also sent an email to Ineda telling her that I wanted her to know and actually hoped she did know that the MAC's desire to become a BZA had nothing to do with her or her ability but had everything to do with more autonomy for Castro Valley.

Prior to the meeting, Nate was generally supportive of the MAC becoming a BZA but cautioned us that it would be a hard fight. Yet, during the Governance meeting, it seemed like he was saying that he wouldn't bring the idea forward without the consensus of the Unincorporated Area. That would be very disappointing indeed if that is what he truly believes and we need to agendize this for further discussion at an upcoming meeting.

H. Staff announcements, Comments and Reports

I. Council announcements, Comments and Reports

Council member Miraglia asked staff for an update on the kennel on Crow Canyon Road approved a couple of years ago that never come to fruition. She expressed concern because it was tied with the residence and a large facility.

She also asked to agendize a discussion regarding communication between Public Works and the Planning Department. She described her experience in trying to follow up on approvals granted to the development of the 76 gas station and noted the lack of communication between the Public Works Agency and the Planning Department.

Suzanne Barba, Castro Valley resident, mentioned that she also attended the EALI meeting and that there were three very vocal people, two from San Lorenzo and one from Fairview that seemed to dominate the discussion. She agreed with Council member Miraglia. Ms. Barba also asked for information on the home being constructed on Greenrdidge. She was concerned about the setback from the creek. Ms. Barba asked if MAC approved those 3 massive houses. Council

member Moore said he does not remember given the time that has passed since that matter was before the MAC.

J. Adjourn

The meeting was adjourned at 7:38 p.m.

Next Hearing Date: Monday, July 13, 2009