

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**  
**Minutes for January 10, 2011**  
**(Approved as amended February 28, 2011)**

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:15 p.m. Council members present: Cheryl Miraglia, Chair. Dave Sadoff, Vice Chair, Dean Nielsen, John Ryzanych, Jeff Moore, Sheila Cunha, and Marc Crawford. Council member excused: None. Staff present: Sonia Urzua, Elizabeth McElligott and Bob Swanson. There were approximately 11 people in the audience.
- B. Approval of Minutes of December 13, 2010**  
Continued.
- C. PUBLIC ANNOUNCEMENTS / Open Forum – None.**
- D. Consent Calendar – None.**
- E. Regular Calendar**
- 1. TENTATIVE PARCEL MAP, 9994, PLN2010-00099 – RUSU / DIGGINS –** Application to subdivide an approximately 32,705 square foot lot into two lots with respective net lot areas of approximately 17,080 and 10,070 square feet, in the R-1-B-E-CSU-RV (Single Family Residence, 10,000 MBSA, 80' MAW, Conditional Secondary Unit with Recreational Vehicle) District, located at 17635 Almond Road, approximately 80' west of Walnut Road, bearing Assessor's Parcel Number: 84D-1160-016-01. **(Continued from November 8, 2010) Staff Planner: Andrew Young**

Ms. Urzua summarized the staff report. She also noted that the staff planner, Andrew Young, was available to answer questions. Council member Miraglia noted that this was an opportunity to be consistent with the lot size consistency policy but the proposal shows that the parcels are more inconsistent as revised. Square it off. Mr. Young explained that the squaring off of the parcel exacerbated lot size consistency issue. Council member Moore spoke about the technical requirements of the Subdivision ordinance. Council member Crawford expressed concern that the addition of the open space component complicates the analysis. He also expressed concern about the necessity of the fire truck turnaround.

Public testimony was opened.

Mr. Jim Diggins, representing the applicant, explain that the lot configuration was revised to look more conventional and asserted that the site had unusual conditions.

Public testimony was closed.

A discussion ensued about the County's lot size consistency policy. Council members discussed how the configuration of the proposal can be modified so as to make it more consistent with the policy, including whether the parcels should be squared off.

**Council member Moore made a motion to recommend approval of PLN2010-00099 with the additional conditions that the parcel configuration be revised to include the "dog-leg" and the elimination of the mutual shared open space easements. Council member Crawford seconded. Motion carried 5/2 with Council Members Sadoff and Ryzanych opposing.**

- 2. PLN2010-00174 –SIGN REVIEW AND VARIANCE, JESS C. SPENCER/WEST COAST SIGN COMPANY – WILCOX -** Application to allow replacement of a 6 ft. high monument sign with a 10.8 ft.

high and 48 square feet of signage where 4 ft. high and 24 square feet is permitted (Jess C. Spencer Mortuary & Crematory) in a Sub Area 9 (Retail and Office uses) within the Castro Valley Central Business District Specific Plan, located at 21228 Redwood Road, east side, 100 feet south of Pine Street in unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number 84C-0605-007-10. **Staff Planner: Christine Greene**

Ms. Urzua summarized the staff report. Council member Miraglia discussed alternative locations for the proposed sign. Council member Sadoff suggested adding language regarding maintenance of the sign and related landscaping.

Public testimony was opened.

A representative from the sign company represented the applicant. He stated that the increased height is required to improve visibility for people coming to the mortuary from the freeway. The change is related to the Caltrans' off ramp improvements. Council members asked if the height of the parking lot remained the same and about the difference in sign square footage between the existing and proposed sign. Council member Crawford remarked that moving the proposed sign to the opposite side of the driveway entrance would not make it more difficult of people coming from the freeway to see the sign. Council member Moore noted that the proposed sign was too tall. Council member Ryzanych asked questions about the size of the new railing.

Public testimony was closed.

A discussion ensued about alternate locations of the proposed sign and lower maximum height. It was considered that due to the retaining wall height of six feet and allowing one foot for the height of the railing, a maximum of eight feet should be allowed.

**Council member Crawford made a motion to recommend approval of PLN2010-00174 with the modification that the maximum height of the proposed sign is eight feet. Council member Nielsen seconded. Motion carried 7/0.**

- 3. PLN-2010-131 - CONDITIONAL USE PERMIT, AT&T MOBILITY/GOMEZ -** Application to allow modification of an existing wireless telecommunications facility in an "C-1" (Retail Business) District located at 22596 Center Street, east side, at the intersection with Kelly Street, in unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 417-0030-014-04. **Staff Planner: Jeff Bonekemper**

The item was continued as the applicant was not present.

