

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for August 24, 2009

(Approved as corrected October 26, 2009)

A. CALL TO ORDER: The Chair called the meeting to order at 6:03 p.m. Council Members present: Cheryl Miraglia, Chair, Jeff Moore, Sheila Cunha, Dean Nielsen and John Ryzanych. Council Members excused: Dave Sadoff, Vice Chair and Andy Frank. Staff present: Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 15 people in the audience.

B. Approval of Minutes of July 13 and August 10, 2009
Council Member Nielsen moved to approve the minutes of July 13, 2009 as presented. Council Member Cunha seconded. Motion carried 4/0 with Council Members Sadoff and Frank excused and Council Member Ryzanych arrived after the motion was made. The minutes of August 10, 2009 were continued to the next meeting.

C. PUBLIC ANNOUNCEMENTS / Open Forum –

Jim Negri introduced himself as the new superintendent of the Castro Valley Unified School District. He looked forward to working with the MAC.

D. Consent Calendar

Council Member Moore moved items 4 and 7 to the Consent Calendar. Council Member Cunha seconded. Motion carried 4/0 with Council Members Sadoff and Frank excused. Council Member Ryzanych arrived after the motion was made.

1. CONDITIONAL USE PERMIT, PLN2009-00049 - T-MOBILE USA/MILLION -
Application for the continued operation of an existing telecommunication facility with no proposed expansion or increase in service capacity in an "A" (Agricultural) District, located at 17930 Castro Valley Blvd, north side, approximately 0.34 miles east of Fairmount Drive, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number 084D-1400-002-17. – **Staff Planner: Carole Kajita**

2. SIGN REVIEW PLN2009-00100– REDEVELOPMENT//CLEMMENT, CHRIS/AVAKOFF – Application to allow new signage; and replace awning with new signage for the SWISS DELICES fine bakery & pastry for a property within land use designation, Sub-area 7 of the Castro Valley Central Business District Specific Plan, (CVCBDSP, Sub-7), located at 20669 Santa Maria Avenue, west side, approximately 116 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, designated County Assessor's Parcel Number: 084A-0112-005-01. **Staff Planner: Richard Tarbell**

Council Member Nielsen moved to approve the Consent Calendar. Council Member Moore seconded. Motion carried 4/0 with Council Members Sadoff and Frank excused. Council Member Ryzanych arrived after the motion was made.

Council Member Miraglia moved item # 6 to be the first item on the Regular calendar.

E. Regular Calendar

1. **SIGN REVIEW PLN-2009-00094 – NABHAN** Application to allow repainting; repair existing neon sign; and replace awning with new corrugated metal awning at the Dell Café, for property within land use designation Sub-area 2 of the Castro Valley Central Business District Specific Plan (CVCBDSP, S-02), located at 2637 Castro Valley Blvd, south side, approximately 110 feet west of Park Way, Castro Valley area of unincorporated Alameda County, designated County Assessor's Parcel Number: 084A-0012-002-01. **Staff Planner: Rodrigo Orduña**

Ms. Urzua summarized the staff report. The proposed façade improvement and sign changes are part of the County Redevelopment Agency's facade improvement program and is in compliance with County regulations. She offered larger color samples for Council Members to look at. Staff recommends approval.

Jaimie Benson, representing the applicant, described the project.

Council Member Miraglia said that she is really excited about the café being renovated, however she thinks that the design is not in keeping with what Castro Valley residents envision. The colors are too loud and bright for the boulevard. In addition, she is not a proponent of aluminum awnings.

She thought that something like canvas or fire resistant acrylic but not galvanized aluminum. She said that there are no set guidelines for the boulevard, but she suggested it before and she wanted to suggest it again that there should be a meeting with MAC Members, members of the CAC and Redevelopment members to get some basic understanding of what we should do in the interim so we are not sending applicants in the wrong direction.

