

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**

**Minutes for September 13, 2010**

(Approved as corrected September 27, 2010)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:05 p.m. Council members present: Cheryl Miraglia, Chair. Dave Sadoff, Vice Chair. Sheila Cunha, Dean Nielsen, Jeff Moore and Marc Crawford. Council member John Ryzanych absent. Staff present: Sonia Urzua, Rodrigo Orduña, and Bob Swanson. There were approximately 18 people in the audience.

**B. Approval of Minutes of August 23, 2010**

Council member Nielsen moved to approve the minutes of August 23 2010 as submitted. Council member Cunha seconded. Council member Ryzanych absent. Motion passed 6/0/1.

**C. PUBLIC ANNOUNCEMENTS / Open Forum**

1. John Linden suggested installing the “Castro Valley” sign on a parcel on Foothill Blvd.
2. John Aufdermauer, CVCAN representative, reported on the group’s activities which were also presented to the alcohol policy working group.
3. Roxanne Lewis, Madison Avenue resident, expressed concern over Draft General Plan language calling for amending the Madison Avenue Specific Plan.

**D. Consent Calendar – No items.**

**E. Regular Calendar**

1. **CONDITIONAL USE PERMIT, PLN-2010-00079 – ADVENTURE TIME / SUSAN SUNG**  
- Application to allow continued operation of a childcare facility for 70 children, in a PD-ZU, (Planned Development, 1529<sup>th</sup> Zoning Unit) Zoning District, located at 20001 Carson Lane, south side, 700 feet east of the convergence of Glenwood Drive and Carson Lane, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Number: 085A-6402-028-00. **Staff Planner: Richard Tarbell.**

Mr. Orduña summarized the staff report. Staff recommended approval.

Council member Miraglia discussed several questions relating to the operator’s State license.

The applicant’s representative explained how the daycare was operated and responded to some of the questions that arose regarding the state licensing requirements and limitations to the number of children which can be in the portable trailer and the multi-purpose room.

Public comment was opened. There was no public comment.

Public comment was closed.

Council member Miraglia and Fire Marshall Bonnie Terra discussed the Fire Department’s role in determining occupancy loads for child care facilities given Community Care Licensing’s parameters.

**Council member Moore moved to approve Conditional Use Permit, PLN2010-00079 with staff considerations. Council member Sadoff seconded, with a friendly amendment to the motion that a maximum of 49 students occupy the portable building except during roll call, per the State license waiver, and that a maximum of four evening special events be allowed per year. Motion passed 6/0/1. Council member Ryzanych absent.**

2. **SITE DEVELOPMENT REVIEW, PLN2010-00108 – ROARK/PETE'S ACE HARDWARE** – Application to allow new signage (Pete's Ace Hardware) in the Subarea 2 of the *Castro Valley Central Business District Specific Plan* (CVCBDSP, Subarea 2) District, located at 2569 Castro Valley Blvd, south side, approximately 180 feet west of Park Way, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number 084A-0012-001-03. **Staff Planner: Richard Tarbell.**

Mr. Orduña summarized the staff report. He discussed how murals are approached under the design guidelines in the *Castro Valley Central Business District Specific Plan*. He clarified that the applicant was not relying on the past SDR approval. This proposal replaces any prior proposals and approvals. Staff recommended approval.

Council member Miraglia asked whether the previous proposal participated in the Façade Improvement Program. Staff responded that it did.

Linda Roark, applicant, described the colors to be used in the mural and detailed the three-part expansion which was proposed in 2007.

Public comment was opened.

Mr. Joe Flores, Redevelopment Agency staff member, explained that this project was part of the Façade Improvement Program.

Public comment was closed.

Council members Sadoff, Neilsen, and Crawford supported the proposal.

Council member Miraglia preferred the proposal considered in 2007 as part of the SDR, and stated that she does not like the mural.

**Council member Crawford moved to approve Conditional Use Permit, PLN2010-00108 with staff considerations. Council member Neilsen seconded. Motion passed 5/1/1. Council member Ryzanych absent.**

3. **Consideration of Updates to Chapter 6.20 – “Burials and Cremations”, and Section 17.52.580 – “Conditional uses – Board of Zoning Adjustments”, of the Alameda County General Ordinance Code.** County-initiated updates to Chapter 6.20 of the Health and Safety Code and Section 17.52.580 of the Zoning Ordinance, to conditionally permit crematory units when located within 300 feet of an established residence, when certain findings can be made, and when accessory and incidental to an existing mortuary, funeral home, columbarium or cemetery;

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for properties located within unincorporated areas of Alameda County. **Staff Planner: Rodrigo Orduña**

Mr. Orduña summarized the staff report. He noted that the environmental review document was prepared by a consultant and available for 30-day public review period ending on October 1, 2010. Staff recommended approval.

