

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for May 8, 2006

(Approved as submitted July 10, 2006)

A. CALL TO ORDER: The Chair called the meeting to order at 6:35 p.m. Council members present: Dean Nielsen, Chair; Jeff Moore, Vice Chair. Council members: Andy Frank, Cheryl Miraglia and Carol Sugimura. Council members excused: Karla Goodbody and Ineda Adesanya. Staff present: Sonia Urzua, Tona Henninger, Bob Swanson and Maria Elena Marquez. There were approximately 13 people in the audience.

B. Approval of Minutes of April 24, 2006.

The minutes for April 24, 2006 were not available. They were continued to the next meeting.

C. PUBLIC ANNOUNCEMENTS.

D. Consent Calendar

The purpose of the Consent Calendar is to group routine items that may be approved by one motion, unless a request for removal for discussion or explanation is received from a member of the Council or a member of the public. If discussion is desired, that item will be removed and considered separately before Regular Calendar items on the agenda.

- 1. VARIANCE, V-12000 – DANIEL L. DEL RIO** Application to allow construction of an attached addition (Garage) providing a 6 foot side yard where 15 is the minimum, in a R-1-L-B-E-CSU-RV (Single Family Residence, Limited Agricultural, 5-Acre Minimum Building Site Area, 100 foot Median Lot Width, 30 foot Front Yard, Conditional Secondary Unit, recreational Vehicle Parking), located at 8216 Crow Canyon Road, west side, ¼ mile north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing County's Assessor designation: 085-1750-005-22. **(Continued from April 10, 2006).**

Mr. Moore moved to approve Variance, V-12000 without discussion with a second by Mr. Frank. Motion carried 5/0/2 with Ms. Goodbody and Ms. Adesanya excused.

E. Regular Calendar

- 1. SITE DEVELOPMENT REVIEW, S-2028 – LARSON/SAIDIAN** Application to allow the construction of a two story, 9000 square foot retail and office building in the CVCBD, Sub 7 (Castro Valley Central Business District Specific Plan, Sub Area 7) located at 3226 Castro Valley Boulevard, north side, approximately 200 feet west of Santa Maria Avenue, unincorporated Castro

Valley area of Alameda County, designated Assessor's Parcel Number: 84A-0112-011-00. **(Continued to May 22, 2006).**

2. SITE DEVELOPMENT REVIEW, S-2037 – GETTLER-RYAN, INC.

Application for the installation of signs on an existing building in CVCBD-Sub7 (Castro Valley Central Business District Specific Plan – Sub Area 7) District, located at 3519 Castro Valley Boulevard, south side, corner southeast of Redwood Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 84C-0618-001-04. **(Continued to May 22, 2006).**

3. PARCEL MAP, PM-8958 & VARIANCE, V-12012 – KADO - Application to allow a) 13 foot front yard setbacks where 20 feet is required; b) 4 foot side yard setbacks where 10 feet is required; c) 2 foot setbacks from the access driveway where 10 feet is required; and d) 3 feet between buildings where 10 feet is required, with the subdivision of one site containing 0.42 acres into two lots (no new construction is proposed), in the R-S-D-20 (Suburban Residential, 2,000 square feet Minimum Building Site Area per Dwelling Unit) District, located at 2516-28 Grove Way, northwest side, 671 feet southwest of Vergil Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 416-0040-041-02. (Continued from March 27, 2006)

Ms. Urzua presented the staff report. She stated that this application came before the MAC on March 27, 2006. The Council directed the applicant to submit a modified application and revisit the staff report. The staff report notes that the proposed project will have two parking spaces per dwelling. The site is designated as Medium and High Density Residential in the Castro Valley Plan. This is consistent with the surrounding area's density and the Zoning Ordinance requirement of a maximum density of one unit per 2,000 square feet of land area. At the front of the site, at the south corner, there is a 6 foot high solid board fence that does not meet the basic zoning requirements, so this variance is to legalize the illegal non-conforming construction related to this petition. It was continued from April 10, 2006 because the variance requirements were not noted previously.

Council members expressed concerns regarding the potential for converting the property into condominiums. Mr. Nielsen asked to what capacity the Council can comment about any future condominium conversion. Mr. Moore said that the applicant has the right to apply. Ms. Urzua said the applicant would have to apply and support their application with evidence that the condo conversion requirements can be met.

Will Clark represented the applicant. He stated that there are minor revisions to the original proposal. In response to Mr. Moore's question about parking, Mr. Clark said that the Fire Marshall has no issue with parking cars in the turn around.

Public testimony was called for. No public testimony submitted.

Ms. Miraglia asked about landscape in the front and what filler will be used for the ground cover. She was concerned about what the project will look like from the street.

Ms. Miraglia made a motion to approve Tentative Parcel Map, PM-8958 and Variance, V-12012 with recommendations that the ground cover be green around the front landscape. Mr. Moore seconded. Motion carried 5/0/2 with Ms. Goodbody and Ms. Adesanya excused.

