

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for January 25, 2010

(Approved as submitted February 8, 2010)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:01 p.m. Council Members present: Cheryl Miraglia, Chair; Dave Sadoff, Vice Chair, Jeff Moore, Sheila Cunha, Dean Nielsen, Andy Frank and John Ryzanych. Council Members excused: none. Staff present: Sonia Urzua, Andy Young, Bob Swanson and Maria Elena Marquez. There were approximately 15 people in the audience.

B. Approval of Minutes of November 9 and December 14, 2010

Council Member Miraglia had a correction on the November 9, 2009 minutes. On page 3, instead of “told Mr. Washington”, it should be “asked Mr. Washington”, and also “Council Member Moore told Mr. Washington” it should say “Council Member Moore asked Mr. Washington,” Council Member Nielsen made a motion to approve the minutes of November 9, 2009 as corrected. Council Member Cunha seconded. Motion carried 7/0.

Council Member Cunha moved to approve the minutes of December 14, 2009 as presented. Council Member Frank seconded. Motion carried 5/2 with Council Members Moore and Sadoff abstaining.

- C. PUBLIC ANNOUNCEMENTS / Open Forum – None.**

D. Consent Calendar

Council Member Nielsen made a motion to move item # 1 on the Regular Calendar to the Consent Calendar. Council Member Frank seconded. Motion carried 7/0. Council Member Cunha made a motion to approve the Consent Calendar. Council Member Nielsen seconded. Motion carried 7/0.

E. Regular Calendar

- 1. CONDITIONAL USE PERMIT – PLN2009-00112 – VERIZON / GRUENDLE / PG&E -** Application to allow continued operation of an existing Verizon telecommunications facility with no proposed changes, and zoned PD (Planned Development allowing R-1-L-B-E, 40,000 sq. ft. minimum building site area) District. The subject site is located at 5241 Jensen Road, Castro Valley area of unincorporated Alameda County, designated Assessor’s Parcel Number 85A-0350-005-07. **Staff Planner: Carole Kajita**

Moved to the Consent Calendar.

- 2. CONDITIONAL USE PERMIT AND SITE DEVELOPMENT REVIEW – PLN2009-00141 – KUZNI/AZAR – SCHOOL OF HEALING TOUCH** Application to allow continued operation of a massage establishment including the following services: massage training, physical therapy/ rehabilitation, massage, skin care, electrology, counseling, hypnotherapy, acupuncture/ acupressure, herbalist, and micro-pigmentation; allow new replacement signs, and façade improvements including: new doors, gutters, wood shutters, and window planter boxes, CVCBD-S5 (Castro Valley Central Business District - Sub Area 5) District, located at 2881 Castro Valley Boulevard, on the southeast side of Castro Valley Boulevard, 100 feet west of Nunes Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor’s Parcel Number:

084A-0017-06-01. **Staff Planner: Howard Lee.**

Ms. Urzua summarized the staff report. Staff recommends approval.

Hussein Azar, applicant, gave a history and a description of the property. They want to have a better looking and more attractive building.

Council Member Miraglia noted that a landscape plan was not part of the proposal even though she had raised landscaping concerns earlier in the process. Jaimie Benson, with the Redevelopment Agency, said that all of the existing landscaping areas are remaining and were going to be filled in and made to look better but they are not changing the footprint of the landscape areas.

Council Member Miraglia asked if the Council can add a condition regarding the landscaping. Ms. Urzua said yes. Council Member Miraglia also inquired about incorporating the wrought iron element on the sign within the hedge throughout the building. Ms. Benson said they certainly could include something. She thinks it is appropriate. There were also some very limiting factors given the design of this building. They didn't want this to appear as a roof sign.

Council Member Miraglia asked for clarification on the various shades of red depicted in the staff report.

Council Member Frank recommended extending the term of the permit to 10 years.

Ms. Urzua noted that 10 years is more than typically applied for massage establishments.

Council Member Nielsen agreed with Council Member Frank.

Public testimony was called for. No public testimony submitted.

Council Member Frank made a motion to approve Conditional Use Permit and Site Development Review, PLN 2009-00141 and change the period of time from 5 years to 10 years and to include a landscape plan to be worked out with the Redevelopment Agency and the Planning Department for the beautification of the site for the owner and the community along with other Planning considerations. Council Member Nielsen seconded. Motion carried 7/0.