- 4. PLN-2010-86 - CONDITIONAL USE PERMIT, O'BRIEN, ARTHUR /PATTI'S SWIM SCHOOL -** Application to allow continued operation of a community facility (swim school) in a "R-1-CSU-RV" (Single Family Residential, Secondary Unit, Recreational Vehicle) District located at 4621 James Avenue, south side 110 feet east of the southern terminus of Sandy Road, in unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 84C-0780-005-02. **Staff Planner: Damien Curry**

Council member Crawford recused himself.

Ms. Urzua summarized the staff report. She also distributed an addendum about an accessory structure also proposed by the applicant. It was determined that the accessory structure would conform to the current ordinance and would not need to be considered as part of this discretionary review.

Public testimony was opened.

Ms. Patti O'Brien appeared on behalf of the applicant. Council members raised questions about previous plans by the applicant to subdivide the property.

Ms. Lee Dorado spoke in favor of the application.

Public testimony was closed.

Council members asked for clarification about the implications of the proposed parcel map in the history of the property, as raised in the staff report.

**Council member Nielsen made a motion to recommend approval of PLN2010-00086. Council member Cuhna seconded. Motion carried 6/0/1, with Council member Crawford recused.**

**5. Presentation of the San Lorenzo Creek Watershed Task Force Recommendations for Amendments to the County Watercourse Protection Ordinance. Staff Planner: Elizabeth McElligott**

Ms. McElligott summarized the staff report and set up the presentation. Members of the task force were in attendance. First Ms. Linda Demitt gave a history of the task force and identified the members. Next Ms. McElligott narrated a power point presentation, which detailed the priorities and recommendations for the ordinance. An amendment to the ordinance would be a separate process.

Public testimony was opened.

Several taskforce members made remarks about the proposed ordinance. The Public Works Agency Director complemented the work of the task force. Mr. Rex Warren, represented the agricultural property owners on the task force. He prepared a "minority report" and expressed concerns about the inclusion of ephemeral streams and riparian habitat. He noted that other organizations will oppose the inclusion of ephemeral streams. He believed that urban and rural properties should be treated differently. Mr. Bruce King commented that the task force's recommendations are minimal. Ms. Christi Peixot noted that the final recommendation did not include the agricultural concerns about ephemeral streams. Ms. Chris Higgins stated her position that the ordinance should not include ephemeral streams.

Public testimony was closed.

Council member Neilsen discussed the implications to setback determinations based on the creek bank height. Council member Miraglia asked what do ephemeral streams contribute to the watershed and how will they be identified. Ms. Demitt explains that an ephemeral stream eventually becomes an intermittent stream. Mr. King also noted that in a watershed is that the water has a place to percolate. Building on top of ephemeral streams impedes that. Ms. Sharon Gosslin, Public Works staff responded that an applicant would have to declare whether an ephemeral stream is located on the property.

Council member Miraglia noted that while the product of the task force was a good start, she was

concerned that the MAC did not have adequate time to carefully review the draft. She needed more information to decide whether ephemeral streams should be included in the agricultural areas. She also supported providing less discretion to Public Works. Other Council member added their support the effort. Council member Ryzanych recommended that the item come back to the MAC before it gets approved. Council member Miraglia clarified the expectation that a strong effort should be made to make the revised document available for public review before it goes to the Board of Supervisor's Transportation and Planning Committee meeting.

**6. Review and Public Comment of the Revised Draft Castro Valley General Plan. Staff Planner: Sonia Urzua**

Ms. Urzua summarized the staff report. Council members discussed the zoning designations included in chapter four should be determined in the draft. The upcoming workshop will focus on the maps and tables included in the draft. The discussion will be based on the summary provided by the General Plan subcommittee.

The next General Plan worksession will be February 7, 2011 at 4:00 p.m. The General Plan was continued to February 28, 2011.

**E. Chair's Report.** Council member Miraglia provided an update on the proposal to open a Safeway at the 580 Marketplace. She also commented on a concern that Council member Neilsen had about the "Los Molcajetes" establishment and their application to ABC for a hard liquor license.

**F. Committee Reports.**

- **Eden Area Alcohol Policy Committee. None.**
- **Redevelopment Citizens Advisory Committee. None.**
- **Ordinance Review Committee. None.**
- **Eden Area Livability Initiative. None.**

**G. Staff Announcements, Comments and Reports. None.**

**H. Council Announcements, comments and Reports. None.**

**I. Adjourn**

The meeting was adjourned at 8:50 p.m.

**Next Hearing Date: Monday, January 24, 2011**