

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for August 23, 2010

(Approved as submitted September 13, 2010)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:07 p.m. Council members present: Cheryl Miraglia, Chair. Dave Sadoff, Vice Chair. Council members: Sheila Cunha, Dean Nielsen, John Ryzanych, Jeff Moore and Marc Crawford. Council members excused: none. Staff present: Liz McElligott, Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 35 people in the audience.

B. Approval of Minutes of July 26, 2010

Correction: The agenda's approval of the minutes should be July 26 instead of August 9. There was no meeting on August 9.

Council member Nielsen moved to approve the minutes of July 26, 2010 as submitted. Council member Cunha seconded. Council member Sadoff abstained. Motion passed 6/1.

C. PUBLIC ANNOUNCEMENTS / Open Forum

D. Consent Calendar – No items.

E. Regular Calendar

Council member Miraglia informed the audience that the first item on the agenda will be heard as item # 3.

- 1. CONDITIONAL USE PERMIT, PLN2010-00049 - AAHL/ABC PRE-SCHOOL AND DAY CARE – LAM –** Application to allow expansion of a child care facility from 41 to 56 children in an R-S-D-3 (Suburban Residence, 2,500 square feet minimum building site area) District, located at 20135 San Miguel Avenue, west side 350 feet north of Jeanine Way, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number 084A-0124-001-04. **Staff Planner: Christine Greene**

Ms. Urzua summarized the staff report. She said that this item was before this Council on June 14, 2010. The WBZA requested that this item be referred back to the MAC to allow the Council to review the parking layout and the drop-off and pick-up schedule. Staff recommended approval.

Council member Miraglia asked why staff recommends approval when the problem with parking has not been resolved. Ms. Urzua said that it is in conformance with what was recommended to the applicant.

Maggie Lam, applicant, said that the only concern was that there was not enough parking. They are adding the required parking.

Public testimony was called for. No public testimony submitted.

Council members discussed their concerns regarding the proposed additional parking spaces which appeared to cover more than 50% of the front yard.

Council member Crawford expressed concern with the conclusion to the third finding in the staff report. He noted that the response to the finding was contradictory. He questioned granting an expansion to this use permit.

Council member Sadoff said that he also has some issues with traffic and parking.

Council member Cunha said that traffic could be an issue however she doesn't has a problem with the proposal.

Council member Moore said that he is concerned with the additional parking which violates the neighborhood preservation ordinance.

Ms. Urzua said that parking is not allowed in the front yard setbacks.

Council member Miraglia said that the staff report is not accurate and that there are a lot of mistakes and omissions. She said that the Council needs to get a current parking plan. She said that she could not vote on it.

Council member Crawford suggested that staff work with the applicant further on this. He also could not support the proposal.

The item was continued to September 13, 2010.

2. **CONDITIONAL USE PERMIT, PLN 2010-00062/CLEARWIRE LLC** - Application to allow the installation of a cell site facility involving the replacement of up to 16 building-mounted antennas with nine new antennas consisting of three, four foot panel antennas, three, one foot diameter microwave dishes and three, two foot diameter microwave dishes. The property contains 16 acres, is zoned R-1-CSU-RV (Residential Suburban, Secondary Units, Recreational Vehicle) and is located at 20600 John Drive, north side, in the unincorporated Castro Valley area of Alameda County, bearing 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. **Staff Planner: Jeff Bonekemper**

Ms. Urzua summarized the staff report. She briefly described the history of the property. Staff recommends approval.

Charnel James, representing Clearwire Wireless, LLC, described the proposal.

Council member Crawford asked the applicant about the impacts of the proposal to the child care facility proximate to the site.

Public testimony was called for. No public testimony submitted.

Council member Sadoff asked staff about the condition requiring annual status report. Ms. Urzua said that this is a standard condition included in all cell site applications.

Council member Moore moved to approve Conditional Use Permit, PLN2010-00062 with staff considerations. Council member Ryzanych seconded. Motion passed 7/0.

**3. Review and Public Comment of the Revised Draft Castro Valley General Plan (CVGP).
Staff Planner: Sonia Urzua**

Ms. Urzua introduced Vivian Khan, the consultant for the CVGP, Liz McElligott, Assistant Deputy Director. She gave a history of the development of the plan. The 2010 revised Draft incorporates the expansion of the planning area boundary and comments made during the subsequent public workshops. Also, a new chapter on Climate Change has been added to this draft. Ms. Urzua explained that staff would return at a later date to ask for a recommendation to be forwarded to the Planning Commission.

Vivian Khan, representing Dyett & Bhatia, the CVGP consultants, made a power point presentation. A copy was entered into the record.

Public testimony was called for.

Dan Riggs, resident at 3544 Jamison Way, stated his reservations about climate change. He objected to the chapter on climate change.