4. **TENTATIVE PARCEL MAP, PM-9076 – MARIO MAPOY** - Application to subdivide one parcel containing 0.36 acres into two lots, in a R-1-CSU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle Parking) District, located at 19530 Forest Avenue, east side, south corner at Heyer Avenue, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084C-0705-018-00.

Ms. Urzua presented the staff report. Staff is recommending approval.

Mario Mapoy, owner of the property, stated that he has lived for 15 years in Castro Valley and would like to have another nice home in the community and for this reason he would like to subdivide this parcel.

Public testimony was called for.

Dave Dykes, resident at 4482 Heyer Avenue, stated his opposition to the proposed subdivision. He lives almost directly across from the subject property at Heyer Avenue. He expressed concern about the size of the future single family residence. Specifically, he is concerned about the impacts on density, average lot size and related increases in parking demands in the area. Mr. Nielsen assured Mr. Dykes that the applicant will have to meet the minimum side yard set backs and parking.

Richard Rogers, resident at 4457 Heyer Avenue, stated that he lives next to the lot and he has the same concerns as the previous speaker. He said he has not seen the drawings and he wonders how this huge home is going to affect his neighborhood.

Richard Ng, resident at 4410 Forest Court, stated that he lives to the rear of the subject property. He expressed concerns about losing his privacy.

The applicant, Mr. Mapoy, stated that he just purchased the property five months ago. His plan follows the guidelines set by the County. He does not intent to apply for any variances or any other issues. He does not intend to put up a 4,500 square foot house. He does not intend to remove the trees. His goal is to build one single family home that is ideal for the community or even better.

Public testimony was closed.

Ms. Miraglia stated that Mr. Mapoy will have required parking plus one guest parking space. She asked if there is anyway to require additional parking in the front. Mr. Nielsen said that the Council can recommend that, but it does not mean that he has to do it.

Mr. Moore said that he is in favor of the project. He said that Mr. Mapoy has the right to develop his property and that he meets all the requirements. He does not know if the County has a tree mitigation or removal program, but Mr. Mapoy is fully in compliance. Ms. Miraglia asked if he will be required to do some landscaping.

Ms. Miraglia made a motion to approve Parcel Map, PM-9076 with the recommendation that he add trees in the rear of the property to screen. Mr. Moore amended the motion to say: Mr. Mapoy needs to work with staff regarding adding at least one guest parking space. Mr. Frank seconded. The motion carried. 5/0/2 with Ms. Goodbody and Ms. Adesanya excused.

5. **MODIFICATION TO THE 2186th ZONING UNIT, MZU-2186 & CONDITIONAL USE PERMIT, C-8502 – CRAWFORD** - Petition for modification of the 2186th Zoning Unit and Conditional Use Permit, C-8502, by allowing the front unit to be oriented toward Grove Way, realigning three buildings, changing the exterior finish of all the units, and changing Condition of Approval # 3, regarding an access easement on a site containing 1.4 acres, in a PD-ZU-2186 (Planned Development, 2186th Zoning Unit) District, located at 2854 Grove Way, north side, approximately 250 feet east of Betlan Way in the unincorporated Castro Valley area of Alameda County, having County Assessor's Parcel Number: 0416-0060-030-02.

Ms. Urzua presented the staff report. In this case, the proposed modification to the current zoning unit will revise site plan by realigning three buildings and modify condition #3 of the Conditions of Approval. The staff report supports the proposed changes while clarifying that the easement should remain during construction.

Mr. Nielsen asked if the existing easement will remain. Ms. Urzua said yes, it will remain. Mr. Moore asked about the location of the easement.

The applicant, Mr. Marc Crawford, stated that he submitted this application six months ago. He considered changing his project after attending the Zoning Ordinance Update Committee Meeting, where the design guidelines and multi family projects looking at sides of buildings were discussed. The main change in this current proposal is that the front of the building will face Grove Way, instead of the garage door. He also proposes changing the originally approved T1-11 siding finish to multicolor stucco with some siding.

His second concern is condition of approval #3 which describes the terms of the easement with Mr. Verneti, namely the requirement that the owner sell an additional eight feet of easement to the rear property owner at market rate. He suggested that Mr. Verneti could access his property from Hoffman Way which has about 20 houses on it. He has spoken with Mr. Verneti about this option.

Mr. Nielsen asked Ms. Urzua if there is was useful access for the property owner. Mr. Frank asked what will be the purpose of the 12 foot wide easement. Mr. Crawford said that the 12 foot easement has been there forever. Ms. Urzua stated that staff did not concur with Mr. Crawford's suggestion that Mr. Verneti could access his property from Hoffman Way during construction. Staff is of the opinion that there is no access from Hoffman given the barrier at the end of Hoffman as pictured on page 10 of the staff report.

