

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**

**Minutes for May 27, 2008**

(Approved as presented June 9, 2008)

**A. CALL TO ORDER:** The Chair called the meeting to order at 6:00 p.m. Council members present: Jeff Moore, Chair. Council members: Andy Frank, Sheila Cunha, Dean Nielsen and Dave Sadoff. Council members excused: Cheryl Miraglia, Vice-Chair and Carol Sugimura. Staff present: Albert Lopez, Jana Beatty, Bob Swanson and Maria Elena Marquez. There were approximately 15 people in the audience.

**B. Approval of Minutes of April 28, 2008**

Minutes were approved as presented. Motion carried 5/2/0 with Ms. Miraglia and Ms. Sugimura absent.

**C. PUBLIC ANNOUNCEMENTS / Open Forum**

Ms. Beatty introduced Albert Lopez as the new Planning Director.

**D. Consent Calendar – No Items.**

**E. Regular Calendar**

**1. CONDITIONAL USE PERMIT, C-8730 – AMELIA SCHIMMELS**

Application to allow an indoor recreation center for children in an CVCBDSP-Sub 5 (Castro Valley Central Business District – Specific Plan, Sub-area 5) District, located at 2751 Castro Valley Boulevard, south side 300' East of Lake Chabot Road, Castro Valley area of unincorporated Alameda County bearing County Assessor's designation: 084A-0015-004-00.

Ms. Beatty summarized the staff report. Staff recommended that this item be continued. Staff received a banner type sign from the applicant in lieu of the actual sign.

Amelia Schimmels, applicant, said that the signage is the same that they have, they are only replacing the letters. She said that she has no intention to run a pre-school. This will be a drop-in and child care facility for no more than 15 hours a week for children ages 2 to 13. Also, on weekends they will have birthday parties. This is not a regular type of child care. The center will provide activities such as climbing wall, train table, play station, tea-party/dress-up room for girls. The center has a security system, the door opens from inside and there is a video camera surveillance.

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Mr. Nielsen asked the applicant the differences between a security procedure versus a pre-school and if this was going to be a temporary day care. Ms. Schimmels said that the children will spend less hours at the facility. Mr. Nielsen asked her about licensing. Ms. Schimmels said that a license is not required.

Christina Petroski, franchise founder, said that this type of center is exempt from California licensing. She said that she has a letter from the State to prove this. She said that for the preschool program the State does not require a license.

Mr. Nielsen asked her if she had a planned number of adults per number of children. He said he can not make a decision without knowing the process.

Mr. Moore asked Ms. Petroski how the check-in and check out is monitored. Ms. Petroski said once they sign in a computer generates the check in and check out time.

Mr. Sadoff asked her why she didn't go for the state license. Mr. Nielsen said it would be helpful to know the process and the Council does not have this information. The Council needs a written policy in order to have some way of knowing that there is not going to be a child care.

Mr. Moore asked Ms. Beatty if this clarified staff's concerns, he said it sounded fairly understandable. Ms. Beatty said staff wanted to make sure it was not a pre-school.

Ms. Cunha asked if parents needed to make reservations.

Public testimony was called for. No public testimony submitted.

Mr. Sadoff said he was concerned about the extended hours.

Mr. Frank asked Ms. Petroski for the franchise procedures, rules and regulations and that should answer the questions from the County.

Amelia Schimmels said that she was frustrated because she applied since December. They are six months behind and they did what they were supposed to do. Mr. Moore said that it looked pretty good sense of security and that the use appeared not to be an issue, only the details.

**Mr. Sadoff moved to continue this application to the June 9 meeting. Motion carried 5/2/7 with Ms. Miraglia and Ms. Sugimura absent.**

2. **CONDITIONAL USE PERMIT, C-8737 – SINGH** – Application to allow the expansion of an auto repair facility in the CN (Commercial Neighborhood) District. Applicant requests an existing two-car canopy and a 40' container unit be allowed to remain on the subject property. The subject parcel contains

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approximately 0.24 acres and is located at 19592 Center St, east side, corner of Edwards Lane and Center St., in the unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 84C-1062-024-00.

**Application Withdrawn**

3. **TENTATIVE PARCEL MAP, PM-8694 – TET** - Application to subdivide one parcel containing 0.66 acres into three lots, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 18821 Carlton Avenue, west side, approximately 400 feet south of Sydney Way, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084B-0420-007-00.

Ms. Beatty summarized the staff report. She said that the Council heard this item in January and at that time no decision was made. The Council gave direction to the applicant and to the surrounding neighbors to talk with the mediator. Apparently no progress was made and there are no changes.

Mr. Moore said that apparently there is no requirement for the applicant to do so. The Council took public testimony at that time. Ms. Cunha asked if they attempted the mediation.

Alexander Tet, applicant, said that he tried to contact his neighbors. One accepted and he talked to her many times. Other neighbors contacted their lawyers. The rest of the neighbors could not get any agreement, there was no success, they didn't talk about the situation that was proposed. He couldn't get any closer with them. He said that they would agree as long as they get some money.

