

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for January 12, 2009

(Approved as presented January 26, 2009)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:01 p.m. Council members present: Jeff Moore, Chair; Cheryl Miraglia, Vice Chair. Council members: Dean Nielsen, Dave Sadoff, Andy Frank, Sheila Cunha and John Ryzanych. Council members excused: None. Staff present: Tona Henninger, Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 15 people in the audience.

B. Approval of Minutes of November 10, 2008

Council member Cunha moved to approve the minutes of November 10, 2008 as presented. Council member Nielsen seconded. Council member Miraglia abstained. Council member Ryzanych arrived after the motion was made. Motion carried 5/1/1.

C. PUBLIC ANNOUNCEMENTS / Open Forum – None.

D. Consent Calendar

- 1. SITE DEVELOPMENT REVIEW, PLN2008-00045 – CHANDARASANE –** Application to allow additional signage at a restaurant in Castro Valley Central Business District Specific Plan – Subarea 10, located at 3774 Castro Valley Boulevard, north side, 260 feet west of Forest Avenue, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0724-068-00. **Staff Planner: Richard Tarbell**

Moved to the Regular Calendar.

- 2. SITE DEVELOPMENT REVIEW, PLN2008-00056 – KENNY FONG –** Application to allow new signage in Castro Valley Central Business District Specific Plan – Subarea 7, located at 4795 Heyer Avenue, south side, 150 feet west of Wilbeam Avenue, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0040-020-00. **Staff Planner: Richard Tarbell**

- 3. SITE DEVELOPMENT REVIEW, PLN2008-00059 – WEST COAST SIGN COMPANY –** Application to establish a sign program for a shopping center in a P-D (Planned Development, Zoning Unit, ZU-4696), located at 4795 Heyer Avenue, south side, southwest corner of Center Street, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0700-003-12. **Staff Planner: Richard Tarbell**

Moved to the Regular Calendar.

- 4. SITE DEVELOPMENT REVIEW, PLN2008-00068 – MOHAMMED KAHN/SAM'S SIGNS –** Application to allow new signage in Castro Valley Central Business District Specific Plan – Subarea 7, located at 3200 Castro Valley Boulevard, north side, 300 feet east of San Miguel Avenue, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0700-003-12. **Staff Planner: Richard Tarbell**

Council member Miraglia made a motion to move Items 1 & 3 from the Consent Calendar to the Regular Calendar.

Council member Nielsen moved to approve the Consent Calendar. Council member Cunha seconded. Motion carried 6/1/0 with Council member Ryzanych not present (he arrived after the motion was made).

E. Regular Calendar

- 1. SITE DEVELOPMENT REVIEW, PLN2008-00045 – CHANDARASANE –**
Application to allow additional signage at a restaurant in Castro Valley Central Business District Specific Plan – Subarea 10, located at 3774 Castro Valley Boulevard, north side, 260 feet west of Forest Avenue, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0724-068-00. **Staff Planner: Richard Tarbell**

Ms. Urzua summarized the staff report. She said that staff is recommending approval because the project meets the Specific Plan and Zoning Ordinance requirements.

Council member Sadoff asked staff if there were any improvements that were contemplated that are not part of this package. Ms. Urzua clarified that there were none. Ms. Urzua said that Redevelopment did not submit comments.

Council members Nielsen, Moore, and Frank asked whether conditions relating to landscaping, fencing, painting and overall enhancement attached to previous approvals for the subject property had been met..

Stacey Chandarasane, Applicant, said that she is the new business owner and decided to put a sign for a Thai cuisine. Council member Moore told Mrs. Chandarasane that the Council had some concerns about working with the owner of the property to do landscaping, painting, fencing. Ms. Chandarasane stated that those improvements were done.

Council members Frank said that it is important to find out whether it was or was not done. He understands the veracity of the applicant, the Council should have a third part viable source such as the County, he would presume that the County should have something on record that everything has been checked, so the Council can move forward.

Council member Moore continued the item for two weeks in order for staff to follow up with regard to previously imposed conditions. **Item was continued to January 26.**

- 2. SITE DEVELOPMENT REVIEW, PLN2008-00059 – WEST COAST SIGN COMPANY –** Application to establish a sign program for a shopping center in a P-D (Planned Development, Zoning Unit, ZU-4696), located at 4795 Heyer Avenue, south side, southwest corner of Center Street, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C-0700-003-12. **Staff Planner: Richard Tarbell**

Council member Moore recused himself.