3. **CONDITIONAL USE PERMIT – PLN2009-00145 – CLEAR WIRELESS – LLC/CHRISTIE/HARD** Application to allow installation of a wireless communication facility including: two 26.1 inch, and one 15.3 inch in diameter microwave antenna dishes; two 42 inch by 12.7 inch panel antennas, and one 4 inch in diameter GPS antenna, arranged on three corners of an existing PG&E transmission tower and below the transmission lines, with an equipment enclosure located at the base of the tower, and located in a PD (Planned Development, 1591st Zoning Unit) District, on Hayward Area Recreation District property opposite 17249 San Franciscan Drive, east side, approximately 325 feet south of the T intersection with Bellingham Drive, Assessor's Parcel Number: 085-6311-001-00, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0615-05-00. **Staff Planner: Andrew Young.**

Ms. Urzua summarized the staff report. Staff recommends approval.

Chad Christie, representing the applicant, provided information about the company. The proposal on San Franciscan Drive is proposed to be located in a PG&E tower. The coverage objective is the Columbian residential development in and around Deerview Park. They also considered the water tank approximately a quarter mile to the north in the open space. The location was determined to be not feasible because the water tank is not co-locatable and also that they would have to build a new structure in the open space and according to the ordinance it is not allowed. He respectfully requested the Council's approval on this application.

Council Member Nielsen asked Mr. Christie about the emissions of a microwave, compared to a cell phone tower. Mr. Christie explained the microwaves are being directed at the other cell sites not directed at homes or potential objectives for coverage.

Council Member Frank asked Mr. Christie about the length of the transmission. Mr. Christie said they are probably looking to one mile or one mile and a half. They have several other proposed sites that are not approved yet but that is the approximate length.

Council Member Sadoff asked to see a rendering in the package.

Public testimony was called for.

Chris Leister, resident at 16891 Hallmark Court and member of the Columbia Homeowners Board of Directors, spoke against the project. He stated that he did not receive notification of the public hearing. He was concerned about placing the antenna in the park due to its visibility and proximity to the baseball fields and future co-locations. He addressed T-Mobile's future plans. He mentioned exploring alternative sites and perhaps placing them in the same location that is less visible. He would like to have a chance to talk with Mr. Christie and have the opportunity to see if these other sites may be useful for them. He requested the Council to deny this application.

Council Member Miraglia asked Mr. Christie if he would be amenable to meeting with the homeowner association and looking at some alternative sites. Mr. Christie said yes, but could not speak to actually agreeing to move the site at the moment.

Public testimony was closed.

Council Member Moore said that he does not have a problem with it.

Council Member Frank agreed with of Council Member Moore but he also understands the association's position. An opportunity should be given to the association.

Council Members asked staff about the notification process. Ms. Urzua reviewed the file and noted that the Columbian Homeowners Association was notified using two different addresses. There is a copy in the file with the mailing addresses of the residents that were notified.

Council Member Frank made a motion to continue this application to a date to be determined. Council Member Cunha seconded. Motion carried 7/0.

4. **CONDITIONAL USE PERMIT- PLN2009-00146 – FRIES PROPERTIES, INC. /CHRISTIE / CLEARWIRELESS LLC** Application to allow installation of a wireless communication facility including: three (3) antennas, three (3) microwave antennas, and one (1) equipment cabinet on an existing commercial building rooftop, in the CVCBD-S9 (Castro Valley Central Business District – Sub Area 9) District, located at 20980 Redwood Road, on the east side of Redwood Road, 50 feet north of Norbridge Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084C-0615-05-00. **Staff Planner: Howard Lee**

Ms. Urzua summarized the staff report. Staff recommends approval.

Chad Christie, representing the applicant, said it is a co- location on a two story building, which houses financial companies. It is located across the street from BART, almost adjacent to interstate 580. The proposal is to provide service to commercial and retail customers and partially some residential customers unlike the last proposal which was primarily residential covered objective. The site is façade mounted on a mechanical screen wall above the second story on the roof. They are proposing 3 antennas and 3 microwaves (staff report mentions 4 which is incorrect).

Council Member Miraglia asked Mr. Christie why Clearwire is not putting the antennas behind the screen wall. Mr. Christie said that the screen wall is metal and the signal does not transmit through metal. In order to place them behind metal they will have to change the entire screen wall to fiber glass which is cost prohibitive.

Council Member Ryzanych asked Mr. Christie if it possible to... Mr. Christie said yes.

Public testimony was called for. No public testimony submitted.

Council Member Nielsen said that he looked at the building and he does not think that the antennas are really going to detract from that metal screen. He thinks it is an appropriate location. Council Member Moore agreed.

Council Member Cunha made a motion to approve Conditional Use Permit, PLN2009-00146. Council Member Ryzanych seconded. Motion carried 7/0.