Council Member Nielsen said that one of the things that the Council tried to do in the past was to stay away from bright colors. He did not object to the colors that they are proposing but he agreed with Council Member Miraglia that the Council needs to come to an understanding about the proceedings. Dell Café is an icon and restoring the sign is a good idea.

Council Members Moore and Cunha also had no problem with the colors. They thought the awning is the wrong material.

Council Member Miraglia asked if the original colors of the building were given consideration during the design.

Ms. Benson said that what they try to do they push envelope a little bit with colors like creams and neutral beiges. They do that for a few reasons. One of them is to introduce some color into our area. Another is to have the project have more presence and impact in the area. As far as the corrugated aluminum awning, they have used it very successfully in a couple of other projects. They try to do as much as possible putting a new durable product. There are problems with maintenance and longevity of canvas.

Council Member Moore suggested the addition of details such as a cap on the parapet and external lighting.

Ms. Benson said that she wanted to stay with the original intent of the design. She does not necessarily want to introduce another color to the building so they have to potentially come back and figure out which color they are going to go with the awning.

Council Member Nielsen asked Ms. Benson if she had the type of material she used on another business. Ms. Benson said yes, she can come back with references with other colors.

Council Member Moore did not support the corrugated metal. He suggested a dropped fascia instead of a raw edge.

Council Member Ryzanych did not support the corrugated metal.

Council Member Moore made a motion to continue this item to a date to be determined. Council Member Cunha seconded it. Motion carried 5/0 with Council Members Sadoff and Frank excused.

**2. An Ordinance Amending Sections 12.08.120 And 12.08.530 Of Chapter 12.08, Title 12; Amending Section 17.52.520 Of Chapter 52, Title 17; And Section 17.54.220 Of Chapter 54, Title 17; And Creating Section 17.54.2xx Of Chapter 54, Title 17 Of The Ordinance Code Of The County Of Alameda Relating To Advertising Signs And Site Development Review For Relocation Agreement Billboards.
Presentation by Sonia Urzua, Planning Department**

Ms. Urzua summarized the staff report along with Marita Hawryluk from the Redevelopment Agency. Staff recommends that the MAC review this report and the attached draft ordinance language and recommend approval of this proposal to the Planning Commission.

Council Member Nielsen said that because the type of signs are very expensive he agreed of not having a flash but if the message changes as the Castro Valley High School field he asked if that type of sign would be prohibited. Ms. Urzua said no, it would not apply to the billboard replacement. Council Member Nielsen said that there are several businesses that have signs that the message changes. Ms. Urzua said that they would be allowed. Council Member Nielsen asked how is the fair market value of the removal of the billboards. Ms. Urzua said that the Redevelopment Agency has set up an agreement with the billboard appraisal consultants that will help them figure out the value.

Council Member Moore asked about compensation for the remaining billboards on the Boulevard.

Marita Hawryluk stated that the billboards relocation has the ultimate goal of reducing the number of existing billboards. There is an evaluation, an analysis that goes into what each billboard is worth depending on location and size. The initial part of the process will be an actual negotiation with the billboard companies, they actually will have to make a presentation to us saying we recommend x amount of billboards and we would like to put them in certain locations. We would work with County Counsel, the Board of Supervisors, and would retain a billboard appraisal consultant. The site development review process will be a public hearing at the Planning Commission. We will have to present the locations, talk about the characteristics of the sign then depending on that

input from the Planning Commission. That input will go back to the Board. They will do either a final approval of what was presented. This is a multi phase process. The public process will be depending on the results of those negotiations.

Council Member Moore asked Ms. Hawryluk about the ultimate decision regarding which billboards remain and which ones will be removed, and if owners get compensated. He asked if this was voluntary or if we can make them do it. Ms. Hawryluk said that we can work individually with each property owner to see if they are interested in discontinuing a billboard on their side. Potentially, the Redevelopment Agency can make a deal with the property owner. They recommended this process because the billboard business is interested in and are willing to work with us is to go through this relocation process.