Debra Butler, resident at 2205 167th Avenue, presented a written testimony, focused primarily on land use, parks and areas where the plan does not adequately reflect the community's vision. A copy of this document was entered into the record.

Jim Negri, Superintendent for the Castro Valley Unified School District, referred to Chapter 8 of the General Plan regarding schools. He discussed the policies and actions regarding changing school district boundaries, regulation of public and private schools, and general plan designation of school property.

Patti Zierman, resident at 2381 Reading Avenue, asked the Council not to increase the allowable noise level in Castro Valley and to protect the health of the current citizens. Specifically, she suggested taking action 11.1-2 out of the General Plan. She also submitted a written testimony, which was entered into the record.

Lisa Thorburn, resident at 22104 Cameron and business owner in Castro Valley, stated that the current noise element is incorrect. She stated that table 11.1 had incomplete data. She suggested improving pedestrian access on Redwood Road.

John Lindon, resident at 2293 Somerset, expressed concerns about the noise chapter and commented on the traffic couplet on 167th as a traffic calming measure.

Jim Haussener, resident at 3097 Greenview Drive, raised concerns about the scope of the EIR, given the changes to the document. He was also concerned references to the Climate Action Plan and the Residential Design Guidelines and Standards. He suggested improving pedestrian access.

Michael McEllunet asked to be notified of all public meetings/workshops.

Public testimony was closed.

Council member Miraglia first focused on the process. She described the difficulties with reviewing the revised draft CVGP. She opined that the draft is convoluted. She prepared a list of changes between the 2007 draft and the 2010 draft. She suggested that Planning hold several work sessions, several more meetings, in order to analyze the document chapter by chapter.

Council member Nielsen concurred with council member Miraglia. He was concerned about Chapter 12. He feels that this is a disservice to Castro Valley as a whole. The Council needs to hear from the public and there needs to be public hearings.

Council member Crawford stated that the CVGP should not include language about the Climate Action Plan or the Residential Design Standards and Guidelines. He agreed with council member Miraglia, he said that there are a lot of mistakes, and many mistakes on that map. He said that the Council needs to take it slow and review chapter by chapter.

Council member Ryzanych said that he is concerned with the draft and suggested to have work sessions to review the plan.

Council member Cunha referred to Superintendent Negri's comments regarding adjusting the school boundaries. She said that there need to be a lot of workshops before the plan takes place and before the energy Climate Action Plan.

Council member Sadoff said that the Council can recommend workshops on the major items of contention such as climate change, noise, design standards, and schools.

Council member Miraglia asked staff for more details about the process going forward. Ms. Urzua said that she can provide a work session for Monday, September 13 before the regular meeting, in order to spend more time discussing consensus items. She said that there is no budget to do six workshops but that she and the rest of the staff will do their best.

Council member Nielsen said that it would be helpful to have the number of items to be discussed in order to eliminate those that will not be discussed to make this process shorter. He said that Chapter 12 should be discarded. Liz McElligott said that the State mandates that we include Chapter 12.

Council member Miraglia asked if there will be a new EIR circulated. Vivian Khan said that the DEIR will be available for review but is not required to be re-circulated. This issue will be discussed further with staff.

Ms. Urzua raised an issue that arose relating the school districts, impacting both the Eden Area plan and the Castro Valley General Plan. One of the issues is the general plan designation for school properties. The policy was not changed from the 2007 draft. Staff will follow up on these issues. The issue was addressed in the Eden Area General Plan.

Council member Crawford asked whether the "School" designation in the Eden Plan was intended to replace the "Public Facilities" designation. Liz McElligott said that in the general plan the school designation is actually general plan designation and the sites are zoned R1. Staff is not proposing necessarily that we follow the Eden Plan. Ms. Urzua said that we are obligated to be consistent as a general plan. Liz McElligott said that we need to consider options.

Council member Miraglia stated that one or two Council members should be present at meetings with School District staff.

The revised draft CVGP will be discussed at a work session on Monday, September 13.

4. Council Elections

Council member Miraglia nominated Council member Sadoff as Vice Chair. Council member Sadoff accepted the nomination. The motion was seconded by Council member Nielsen. Motion passed 7/0.

Council member Sadoff nominated council member Miraglia as Chair. Council member Miraglia accepted the nomination. The motion was seconded by council member Crawford. Motion passed 7/0.

F. Chair's Report

Council member Miraglia informed the Council of a complaint from a resident about a fellow resident with loud and multiple dogs. She also noted the dedication of the pocket park at the Castro Valley Library.

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 – None.

I. Council Announcements, comments and Reports – None.

J. Adjourn

The meeting was adjourned at 8:00 p.m.

Next Hearing Date: Monday, September 13, 2010