Council members revisited questions previously asked staff about the applicability of the proposed ordinance change to the East County; why the 150 lbs. is used as a standard weight when calculating crematory unit functions; the effect on asthma rates due to additional crematory units; and emission of mercury levels. Mr. Orduña provided information contained in the staff report.

In addition, Mr. Bill Lambert, Redevelopment Agency staff, provided information on the owners of Grissom's Mortuary and stated that the existing ordinance addressing crematoriums is out of date. Dr. Davis, from the Public Health Department, stated that there would be no additional burden with regard to asthma and that other sources of emissions would impact asthma rates. Ms. Susan Hugo, from the Environmental Health Department, stated that she had no concerns with the proposed ordinance changes. Bonnie Terra, Alameda County Fire Marshall, stated that the proposed ordinance changes do not require changes in the fire code regulations. A Sheriff Department's officer stated that they had no objections.

Mr. Lambert also noted that there was no cumulative impact because Particulate Matter (PM) dissipates after a 1,000-foot radius to insignificant levels, and that all potentially affected facilities would be located more than 1,000 feet from each other. Mr. Nat Taylor, consultant with Lamphier & Gregory, provided testimony elaborating on the environmental impact analysis contained in the initial study. He noted that any future Conditional Use Permit applications for a crematorium would be subject to environmental review under CEQA.

With regard to the "Engineering Evaluation Report", Council member David Sadoff expressed concern that the toxic Chromium Hexavent emissions exceeded the trigger levels. It was pointed out that ozone and PM were analyzed even though due to these exceedances, and the result of the analysis was that the levels were not an issue. A question also arose about the BAAQMD air quality monitor located in San Leandro, and whether adequate ambient air quality samples could be taken when the San Leandro monitor is closed. A discussion ensued about the Report's findings while considering the Grissom's operation even though the proposed ordinance change does not now affect Grissom's Mortuary. Also, a discussion ensued about applying the language to all unincorporated county, including East County.

A discussion between Council member Miraglia and Mr. Orduña regarding cumulative impacts followed, which discussed point sources within 1,000 feet. The Initial Study response to public comments will mention that at the time of CUP review for each proposed cremation unit, point sources within 1,000 feet should be considered.

Council member Neilsen made some observations regarding the old Neptune Society facility and the lack of complaints related thereto.

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Mr. Lambert, Mr. Orduña, and Council member Crawford discussed the table included in the staff report detailing the specific features of the equipment to be used at the Grissom's facility. The equipment was used as an example to base a projection model of potential emissions.

Council member Miraglia noted the inconsistency of determining that an impact is less than significant if the impact on asthma cannot be analyzed.

Public comment was opened.

Doris Marciel, 220 Lewelling Blvd., San Lorenzo, stated that based on her research, a monitoring station in San Leandro did not exist. She raised concerns about the noticing requirements regarding the proposal, noting that the community did not know about it. She also clarified that that Deer Creek did not have an on-site crematorium.

Kathy Bossley, 820 Via Mariposa, San Lorenzo, stated that a monitoring station in San Leandro did not exist. She asserted that BAAQMD conducts annual checks of charts at the facilities. She also raised concerns about emissions from the burning of the personal effects of the deceased.

Public comment was closed.

**Council member Moore made a motion to recommend approval. Council member Sadoff made a friendly amendment adding that the East County should not be distinguished from the ordinance. The friendly amendment was accepted. Council member Sadoff seconded the motion to approve.**

A discussion ensued between the Council members about the implication to the expansion of a business if the ordinance changes do not go forward. Council members had reservations about how close these facilities should be to residential districts given the toxic emissions produced by the use. The owner of Grissom's Mortuary added information about how the current need for cremations are handled.

**Motion passed 4/2/1. Council member Ryzanych absent.**

**F. Chair's Report**

1. Item should be placed on the General Purpose MAC agenda in October regarding the installation of the Castro Valley sign.
2. Walgreens will submit or already submitted an application allowing alcohol to be sold.

**G. Committee Reports**

- **Eden Area Alcohol Policy committee** – Council member Crawford spoke about the alcohol CUP ordinance as it was considered at the Planning Commission. The Planning Commission advised staff to make some revisions.
- **Redevelopment Citizens Advisory Committee – None.**
- **Ordinance Review Committee** – Mr. Orduña noted that the ordinance was being updated in phases.

- **Eden Area Livability Initiative – None.**

**H. Staff Announcements, Comments and Reports – None.**

**I. Council Announcements, comments and Reports –**

Council member Crawford gave an update about Mr. Silva's appeal to the variance petition.

**J. Adjourn**

The meeting was adjourned at 8:47 p.m.

**Next Hearing Date: Monday, September 27, 2010**