Council Member Nielsen asked about the option of using eminent domain. He said that Redevelopment and County Counsel need to look at that. Ms. Hawryluk said that this had been discussed in some of the early discussions. They were looking at various options and certainly eminent domain was brought up. They really favored trying to go into a business negotiation situation. They really wanted to focus on that to see if that would achieve better results in a more friendly pro-action. Council Member Nielsen told Ms. Hawryluk that we are talking about a lot of dollars here and she is talking about trading locations and ultimately the decision is not going to be by the sign companies. Ms. Hawryluk said that she can bring it back to the group but that it was County Counsel's recommendation to the Board to not proceed in that direction. Council Member Nielsen asked if the Council needed to make a motion that that be considered. Council Member Nielsen said he would like to hear feedback from the Council to determine whether eminent domain should be a part of this or not.

Council Member Miraglia asked more questions about eminent domain. Ms. Hawryluk explained that one ordinance basically indicates that billboards are pretty much prohibited except for relocation. The billboard ordinance really addresses new billboards and it does allow some through the relocation process in taking away billboards so the ordinance was not focused on taking away billboards. Council Member Nielsen said that the feedback they got from people in Castro Valley is that they want the billboards gone. We need County Counsel to tell us if it is possible to use eminent domain to do that if we can't negotiate an equitable deal with the billboard companies.

Public testimony was called for. No public testimony submitted.

Council Member Miraglia said that she didn't see in the packet the proposed relocation map. She asked Ms. Hawryluk if she was expecting these companies to come with proposed locations because the County does not have proposed locations. She wants to have an idea if the County or whoever is thinking about where to put these replacement billboards. Ms. Hawryluk said that the initial process, speaking with the Board, there was discussion internally about what sites the County might be interested. The number of sites that the County was interested shrank to a fairly limited number. We identified that there might be some private property locations. The school district is actually interested in having certain types of billboards. There are some properties that are identified that could be potential billboard sites. Their job will be, as soon as the ordinance process is completed, to go back there and have some internal discussions with us. The County will have a good idea when they go into negotiations of sites they are certainly not going to

allow and then potential sites and some of the value of that. This will go into the negotiation process and then that process stays within closed session until the final. Legally, this process has to happen that way from County Counsel's perspective, but it is not to say that the public will not be involved. The public will have something to say about the final sites. That is why there will be a public hearing at the Planning Commission. The Planning Commission weighs in, those sites have to carry water and if they don't, they will be removed and the re-accommodation will go back to the Board and the negotiations process will start again. The Board recognizes that this is a volatile issue. That is why the site development review process is so important.

Council Member Miraglia said she thinks that works as long as the public really does have a say but she fears that once this negotiation has been going on behind closed doors then it comes to site development review because the County and the billboards are pretty vested at that point, she asked Ms. Hawryluk if the public is going to get a say. Ms. Hawryluk said that the Board has discussed this many times at their retreat sessions.

Council Member Moore said that the ordinance here right now really applies to moving forward the process that cleans up the existing ordinance and eliminates discrepancy and consistency on the language. You are here negotiating a voluntary relocation with these companies and if they are going to relocate that is when this portion of the ordinance comes in.

Ms. Hawryluk said that the site development review process will talk about the characteristics. Ordinance number one has now passed and says: "no billboards allowed unless you are involved in the relocation process. Ordinance No. 2 which is the one being presented tonight says that this is the process you have to go through after the negotiations.

Ms. Urzua clarified that the issues raised were about the existing ordinance 17.52.515 not to mention about the clean up language and the site development review provisions.

Council Member Moore said that his understanding is that if this were passed it helps the Council; the biggest issue that the Council has have to do with these negotiations which is not in here anyway.

Council Member Moore made a motion for approval of the Proposal for Changes to sign Ordinance and Specific Plan Language. Council Member Nielsen seconded. Motion carried 5/0 with Council Members Sadoff and Frank excused.

**3. An Ordinance Enacting a New Section in Chapter 17.52 of Title 17 of the General Ordinance Code of the County of Alameda to Regulate Advertising Signs for Alcoholic Beverages and Tobacco Products.
Presentation by Sonia Urzua, Planning Department**

Ms. Urzua presented the staff report.