Ms. Urzua summarized the staff report. Staff is recommending approval of the application sign program as submitted. There is a condition that requires additional drawings that specify colors and font. It is limited to one sign per tenant to be placed within the optical feature of the building.

Council member Miraglia asked if there are color boards or backgrounds of any kind. Ms. Urzua said no.

Council member Sadoff asked Ms. Urzua if she knew about any recent façade improvement and subsequent “stop work order.” Ms. Urzua responded that she did not.

Jack Wilcox, representing the owner, described the materials to be used as part of the sign program.

Council member Miraglia asked Mr. Wilcox if he had a rendering in order to see how the clear acrylic is going to look. She noted that the pictures in the staff report are black and white.

Council member Nielsen said he has been by the building many times and the tile sections are complimentary to the building itself. What they are trying to do is not make the signage stark but just to make it blend with the colors of tiles in the back. It is very tastefully done.

Council member Miraglia asked Mr. Wilcox if he was open to use a more contemporary font. He referred to some discussions between the Redevelopment Agency and the Planning Department regarding ways to make it more contemporary. He thought the font style is pretty contemporary. The concept was to keep it consistent.

Council member Ryzanych asked Mr. Wilcox why the acrylic plate. Mr. Wilcox said so you could see through it and see the tile element behind it.

Public testimony was called for.

Tom Soldonia, resident at 4797 Heyer Avenue, said that he is a tenant at the Heyer Center and he has been waiting seven years for signage on the building. He asked council members to resolve this situation, along with the landlord and the sign company this evening.

Council members Cunha moved to approve Site Development Review, PLN2008-59. Council member Frank seconded. Motion carried 6/1. Council member Moore recused.

3. **CONDITIONAL USE PERMIT - C-8734- T-MOBILE-** Application to allow the installation of a 35 foot telecommunications facility with four (4) concealed antennas camouflaged as light pole, a 240 square foot lease area for placement of equipment cabinet, and landscaping, in the R-1-CSU-RV (Single-family Residential, Conditional Secondary Unit, Recreational Vehicle parking) District. The subject parcel contains approximately 0.9 acres and is located at 18988 Lake Chabot Road, east side, northeast of Keith Avenue, in the unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 84D-1305-009-12. **Staff Planner: Jeff Bonekemper**

Ms. Urzua summarized the staff report. She stated that this item came before this Council on June 2008. The Council asked T-Mobile to re-design which they did.

Ben Davis, spoke on behalf of T-Mobile, he described the location of the antennas. T-Mobile is proposing landscaping along the equipment up to the north. This was done at the request of Planning. They have been through a series of designs. One of the conditions of approval the landscaping plan in front of this Council is what T-Mobile is proposing open to that as well.

Council member Moore asked Mr. Davis if the equipment is located in the same area as the previous design. Council member Miraglia told Mr. Davis that the Council asked T-Mobile to look for a different location. This seems to be in the same location although looks different. Mr. Davis said that T-Mobile looked at a variety of different locations like the baseball field.

Council member Frank said that the Council previously discussed locating the facility by the trees. Mr. Davis said that area was discussed a little bit. There were some concerns about the trees being removed.

Council member Moore raised concerns regarding radio frequency radiation. Mr. Davis stated that typically sites like these are hundreds of times below. T-Mobile does not anticipate having any problems.

Council member Miraglia and Mr. Ryzanych asked Mr. Davis what is the diameter of the pole.

Council member Frank and Mr. Nielsen commented on the proposed landscaping and expressed concerns about ivy and plant species that deer favor.

Council member Moore said that T-Mobile added the landscaping at the entrance as requested and it looks like the equipment is placed in a more favorable location too. These are significant differences from the last time.

Council member Miraglia said it would have been helpful to have a report from T-Mobile as to what are the locations they looked at within that parking lot in those trees and why is that that they couldn't put it there because that is what this Council asked for the last time.

Public testimony was called for.

Kevin Owyang, resident at 3670 Quail Avenue, spoke against the proposal. He expressed concerns about radiation, the sites proximity to the school and residents. He is also concerned about the cost of installing and maintaining the landscaping. He was also concerned about ruining the view of the park area.

Patrick Devine, resident at 3678 Quail Avenue, spoke against the proposal. He asked council members to consider alternate to the location for the project given the width of the pole.

John Monroe, resident at 3682 Quail Avenue, did not oppose the design of the facility; however, he is concerned about radiation and danger from exposure. He also proposed finding alternate locations on the H.A.R.D. property, away from the children's playground. He also supported the idea of requiring an RF report.

