

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for September 22, 2008

(Approved October 13, 2008 as presented)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:00 p.m. Council members present: Cheryl Miraglia, Vice Chair. Council members: Andy Frank, Sheila Cunha and John Ryzanych. Council members excused: Jeff Moore, Chair; Dean Nielsen and Dave Sadoff. Staff present: Tona Henninger, Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 25 people in the audience.
- B. Approval of Minutes of September 8, 2008**
Council member Cunha made a motion to approve the minutes of September 8, 2008 as presented. Council member Ryzanych seconded. Motion passed 4/3/0 with council members Moore, Nielsen and Sadoff excused.
- C. PUBLIC ANNOUNCEMENTS / Open Forum – None.**
- D. Consent Calendar – None**
- E. Regular Calendar**
- 1. CONDITIONAL USE PERMIT, C-8478 – T-MOBILE/CHURCH OF THE NAZARENE** – Re-hearing of an application to install and operate a wireless telecommunication facility in an R-1-CSU-RV (Single Family Residential, Conditional Secondary Unit, with Recreational Vehicle) District, located at 2301 Miramar Avenue, north side, 100 feet west of Crest Avenue, unincorporated Castro Valley, and designated Assessor's Parcel Numbers: 080A-0191-034-04. **Staff Planner: Sonia Urzua (Continued to October 13, 2008).**
- 2. CONDITIONAL USE PERMIT, C-8738 – BAY GOSPEL HALLS –** Application to allow the continued operation of a church and temporary placement of a portable building for meetings while a new meeting hall is being constructed, in an R-1-SU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle) District, located at 4035 Seven Hills Road, south side, 180 feet east of Parsons Avenue, unincorporated Castro Valley area of Alameda County, designated County Assessor's Parcel Number: 084D-1342-004-3. **Staff Planner: Christine Greene (Continued from June 23, 2008)**

Ms. Urzua summarized the staff report. This item was before the Council on June 23, 2008. Previous to that it was presented under a different name as Manila Church and was approved in May 23, 2005. The staff report describes that the church building is under construction and they are working towards completion. The Mitigated Negative Declaration originally had an error which has been corrected as part of this application. Staff recommends approval.

Council member Miraglia asked whether the existing fencing is proposed to remain and that it meets the requirements of the zoning ordinance. Ms. Urzua explained the height limitations under Section 17.52.430. Here, the site plan indicates that that front fence is set back 20 feet for front yard. Council member Miraglia asked about the landscape plan

and fencing. Ms. Urzua said it was not clear but the applicant has an opportunity to clarify that.

Hugh Fussell, applicant, said that they have had a few little issues that have been addressed and were making progress with the building permit. They have to re-submit the building permit application by the end of the month and they hope to get ahead and move on with this project because they need their church.

Council member Miraglia told Mr. Fussell that the last time they were here, she and some neighbors had concerns about the landscape and that he was going to address something with the rear neighbors. Mr. Fussell said that the fence on the back of the property was going to be on top of the retaining wall. They have set back fence by 8 feet into our property and they are going to landscape the area like it is on the plan just the fence moved back 8 feet just to give it more aspect. It will screen the building as well. Council member Miraglia said that the other concern with landscaping was that the landscape that is on Seven Hills Road and the way that the property currently looks is an eye sore. She asked Mr. Fussell where are his plans on when is he getting that done. Mr. Fussell said that as soon as they have their building permit. They are waiting to put the utilities there, that will be the first job to do, finish the landscape. Council member Miraglia asked about the ditch that runs all along the fence and if it was drainage that Public Works require. Mr. Fussell said yes.

Council member Frank noted that the applicant is making arrangements and is attempting to mitigate other measures. Landscape was a concern. He asked Mr. Fussell if he had an approximate date when they plan to start the physical construction of the facility. Mr. Fussell said they are looking to start at the spring of 2009. They have the finance available. Council member Frank asked about the estimated time to finish it. Mr. Fussell said that 2011 is the final estimated time but hopes it could be sooner than that. Council member Frank asked Mr. Fussell when the landscape plan will be completed. Mr. Fussell said that during the summer of 2009. Council member Frank asked Mr. Fussell if the fence will be a permanent structure. Mr. Fussell said yes.

Council member Miraglia said she hoped that the motion will include a submittal of a revised landscape plan.

Council member Frank moved to approve Conditional Use Permit, C-8738 with Planning considerations with a modification that there will be a re-submittal of a landscape plan to the MAC for review and approval. Council member Cunha seconded. Motion passed 4/3/0 with council members Moore, Nielsen and Sadoff excused. Ms. Urzua asked council members to clarify the landscape plan requirement. Only the landscape plan needs to come back to MAC for review.

3. **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' shipping container being used as a storage shed be allowed to remain on the subject property. The subject parcel contains 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. **Staff Planner: Jeff Bonekemper**

Ms. Urzua summarized the staff report. This application had been out of compliance since 2001. It was brought into our scope as part of our Code Enforcement program, which noted that the canopy and the container were not included within the approved CUP. Since then, the applicant has met with the Building and Fire Departments and has made changes to the site plan. This application was analyzed using the Type A Service Station definition which is an allowed use in the CN District. It also reviewed the canopy as an accessory structure which at this point the Planning Department limits accessory structures as accessory building to be located not within the required set backs. The analysis was that the canopy and the container were not set backs for this district and therefore not in violation of zoning ordinances.

The Applicant did not attend the meeting, however, there was one speaker wishing to comment on this item.

Jan LeRoy, resident at 4479 Edwards Lane, expressed concern about the location of the container and fencing around the perimeter of the property. Ms. Urzua said that the ordinance allows for fences higher than six feet if it is a condition of approval.

The item was continued to the next meeting.

4. Informational presentation by Sutter Health on the upcoming reconstruction of the Eden Medical Center Campus.

Representatives from Sutter Health Group and Devenney Group made a Power Point presentation. After the presentation, Council member Miraglia said no action would be taken at this meeting. However, the audience was welcomed to make comments.

Council members raised questions regarding the number of beds, emergency routes, there traffic on Stanton Avenue, the closing of San Leandro Hospital, parking, lighting overflow onto adjacent properties. Members also commented about the blue glass exterior, a childcare component for employees and the “living wall.”.

Pat Hoffman, a Castro Valley resident, expressed her concern about San Leandro Hospital closing and wanted to know what is planned for the hospital there.

F. Chair’s Report – None.

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.

Ms. Urzua said that there are a couple of new members doing the Ethics training and it is required for all appointed bodies. We will be getting some information about that and for those requiring a refresher.

I. Council Announcements, Comments and Reports – None.

J. Adjourn

The meeting was adjourned at 7:28 p.m.

Next Hearing Date: Monday, October 13, 2008