Council Member Miraglia confirmed with staff that it would affect billboards but would not affect signage in existing businesses.

Council Member Moore asked if the measure addressed visibility from the exterior.

Council Member Miraglia added that there is a limitation about how much they can put in the windows and it is covered in another part of the ordinance.

Council Member Moore and Miraglia asked about the impact on existing businesses if a sensitive receptor moved within the space limitation. It is important that the language is clear so as to protect local businesses.

Council Member Ryzanych asked staff about mobile signs Ms. Urzua said that this provision does not apply to mobile signs.

Public testimony was called for. No public testimony submitted.

Council Member Moore moved to approve draft language for the new ordinance but request for clarification on how existing businesses are protected in their right to signage if a new use occurs after the day of the ordinance passes. Council Member Cunha seconded. Motion carried 5/0 with Council Members Sadoff and Frank excused.

**4. Presentation by Planning Staff on Alameda County's progress and programs related to Climate Change.
Presentation by Sonia Urzua, Planning Department**

Ms. Urzua presented the staff report, which is a synopsis of what Alameda County is doing with regard to climate change. She announced the first round of public meetings to discuss the Climate Action Plan.

Council Member Moore said that there are ways to reduce significant amount of paper. He suggested to put staff reports on pdf format.

Public testimony was called for. No public testimony submitted.

**5. CONDITIONAL USE PERMIT, PLN2009-00049 - T-MOBILE USA/MILLION - Application for the continued operation of an existing telecommunication facility with no proposed expansion or increase in service capacity in an "A" (Agricultural) District, located at 17930 Castro Valley Blvd, north side, approximately 0.34 miles east of Fairmount Drive, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number 084D-1400-002-17. – Staff Planner: Carole Kajita
Moved to the Consent Calendar.**

6. CONDITIONAL USE PERMIT, C-8686 – HAEGELAND Application to construct a 19,950 square foot kennel facility, which will include exercise areas, a walking trail and a pet drop off area. The kennel will have the capacity to accommodate up to 400 dogs and 50 cats and will offer a full-range of services, including grooming and training but no veterinarian services are proposed at this time. The facility would employ up to 40 staff in three shifts, with a maximum of 18 staff on duty during peak business hours. A mitigated negative declaration was prepared for this project pursuant to the California Environmental Quality Act. The subject property contains 37 acres, is zoned A (Agriculture) and is located on the south side of Dublin Canyon Road, 1.75 miles east of

Palo Verde Road, in the unincorporated area of Castro Valley bearing assessor's parcel number: 85A-0800-006-20. **Staff Planner: Jeff Bonekemper**

Ms. Urzua presented the staff report. Staff did not include a recommendation. The next step is the EBZA.

Council Member Miraglia asked Ms. Urzua that since this is Measure D land why there is a project being proposed on it. Ms. Urzua said that the staff analysis determined that it was appropriate based on the 20,000 square foot allowance under the General Plan for non-residential construction and this is 19,150 so it is just 50 feet under the maximum.

Council Member Miraglia asked if this property is under the San Lorenzo Creek Watershed. She asked if the Friends of San Lorenzo creek were noticed. Also, she said she did not see anything about storm water plan. She also said that the staff report does not mention a site development review and if ultimately there is a motion tonight if it will be conditioned. Ms. Urzua said she would recommend conditioning it. In theory, it could have been done all here but if the Council is not satisfied she can add that.

Council Member Nielsen said that this property is huge and that the Council approved a kennel on Crow Canyon Road, he wanted to know how many animals were approved. Council Members said 150.

Frank and Lynn Haegeland, applicants, said that this project has taken them 5 years. It is very difficult to find proper land for a kennel because of people's perception of kennels. They discussed the need for this type of facility in Alameda County.