Public testimony was called for.

James Fisher, resident at 18851 Carlton Avenue, stated that Mr. Tet never approached him about the mediation. The only contact they had was on May 19. Mr. Tet brought a different set of plans, but he never contacted him.

Mr. Moore said that he felt frustrated because the Council heard a lot of testimony. Mr. Fisher said that if this is going to be approved, he hopes that the existing road be on the County road system and not a private road.

Leigh Kimmelman, resident at 18847 Carlton Avenue, said that the neighbors are in favor of developing this property. If they are going to wide the existing road, the house has to be relocated. Mr. Tet wants to keep the structure 3 feet away of the road. He asked how many council members have gone to see this property.

Mr. Nielsen told Mr. Kimmelman that according to his point of view, the private road would have to be 20 feet wide and if so he asked him if the side yard set back would be a problem. Mr. Kimmelman said that not to him. Mr. Kimmelman said that it would be best to make this a county road.

Dianne Fisher, resident at 18845 Carlton Avenue, said that she agreed with what Mr. Kimmelman said. She said that according to the staff report Mr. Tet has determined that no agreement can be reached. She is willing to meet with the mediator and that all together (neighbors and Mr. Tet) be in the same room. She would like to have some resolution. She fully supports the policy and wants to go along with it and doing things correctly.

Public testimony was closed.

Mr. Nielsen said that he is concerned that if Mr. Tet has a deed access to this road. Ms. Fisher said that they have the public road maintained and the Planning Commission told Mr. Tet that if he needed to proceed, to prove that he had access to this road. She said that when the property was developed, the County did not accept responsibility for the road. That property belongs to them (the Fisher). Ms. Fisher said that it is on their property description. They own the road.

Mr. Moore said that the tentative map indicates that it appears to be a public road. He said that this is a normal subdivision that the Council sees all the time. The issue is whether or not 25 foot intent to develop that other parcel. There is a proposed private street on the north side of the property.

Mr. Sadoff said that it is ridiculous to put a private street to the north

**Mr. Nielsen made a motion to approve Parcel Map, PM-8694 with the private road to the north. Motion failed. Mr. Sadoff made a motion to deny Parcel Map, PM-8694. Mr. Frank seconded. Ms. Cunha said she was disappointed that it didn't go to mediation. Motion carried 3/2/2 with Mr. Moore, Mr. Nielsen and Ms. Cunha opposed, and Ms. Miraglia and Ms. Sugimura absent.**

4. **TENTATIVE PARCEL MAP, PM-9601 & BOUNDARY ADJUSTMENT, BA-30-07 – COOK** - Petition to allow subdivision of one site containing approximately 43,557 square feet into three lots in a R-1-B-E-CSU-RV (Single Family Residence, 10,000 square feet Minimum Building Site Area, 70 feet Median Lot Width, Conditional Secondary Unit, Recreational Vehicle) District, located at 18137 Lamson Road, north side, approximately 200 feet west of Almond Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084D-1165-016-00. A Boundary Adjustment is proposed to deed a 1,722 square foot portion (10' by 172' strip) of the lot frontage to the neighboring parcel to the west, APN: 084D-1165-05-01.

Ms. Beatty summarized the staff report. She said that the existing parcel is roughly rectangular. A Boundary Adjustment is proposed as part of the application. No variance should be required.

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Robert Crossett, Civil engineer for the project, stated that they don't have any concerns with the conditions of approval. He is available for any questions from the Council.

Public testimony was called for. No public testimony submitted.

The Council had no comments or questions on this application.

**Mr. Frank moved to approve Parcel Map, PM-9601 and Boundary Adjustment, BA-30-07. Ms. Cunha seconded. Motion carried 5/2/0 with Ms. Miraglia and Ms. Sugimura absent.**

- 5. TENTATIVE PARCEL MAP, PM-9666 – CHEN/TRAN – Application to allow subdivision of one parcel into two lots containing approximately 0.54 acres, in a R-1-BE-CSU-RV (Single Family Residence, 10,000 square feet Minimum Building Site Area, 70 feet M.L.W, Conditional Secondary Unit, Recreational Vehicle) District, located at 3822 Seven Hills Road, north side, approximately 180 feet west of Almond Road, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 084D-1175-011-00. Continued to June 23, 2008. Staff Planner: Howard Lee**

**F. Chair's Report None**

**G. Committee Reports No**

- **Eden Area Alcohol Policy Committee**
- **Redevelopment Citizens Advisory Committee**
- **Ordinance Review Committee**
- **Eden Area Livability Initiative**

**H. Staff Announcements, Comments and Reports**

**I. Council Announcements, Comments and Reports**

**J. Adjourn**

The meeting was adjourned at 7 p.m.

**Next Hearing Date: Monday, June 9, 2008**