Mr. Crawford said that there is no existing access at this moment. If that property were to be developed, it does not make sense to come through his property. If you look at the staff report, there is a copy of a letter addressed to John Verneti which is basically a contingency plan for Mr. Verneti during construction. Mr. Crawford would put that back the way it was.

Mr. Nielsen said that he does not have a concern with the 12 foot easement. The County precludes the property owner from gaining access. This can be removed if the property owner has not brought it up, approve the project and this can be a problem to property owners. The Council needs to make a recommendation and needs to include that.

Mr. Crawford said that the idea was to pull a road encroachment permit, and remove the guard rail on County property. This would be overseen by the road inspector. Ms. Henninger asserted that this issue required approval from the Public Works Agency.

Public testimony was called for.

Tom B., resident at 2866 Theresa Court, stated that he is the President of the Homeowners Association. He has no concerns about the project. He requested information about the noise ordinance, and a construction schedule to relay to the neighbors. Mr. Nielsen told Mr. B. that the Planning Department can give him that information. He can call Ms. Urzua.

Ms. Miraglia asked if Mr. Crawford had a dust management program. Mr. Crawford said there are best management practices; he has a complete program in place which considers issues such as dust management. He has been very conscientious about it and will do whatever it takes.

Public testimony was closed.

Mr. Moore complimented Mr. Crawford on his project. Mr. Crawford said his desire was to upgrade the project.

Mr. Frank moved to approve the Modification to the 2186th Zoning Unit and Conditional Use Permit, C-8502, with the following staff recommendation: that item #3 with respect to providing access to adjacent property, recommending review from the Public Works Agency – and the deletion of Planning recommendation #3.

Revised Motion #2: Mr. Frank moved to approve the Modification to the 2186th Zoning Unit and Conditional Use Permit, C-8502 with the following conditions: that the any requirement to sell the 12 feet wide easement and that condition # 3 not be part of the conditions of approval. Secondly, Public Works should review access from Hoffman Way ingress and egress on the rear property to ensure that the owner of that property will have ingress and egress.

Revised Motion #3: Mr. Frank moved to approve Modification to the 2186th Zoning Unit and Conditional Use Permit, C-8502 with Planning Considerations noting that the applicant does not have to sell to the landowner in the back. Mr. Moore seconded. Ms. Miraglia amended the motion to say that all pre-hearing recommendations be approved which gives correct language. Motion carried. 5/0/2 with Ms. Goodbody and Ms. Adesanya excused.

6. **2200th ZONING UNIT & TRACT MAP, TR-7709 – FOREST CIRCLE, LLC.** Petition to reclassify three parcels (and portions of two adjacent parcels) from the R-S-D-20 (Suburban Residence, 2,000 square foot Minimum Building Site Area/Dwelling Unit) District to a P-D (Planned Development) District, so as to construct 35 townhouse units, located at 20560 Forest Avenue, east side, approximately 550 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Numbers: 084C-0713-013-00, 084C-0716-001-05 and 084C-0716-001-06 (and associated Assessor's Parcel Numbers: 084C-0723-007-03 and 084C-0713-012-01). **(Continued to May 22, 2006).**
7. **VARIANCE. V-11993, FOREST CIRCLE, LLC/HARRY & MARY TODD**
- Application to allow construction of a new detached secondary unit two stories, 26 feet in height where one story and 15 feet in height is the maximum allowed; and providing three-and-half feet side and rear yard where five and 20 feet are required, in an R-S-D-20 (Suburban Residence, 5,000 square foot Minimum Building Site Area) District, located at 20554 Forest Avenue, east side 350 feet, north from the intersection with Vincent Court, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number 84C-0713-012-01. **(Continued to May 22, 2006).**

F. Open Forum – None.

G. Chair’s Report – None.

H. Committee Reports

Mr. Moore said that the commercial redevelopment is fairly substantial. Proposed under the table the conditions of approval and the perception of approving something.

Ms. Miraglia said that there will be a meeting about creeks tomorrow night at the Eden Church, at 6:30 p.m. Water protection issues will be discussed. She recommended that MAC members attend.

- **Eden Area Alcohol Policy Committee**
- **Redevelopment Citizens Advisory Committee**
- **Castro Valley Parkland Committee**

Mr. Nielsen said that the park survey has been completed. On May 14, 2006 the HARD Board will hear the issue to consider approval. The survey came back showing support for the bond measure. He said there is a lot of work ahead of this. The community wants to see the park.

Mr. Nielsen also noted that he was pleased with the current scope of projects under review by the Council members. His intent is to ensure the projects do not fall through the cracks without consideration by the MAC.

- **Ordinance Review Committee**

I. Staff Announcements, Comments and Reports –

The Board of Supervisors approved a 45 day moratorium on the creeks.

J. Council Announcements, Comments and Reports - None.

K. Adjourn

The meeting was adjourned at 7:30 p.m.

Next Hearing Date: May 22, 2006