Council Member Miraglia asked the Haegelands to explain why 450 dogs and not 200 and how they came up with that number and if they have seen another facility this size anywhere else. Mr. Haegeland said that this would be one of the biggest facilities. There are other facilities that have more than 300 but not here in the bay area. They are in the East Coast and in Texas. He said that in Texas is very easy to build a kennel and in many cases you don't need a permit. Mrs. Haegeland said that 60% of dog owners have more than one dog and 30% have more than 2 dogs.

Council Member Nielsen asked about how the waste from the facility is to be handled. Mr. Haegeland said that when it comes to all the technical information, they have had 3 years of working with everything from the Department of Fish and Game, the Regional Water Control Board, Alameda County Environmental Health. There are a couple of ways that they will be handling waste. First of all, they are on a septic system. They will have the leach field on a ridge behind there that is 250 to 300 feet above Dublin Canyon Road. They have done all the testing and has been OK. It has been investigated by Environmental Health and by Fish & Game, and the Water Quality Control Board, and all of them have approved. They were asked by Fish & Game specifically not to treat cat waste, specifically cat feces, to the same system because very recently they have found bacteria that exist in cat feces. The theory is that if it is put back into the ground than at some point the water and that bacteria can find its way into the bay. They were specifically asked to handle cat feces differently and take it to a landfill. Council Member Nielsen said that county and food control are very concerned about fumes from the septic systems finding their way into the water system and into Don Castro Lake. This is in the

San Lorenzo Creek watershed and the water from this area does go into Don Castro and then into the bay.

Mr. Haegeland said that they have a second solution that they have discussed with Environmental Health. They decided that they were going to get back to that once this whole process has been completed. That solution is based on that instead of using the leach field for a lot of this they would have two ways of treating the water. Septic would be one leg and then a portion of the water would be treated through an evaporation system. The technology for that is there, for now all the septic engineers, and they have dealt with two of them. Environmental Health has told them that as far as cleaning whatever we put into the water our system have been stated in the applications.

Council Member Nielsen said that the Council needs to determine what effect on the water on the adjoining canyon before we move forward with this because there is a problem in Crow Canyon right now with operations that are affecting the well water for people down the stream. The Boys Ranch is one of them. They still have not been able to use wells for the Canyon from that facility because of the contaminated water. He asked Ms. Urzua if the people in the canyon adjacent to this property were notified of tonight's hearing because they are very close to the City of Dublin. The effect of having a septic system of that size can have a serious effect on running water for more than 6 years. We know there is a problem on Crow Canyon with water contamination. He wants to make sure the environment is protected as far as run off and sewage from the facility. He expressed concerns about the number of dogs and cats. Mr. Haegeland told Council Member Nielsen that the total discharge into the leach field is about 4,000 gallons per day, compared that to a home it would be equal to a 4 or 5 bedroom home.

Chris Gilman, architect, said that the design concept is a very attractive building, and they are looking for a high end facility and wanted it to be a combination of the idea of a hotel and the feeling of a residential look where dogs feel like home. Warm colors on the building, nice yards and make the pets feel secure and well taken care of. They want the entrance to be easily identified. The traffic flow is intended to come through that port cochere. They added turning lanes on the road to make a safer entry. The employee parking and the loading operations is separate from where the dogs would be and that area could be fenced off. The exterior of the building will have warm attractive colors. They are trying to break up the massing with different roof forms, some of them are slope groups projected little higher than other roofs. The signage is intended to be seen from passers by in the freeway as well as Crow Canyon Road. The cats have their own area, the kennels are divided into two sides, they have lots of windows to look out the yard spaces. They are planning to put benches, potted plants, have some skylights, decorate the kennels with some little roof like little village kind of scene and make that kennel area be as attractive and fun as possible.

Council Member Nielsen asked if the windows in the interior building will be very lighted. Mr. Gilman said yes.