Council member Frank said that he did not recall the trees being an issue. Trees are used to camouflage locations.

Council member Ryzanych asked Mr. Monroe if there are any positions that he can identify that would be acceptable to him as far as alternate locations. The location is compromising the view.

Mr. Davis said that wireless sites use trees to hide antennas or the equipment area, but also trees can interfere with radio frequency signals. He did not know how much interference there would be. He also realized that neighbors have health concerns. FCC regulates the emissions of radio frequency antennas. He said that a report on emissions has not been done but T-Mobile will be happy to provide one. In terms of the landscaping, T-Mobile will do it for the first 60 days, HARD will do it after that. In terms of trees being removed, Planning has been very adamant that no trees should be removed but one of the conditions of approval proposed and T-Mobil attempts to stand by that.

Council member Frank told Mr. Davis that if you have to eliminate a tree you can plan another tree, that will provide shelter and you can control the height requirements.

Council member Ryzanych asked Mr. Davis if relocating this pole closer to the equipment location it would be practical and is it also possible that this unit could be camouflaged. Some residents would prefer the location being few feet to the right, across the parking lot. He asked Mr. Davis if T-Mobile would be amenable to locate between that road of trees so it looks more like part of the tree structure. Mr. Davis was concerned because the equipment is located in a very downward slope area and we probably have to do quite a bit of additional surveying. Council member Ryzanych said that the images show that the equipment station is located on a down slope. Relocating that pole it would come much closer probably on the edge of the parking lot which is similar grade. Because of the community concerns he asked Mr. Davis if it would be possible to work in that direction.

Council member Moore asked staff what is Planning's opinion regarding trimming the trees. Ms. Urzua said that her concern is that often times the carriers do not follow through their landscaping plans much less trees maintenance. It is in their best interest to maintain the trees. Long term commitments are difficult to enforce. We can probably ask them to follow up and ask them to explain exactly why they need this location and not another one.

Council member Nielsen said that it might be appropriate to ask Council members to see if they are satisfied with the location. If the Council is not satisfied, we would better give T-Mobile the opportunity to come back with something that would help as far as the emissions to the neighborhood as far as the community is concerned.

Mr. Davis said that he does not know whether the landlord would be open to a tree trimming program. Council member Frank said that there are issues that HARD has

already in place that they can utilize and make certain determinations as to what choices they have.

Council member Sadoff said he was disappointed and he is not happy with the present location at all.

Council member Miraglia said that the Council actually polled by vote at the June meeting about the location, that was the directive to T-Mobile to look at alternative locations. She said she is not a proponent of camouflage, trees look ridiculous. She is not totally against this location. Other locations such as in the trees may not be better locations when it comes to the radioactive emissions as they may actually be closer to people due to the playgrounds, tennis courts, etc. In her opinion, the project needs to come back.

Council member Moore expressed the importance of considering the neighbor's concerns while being fair to the applicant.

Council member Moore reopened public testimony. Mr. Devine said that he is not against T-Mobile but when talking about putting in the trees he thought that the trees will remain. Council member Moore said that if it doesn't and comes back, he just wants to have some options. Mr. Devine said that T-Mobile picked up this particular location for economic reasons, he asked if that children's park is the only place that economically works for T-Mobile to have the cell phone tower.

Council member Moore said that this item will be continued to a date to be determined.

Public testimony was closed.

Mr. Davis agreed with the Council's decision to bring it back at a later date.

4. **CONDITIONAL USE PERMIT, C-8737 – SINGH** Application to allow the expansion of an auto parts and service facility not to include engine, transmission, or differential rebuilding or body repair 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. **(Continued from September 22, 2008) (Continued to January 26, 2009). Staff Planner: Jeff Bonekemper**

F. **Chair's Report – None.**

G. **Committee Reports**

- **Eden Area Alcohol Policy Committee –**
Ms. Henninger said that there will be a meeting next month.
- **Redevelopment Citizens Advisory Committee**
- **Ordinance Review Committee**

- **Eden Area Livability Initiative**

H. Staff Announcements, comments and Reports

Ms. Urzua reminded council members about the ethics training requirements. She told council members that the training is available on-line and free of cost.

I. Council Announcements, Comments and Reports

Council member Miraglia said that there will be a special MAC meeting on Wednesday, February 11 for the school district. She noted that the Council would not be debating the security of the fencing.

J. Adjourn

The meeting was adjourned at 7:27 p.m.

Next Hearing Date: Monday, January 26, 2009