

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Draft Minutes for July 13, 2009

(Approved as presented August 24, 2009)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:02 p.m. Council members present: Cheryl Miraglia, Chair; Dave Sadoff, Vice Chair, Sheila Cunha, Dean Nielsen, Jeff Moore and John Ryzanych. Council members excused: Andy Frank. Staff present: Albert Lopez, Tona Henninger, Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 20 people in the audience.

B. Approval of Minutes of June 8 and 22, 2009

Council member Sadoff moved to approve the minutes of June 8, 2009 with minor corrections. Council member Cunha seconded. Motion carried 6/1 with Council member Frank excused.

Council member Cunha moved to approve the minutes of June 22, 2009 as submitted. Council member Ryzanych seconded. Motion carried 5/1/1 with Council member Nielsen abstaining and Council member Frank excused.

C. PUBLIC ANNOUNCEMENTS / Open Forum – None.

D. Consent Calendar – No Items

E. Regular Calendar

1. Discussion regarding interpretation of the accessory structure/fence on Strobridge Avenue. Staff Planner: Sonia Urzua

Albert Lopez, Planning Director, summarized the staff report.

Council member Nielsen asked what would be the further action.

Mr. Lopez said that as the Planning Director himself a determination to mediate

Council member Nielsen asked Mr. Lopez if Ms. Pugh has the option of appealing. Mr. Lopez said yes.

Debra Pugh, resident at 1875 Strobridge Avenue, referred to her request for interpretation to the Planning Director. She described the sequence of events related to her inquiry and made a presentation as to the reasoning behind her position that the structure placed on 1883 Strobridge is a fence and not an accessory structure.

Public testimony was called for.

David Silva, resident at 1883 Strobridge Avenue, subject property owner, said that the accessory structure is not a fence, it is an arbor that he built for privacy for the pool area and that he added the lattice later on. He asked how we came up with the calculation based on the notice he received.

A discussion ensued amongst Council members regarding various aspects of the structure including height, lattice, and its function.

Council members Nielsen and Sadoff tended to lean that it is an accessory structure.

Council member Moore moved to uphold the Planning Director's interpretation
Council member Sadoff seconded. Council members Miraglia, Nielsen, Cunha and Ryzanych opposed.

A second motion was made by Council member Cunha stating that the lattice should be removed and that the remaining structure be modified in order to comply with the zoning ordinance. Council member Nielsen seconded. Motion carried 4/2/1 with Council members Moore and Sadoff opposed and council member Frank excused.

2. Preliminary discussion of proposed Eden Township Health District medical office building, to review site and building plans, and define scope of environmental review – SITE DEVELOPMENT REVIEW, PLN2009-00070

Application to allow construction of a three-story, approximately 25,473-square foot medical office building and related site improvements, including removal of an estimated 8,000-square foot modular office building, in the CVCBD, Sub 7 (Castro Valley Central Business District Specific Plan, Sub Area 7) District, located at 20410 Lake Chabot Road, east side, about 450 feet north of Castro Valley Boulevard, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Numbers: 84A-0158-008-05 and 84A-0158-010-04. **Staff Planner: Andrew Young.**

Council member Moore recused himself. Ms. Urzua summarized the staff report.

Kurt Anderson, architect for the project and representing the applicant, presented the proposed project and asked the Council to support the location of the building.

Council members commented about the location of the HVAC equipment, FEMA requirements, interim parking, and the design style.

Public testimony was called for.

Bruce King spoke on behalf of Friends of the San Lorenzo Creek (FSLC) and said that he is very supportive of the mission to provide office space. The FSLC's written comments were provided to staff and included in the staff report. The entire drainage system in the San Lorenzo Creek watershed (both natural and engineered creeks) were of concern. Specifically, how any development impacts the potential for creek restoration in the future and compliance with existing codes and ordinances. He added that fencing along the open-channel portion of the Chabot Creek should be attractive and allow the public to see the creek.

Council member Miraglia inquired about day lighting the creek. Mr. King noted that the issues are funding, making the property useable, and an engineering versus cost question.

Mr. Anderson said that the applicant has met with the San Lorenzo Creek Friends and discussed educational opportunities regarding the creek.

Council member Miraglia and Mr. King discussed the requirements of the Water Course Protection Ordinance.

Public testimony was closed.

Council member Sadoff said he likes the idea of displaying the underground branch of the Chabot Creek. He said that the Council would like to ask for a legal opinion.

Council member Nielsen asked Mr. Anderson about the south side of the building

Council member Ryzanych requested additional information about the interpretation of the Watercourse Ordinance.

Council member Miraglia asked that the applicant address all of the concerns brought forth by the Friends of San Lorenzo Creek; that the redesign should include the setback from the creek required by the Watershed Protection Ordinance; improvement of architectural definition and consider compatibility with the new hospital, utilizing some of the same textures, features, colors, materials etc.; rebuilding of the frontage to meet ADA standards; landscape to meet the Specific Plan guidelines; inclusion of a traffic study; inclusion of Fire Department recommendations; inclusion of the Initial Study; elimination of the one parking space as called out by the Planning Department; inclusion of a trash enclosure sited away from the day care center; and looking into Chabot Creek enhancements, if possible.

This project will be continued to a date to be determined by the Planning Department staff.