Council Member Moore asked if the material is stucco. Mr. Gilman said that there is a combination of three primary materials, one of them is composition shingle for a residential feel. The siding is a more redish brown color and the rest of it is stucco. Council Member Moore asked about the framing and if it is going to be a conventional framing. Mr. Gilman said that in preliminary talks with the engineer, he is assuming that

it is going to be steel combs and, some long span trusses and then the framing. They have not decided between wood and stucco. Council Member Moore asked about the height. Mr. Gilman said about 20 feet.

Mike Meyerham, landscape architect for the project, said that the site is organized based on how the pets arrive and also how they exercise. The plant material has been organized in 3 different categories, creek restoration area, the evergreen woodland plant list and then the more ornamental plant list, there is very little turf. As you arrive, the pet drop off is here (showing at the map) there are series of areas that are fenced off that are transitional. All of the gardens are organized around that concept. The planting is there to create curiosity and interest for the pets. Throughout the whole area all the drainage is going to which is the lower part of the site, the waste will be picked up separately.

The staff report mentions 51 coast live oaks which is the mitigation ratio for the trees that are being removed. Mr. Meyerham said that trees are up on the slope, the actual area that has been identified is the wettest part of the season, they are using a ratio plants, they did an inventory of the plants you expect to grow if they need temporary irrigation that will be provided. Council Member Miraglia asked Mr. Meyerham if he is irrigating all the oaks that he is planting. Mr. Meyerham said that they can be irrigated as often as they need to. The advantage of the site is that it is facing north so it is not going to need as much water.

Public testimony was called for,

Diana Hanna, resident at 10142 Cull Canyon Road, said that she is a great supporter of Measure D. She referred to the project as a lovely facility, but she does object to the location because it is in Measure D land and according to the zoning ordinance it is not allowed. There is also a visual protection under Measure D and this building is quite large. The creek is an issue. She is on a creek task force. She mentioned that the Trinity Church project was denied because it was under Measure D and the septic system was an issue. Kennels are permitted only in commercial areas. That is basically her issue. There are also issues about the size and the location. Also, she asked why it went before the EBZA and not to the MAC originally when it is in our yard.

Ms. Urzua clarified that technically it is within the jurisdiction of the EBZA but it has not gone there yet. Council Member Miraglia told Ms. Urzua that the larger issue is to find out about this Measure D and if County Counsel has looked at it. Ms. Urzua said that staff will verify the Measure D issue. Council Member Miraglia asked Ms. Urzua about the statement that kennels are only allowed in the C-1 or C-2 District. Ms. Urzua explained that kennels are a conditional use in the A district too.

John Aufdermauer, resident at 17580 Madison Avenue, spoke about the need for kennels. In regards to Measure D, he said that there are two kennels on Crow Canyon Road and one of them has retaining walls that are falling and that place is pretty big.

Marie Cronin, resident at 8989 Dublin Canyon Road, said that the facility is too big. She asked if there will be residents in the property. She said that it is too much for the neighborhood.

Public testimony was closed.

Mr. Haegeland said that they are not planning to have any residents and that all of the employees will be commuting. There will be staff available on site 24/7 for security purposes. He spoke about water availability.

Council Member Miraglia asked Mr. Haegeland to what professional standards do they have to comply. What governmental agency regulates the standards. Who determines how many dogs can be kenneled. How large an area and who watches that. Mr. Haegeland said that there are no government standards. That is why there are kennels that are overflowing with dogs. That is part of what they want to do. There are certainly nice kennels in the area but they don't have enough room. Mrs. Haegeland said there are standards in the industry, the Pet Care Services Association, formerly the UBK American Kennel Border Association has standards and quality measures that they have to meet. They have been Members of the organization for five years and they have the certification program. They will come on site and survey them and will measure them with certain criteria actually identify them as one of the credential kennels and it is based upon size, capacity, staff training, amenities that you offer.