5. **SITE DEVELOPMENT REVIEW, PLN2009-00008 – THRIFTY OIL CO./BURNS** – Application to reopen a closed gas station (a legal non-conforming use) following a temporary closure, in the CVCBD, Sub Area 3 (Castro Valley Central Business District Specific Plan, Sub Area 3) District, located at 2512 Castro Valley Boulevard, north side, east of Stanton Avenue, in the Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 84A-0181-078-00. **Staff Planner: Andy Young**

Ms. Urzua summarized the staff report, noting that the matter had been presented to the MAC once before a few months ago. Now that several changes had been made, staff now recommends approval. She noted that a remedial action completion certificate had been issued on December 2, 2009 by Environmental Health. The re-opening was indicated to be without a mini-mart, but with one driveway closed, new landscaping, and other improvements.

Council Member Moore asked if the scope of this review included the non-conformity issue in addition to the site development review. He also asked if the driveway on Stanton being removed or only blocked. Ms. Urzua clarified that the approval would have two components to it, both the continuance of a non-conforming use and the site development review. Because no action was taken before, both issues are included in the current request for approval. She also replied that the driveway was being entirely removed.

Howard Burns, representing Thrifty Oil, introduced Mike Robertson, consultant for the project. He explained the driveway configuration. He added that sometime in the past two weeks that the curbs at both intersections have had all the ADA ramps done, including the yellow segments with the bumps. They will put in new curbs when they take out the driveway, and install new sidewalks where Public Works requires it. There was a lot of work done that has to do with storm water and drainage, and that is why it has taken so long.

Mike Robertson, with Robertson Engineering, discussed the landscape, building colors, and sidewalk repairs. He agreed that a condition to make sidewalk repairs was appropriate, on the condition the Public Works Director determines such repairs are necessary, but he noted that the bulk of the repairs had already been done by the County. He said he wanted to correct the site plan to show where there is an existing light standard on the northeast corner of the property, to be relocated adjacent to the trash enclosure which has been moved to the east side of the building so it actually will light the sidewalk where the accessibility parking stall and the ramp is. It will also add some security for the trash enclosure area and provide lighting in the evening.

He indicated that the previous consultant had been asked by the Council to provide an alternative color scheme. He obtained color samples and chips, and then met with Andy Young, but was surprised that the color in the file was brownish, but the chip itself was greenish. The light green color was suggested for the canopy fascia on the building. In addition, the brick veneer on the building was proposed as "Chardonnay", which he called Alternative 1, and handed samples to the Members. The Alternative they would like to propose is more of an earth tone, with this [unnamed] color on the cornice, and also on the canopy for the fuel area. It would pick up some of the color tones of the MacDonald's. For their proposal for a thin brick veneer on the building, Alternative 2, they would like to use the "Redwood Blend" which blends darker and lighter tones, but generally falls along the darker colors.

He also discussed a strip drain to pick up the runoff on the uphill side or the area immediately uphill from the fuel dispenser island that way you don't have the rain runoff across the fueling island area. He said it would pick up runoff, routing it around the fuel area. The increase in the landscape area plus this addition [of the trench drain] actually results in a decrease of paved area and a fairly sizeable increase in the landscape area hence reducing the total runoff which ultimately goes into the gutter system.

Council Member Nielsen said that the color palette is a dramatic improvement over the original color.

A discussion ensued about the adequacy, maintenance of the strip drain and sump pump. Council Member Moore said that he would recommend some sort of a float switch alarm just to make sure it does not get overloaded. Council Member Sadoff agreed with Council Members Moore and Ryzanych that a high liquid level alarm would be a really good idea.

Council Member Miraglia commented on the improvement over the first proposal that came before this council and she is pleased with the colors. She noted that the sign should be consistent with what he is doing on the building. Mr. Robertson pointed out that the final sign design is embedded in the staff report. Council Member Miraglia said she rather see both the same although she likes better ledgestones rather than brick for the building.

Council Member Ryzanych said he also would like to see some of that stone work carried over from the accessory building in the back and maybe some extension in the awning. Mr. Robertson said that the only concern about that is the sidewalk with the projection of that stone, the thin brick works because of the width. He thinks there is adequate space by adding ledgestone. That would not be a problem. Council Member Ryzanych had additional questions about the position of the monument sign. Mr. Robertson noted that there were concerns about the right of way requirements from Public Works.

Public testimony was called for. No public testimony submitted.

Council Member Sadoff made a motion to approve Site Development Review, PLN2009-00008 with staff considerations and also to have the light standard in the north east corner relocated near the trash enclosure; also, to have a high liquid level alarm on the 50 gallon dead end sump, and to change the brick veneer on the building to ledgestone to match the ledgestone on the base of the monument sign and extend it throughout the site. Council Member Frank seconded. Motion carried 7/0.

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 announced the latest date when the EBZA will hear the dog kennel project, and gave an update on the General Plan and the County's Climate Action Plan.

I. Council Announcements, Comments and Reports

J. Adjourn

The meeting was adjourned at 7:09 p.m.

Next Hearing Date: Monday, February 8, 2010