3. **VARIANCE, PLN2009-00010 – SILVA** Application to allow an illegally constructed garage located in the front half of the property where otherwise not allowed, and within six feet of the side property line of the front half of an abutting lot, in the R-1-B-E-CSU-RV (Single Family Residence, Minimum lot size of 10,000 sq. ft. with 70' median lot width, Conditional Secondary Unit, and Recreation Vehicle) District, located at 4235 Krolop Road, south side, approximately 96' west of Vineyard Road, unincorporated Castro Valley area of Alameda County, designated County Assessor's Parcel Number: 084D-1140-009-20. **Staff Planner: Carole Kajita**

Council member Moore recused himself. Ms. Urzua summarized the staff report.

Jim Silva, applicant and property owner, offered comments to support the petition for the variance. He did not agree that the structure would increase traffic.

Public testimony was called for.

Antonio Cervantes, resident at 4194 Krolop Road, spoke in support of the variance.

Council members Nielsen and Ryzanych concurred that the set back was problematic. Council members Sadoff and Miraglia referred to the other garages included in the staff report that were built like the subject detached garage. Council member Miraglia commented on the stop work order issued by the Building Department after the garage was built without Building or Planning permits and agreed that the variance should be denied.

Mr. Silva asked for clarification on the remaining procedural steps in the variance process.

Council member Sadoff moved to deny Variance, PLN2009-00010. Council member Ryzanych seconded. Motion carried 5/1/1 with council member Moore recused and council member Frank excused.

4. **VARIANCE, PLN2009-00061 – ROMBOUGH** – Application to allow: a) building site status for a site of 2,479 square feet, where 5,000 square feet is required; b) .27 foot rear yard setback, where 20 feet is required; c) 1.04 foot street side yard setback, where 10 feet is required; d) 2.47 feet front yard setback, where 20 feet is required; e) 2.95 feet side yard setback, where five feet is required; and f) zero parking spaces, where two are required. The site is zoned R-1 (Single-family Residential), located at 2005 150th Street, in the unincorporated Hillcrest Knolls area of Alameda County, designated Assessor's Parcel Number, 080-0006-13-04. **Staff Planner: Howard Lee.**

Ms. Urzua summarized the staff report.

Staci Rombough, representing the owner of the property, described the proposed project including the proposed landscaping.

Council member Ryzanych noted the parking concerns in the area and asked about the ownership history.

Public testimony was opened.

Sharon Fong, resident at 2005 149th Avenue, spoke in opposition because in her opinion it does not meet the variance and property set back requirements.

Nora Goldassio, resident at 14866 Boulevard Court, spoke in opposition and raised concerns on the creation of the lot. She also noted a petition in opposition with 73 signatures.

Ms. Henninger noted that the project was not referred to the Hillcrest Knolls Homeowners Association and suggested continuing the matter.

Ms. Urzua made clarifications as to the proposed parking configuration.

Lillian Castillo, resident at 2008 Altamont Road, in opposition because of the configuration of the lot and parking concerns. Council member Nielsen asked Ms. Castillo if the owner of the property has made an effort to talk to her. Ms. Castillo said no.

Public testimony was closed.

Bob Swanson said that the MAC has no jurisdiction on the Hillcrest Knolls area. The jurisdiction of MAC has to be broaden.

The item was continued to a date to be determined.

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5. **CONDITIONAL USE PERMIT AND MINOR MODIFICATION TO ZONING UNIT, ZU-1816TH, PLN2009-00041 – WRI GOLDEN STATE LLC/KATE HART WRI GOLDEN STATE LLC/KATE HART** - Application to allow minor modification of the permitted and conditionally permitted uses within the 1816th Zoning Unit (to be implemented by Conditional Use Permit, PLN2009-00041), located at 3891 East Castro Valley Boulevard, south side, 90 feet west of the intersection with Chaparral Lane, Castro Valley area of unincorporated Alameda County, designated Assessor's Parcel Numbers: 085-6300-013-05 and 085-06301-008-06. **Staff Planner: Christine Greene**

Ms. Urzua summarized the staff report.

Council member Moore raised the issue of distinguishing between the list of uses.

Ms. Kate Hart, representing the applicant, WRI Golden, provided a history of the shopping center and explained the sometimes inconsistent requirements for conditional use permits. She requested adding "financial services firms" to the list of permitted uses.

Public testimony was called for. No public testimony submitted.

Council member Miraglia said that she supported the modification with the exception of the inclusion of credit unions as they do not meet the daily, weekly criteria of neighborhood commercial. They really serve a more broader area and therefore belong in the downtown core.

Council member Moore said that he has no problem with the minor modification, however he struggled with some of these applied uses.

Council member Nielsen noted the shopping center's popularity.

Council member Cunha did not have a problem with the addition of the uses.
Council member Ryzanych did not have a problem with the broader use.

A discussion ensued regarding the appropriateness of including title companies as a permitted use. Council member Moore suggested scheduling a future discussion about distinguishing uses such as title companies and others similar to that.

Council member Cunha moved to approve Conditional Use Permit and Minor Modification to Zoning Unit, ZU-1816th, PLN2009-00041, Minor Modification. Council member Nielsen seconded. Motion carried 4/2/1 with Council members Miraglia and Sadoff opposed and council member Frank excused.

F. **Chair's Report – None.**

G. **Committee Reports**

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

Council member Nielsen reported that the Castro Valley CAC approved the purchase of the old Castro Valley Library site, and also discussed shared parking at the Ice Creamery Building.

- **Ordinance Review Committee**
- **Eden Area Livability Initiative**

H. Staff announcements, Comments and Reports

I. Adjourn

The meeting was adjourned at 7:55 p.m.

Next Hearing Date: Monday, July 27, 2009