Council Member Miraglia asked Mr. Haegeland if this is the first kennel. Mr. Haegeland He described his, his wife's and their staff's experience and training. One of the things that they want to do is to be as green as they possibly can and afford to be. They have two high producing wells the fact that they are in a septic an integrated system. They also wanted to be self sufficient when it came to electric power. They have set aside an area up on the top of the ridge behind the kennel for solar panels. The problem is that they can't afford to do it initially. They will in the ground while they are constructing so they don't have to dig up again later but so they fully intend to put that in at a later point. In regards to Measure D, before they even purchased this property, they asked the question if there will be any problems with Measure D. The Planning Department went through the senior planners to the County supervisor in charge of the area and the answer came back as a yes, indeed there were no problems with Measure D for this facility. Based on that they went ahead and purchased the property and spent all that money to develop the project.

Council Member Nielsen asked Ms. Urzua if Supervisor Miley's office said that this qualifies for this area. Ms. Urzua said that she will have staff look into that, she didn't see anything on record. Council Member Nielsen asked Mr. Haegeland about the wells that are on the property if they are down on the road or if they are back up on the hill. Mr. Haegeland said that they are at the bottom of the hill behind the building. Council Member Nielsen said that the water in the fall is really a serious problem in all the canyon areas. Mr. Haegeland acknowledged that the wells are not producing nearly as much, when you come over towards the BART area. BART has a fantastic well of 25 gallons per minute. The wells were drilled and they found that they were producing about 11 gallons per minute each. Council Member Nielsen said that he is still concerned that there is not enough water in the canyons in either Crow Canyon or Palomares Road for even residential use.

Council Member Miraglia told Mr. Haegeland that the main concern is how big it is and asked him how he determined that size of an operation, how he plans to keep the noise down and how he came up with this amount of animals. Mr. Haegeland said that it was

based on economics and on the need. They believe that the kennel/hospitality market at this point is about at the same stage as a hotel and human hospitality market. He said that larger corporations will be moving into the animal hospitality area. It is the signs of the times, there are mega trends that we are witnessing in society today where pets are being treated more and more like family members.

Council Member Ryzanych asked Mr. Haegeland about emergency evacuation plans. They have a whole system with the fire hydrants, he has to keep fire water on site and then with people and animals to get out of the building if there is a fire basically they will take them to the western most side of the building because that is the furthest away that they can take them. It is extremely important for them that they can rescue the animals in case there is a fire. One of the things that they are going to develop once they have the final building are more detailed procedures for that and they will be doing it with the Fire Department. Council Member Ryzanych asked regarding the approach if there is a waiting area that can handle one or more cars, or traffic is going to be blocked. Mr. Haegeland said that as far as traffic goes they actually had a consultant which is very highly regarded to do it for them and they ran with all kinds of discussions with the Traffic Department. This delayed the whole project by 8-9 months. As part of the process, the whole building had to be moved 7 feet to the rear and they had to put in the turn lanes; the traffic issues as far as how many cars was agreed upon between the traffic department and them and it should be handled.

Council Member Nielsen said that traffic is going to be a real problem because the speed limit on Dublin Canyon Rd. is 55 MPH.

Public testimony was re-opened.

Mary from the Castro Valley Forum said that the post office had a similar problem with traffic coming in to drop off mail. She made some suggestions for addressing traffic concerns.

Council Member Moore said that he basically likes this project but there are some issues that need to be discussed. The use permit issue and the building design issue and technical issues that go with it but the biggest compelling issue is Measure D. It certainly seems consistent with the ratio of 1% the maximum allowed, subject to that being overturned by the Planning Department, he is going to assume that it is a correct statement. A kennel is an appropriate use in Measure D land. It is an agricultural type of zoning. He mentioned two kennels that the Council approved in the same Measure D land. From the use standpoint, it is right next to the freeway, next to Dublin Canyon Road. It is landfill. It is flat. It is kind of a creative use. There are two issues on the size on the number of animals and the physical size of the building. He is fairly supportive of people who want to bring good quality projects. 450 sounds huge to him but it is a big piece of property and he thinks that the facility supports that. Council Member Nielsen's issue as far as the water and the sewer are absolutely valid. He does not feel comfortable on questioning the design, there are agencies in the County that are task to do that. They absolutely have to comply with Environmental Health just like any building will comply with building codes for structural issues and the same thing with water as long as the test has been performed for the water. He said that it is a very high quality project but the building is very tall.

Council Member Nielsen thinks that the development is not appropriate for Measure D use, it is agricultural and the Council has approved with a lot of conditions other kennels. If the Council approves this it is going to set a precedent by violating Measure D. The Council did not allow the church to go on Sunnyslope for similar problems like septic, and traffic. In the spirit of Measure D, voters don't want businesses in their property. There are problems with the water supply that the canyon has. This is the right business in the wrong place.

Council Member Moore told Council Member Nielsen that the Council has done two other ones and asked him if the size is the issue. Council Member Nielsen said there are several issues and size is one of them. You are relying on a water well, we know that all the canyons have serious problems. He said he has seen the County reporting on water well situations, but they do not see what the problems are being created. The Council needs to clarify for this project and for future projects why is the Council turning down schools and churches. They are businesses. It has been determined that is agricultural property, we are protecting open space.

Council Member Moore said that due to big issues here a continuation would be a better way to go to allow the issues of Measure D to be clarified making sure that staff addresses these concerns regarding some of the technical issues on the water and the sewer. Council Member Nielsen mentioned Supervisor Miley's office can make a commitment to this if they were let to believe that this is OK. Council Member Moore agreed with Council Member Nielsen.

Council Member Miraglia said that if the Council determines that it is OK for Measure D, she personally thinks that does not to be as big and make sure that Friends of San Lorenzo Creek are noticed. She told Mr. Haegeland that the Council can vote it tonight or continue it to get these questions answered which may be in his best interest.

Mr. Haegeland said that many of these questions have been discussed but if it is a problem for several of the Council Members, he agreed to continue it.

Council Member Moore said that the Council is looking at some substantial issues that may impact the project's design. If Measure D is OK and is determined that it is an appropriate use then the size is going to be looked at fairly significantly.

Mr. Haegeland said that in order for this to be a viable project there are so many pieces that have to be put together. In order to downsize the project it will mean to start all over again and may not even be feasible.

Council Member Moore moved to continue the application until the time that it can be worked out between staff and the applicant. Council Member Ryzanych seconded. Motion carried 5/0 with Council Members Sadoff and Frank excused.

7. **SIGN REVIEW PLN2009-00100– REDEVELOPMENT//CLEMENT, CHRIS/AVAKOFF** – Application to allow new signage; and replace awning with new signage for the SWISS DELICES fine bakery & pastry for a property within land use designation, Sub-area 7 of the Castro Valley Central Business District Specific Plan, (CVCBDSP, Sub-7), located at 20669 Santa Maria Avenue, west side, approximately 116 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda

County, designated County Assessor's Parcel Number: 084A-0112-005-01. **Staff Planner: Richard Tarbell**

Moved to the Consent Calendar.

E. Chair's Report – None.

F. Committee Reports

- **Eden Area Alcohol Policy Committee**

- **Redevelopment Citizens Advisory Committee**

Council Member Moore said that he met with Marita Hawryluk today and said that there has been a request by a couple of the local businesses persons to revisit some of the boulevard parking layouts. One building owner's concern is that about losing parking space on that particular building. He said that it should be addressed to see if there is anything that can be done to minimize that. She said she is going to put in on the agenda soon.

- **Ordinance Review Committee**

- **Eden Area Livability Initiative**

G. Staff Announcements, Comments and Reports

H. Council Announcements, Comments and Reports

Council Member Miraglia announced a Marijuana Ordinance Committee meeting on Tuesday, 6:30 to 8 p.m. at the San Lorenzo Community Hall. People in the community are concerned about the medical marijuana ordinance. A group of them have gotten together. Susan Beck is chairing it. It would develop guidelines for a model which should provide safe access within the neighborhoods and have different options that they are proposing.

I. Adjourn

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

Next Hearing Date: Monday, September 14, 2009