

## CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

### Minutes for April 26, 2010

(Approved as submitted June 14, 2010)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:06 p.m. Council Members present: Cheryl Miraglia, Chair. Dave Sadoff, Vice Chair, Sheila Cunha, Dean Nielsen, John Ryzanych and Jeff Moore. Council Members excused: Andy Frank. Staff present: Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 11 people in the audience.

**B. Approval of Minutes of April 12, 2010**

The minutes were continued to the next meeting.

**C. PUBLIC ANNOUNCEMENTS / Open Forum**

Jewell Spalding, Fairview area resident, commented about the Fairview Specific Plan Area relative to the Eden Area General Plan.

**D. Consent Calendar**

**Council Member Moore made a motion to move items 5 and 7 from the Regular Calendar to the Consent Calendar. Council Member Sadoff seconded. Motion carried 6/1. Council Member Moore made a motion to approve the Consent Calendar. Council Member Sadoff seconded. Motion carried 6/1 with Council Member Frank excused.**

**E. Regular Calendar**

**1. Presentation regarding the public art component of the Castro Valley Streetscape project. Rachel Osajima, Executive Director of the Arts Commission.**

Ms. Osajima stated that the Alameda County Arts Commission is seeking six community members to serve as panelists in the selection of artwork for the Castro Valley Boulevard Streetscape Project. She described the requirements and the deadline for applications.

**2. ADMINISTRATIVE CONDITIONAL USE PERMIT, PLN 2010-00031 – COFFEY, JOHN T. & SHARON S./MARKETSHARE, INC - Application to allow for temporary placement of two (4' X 8') directional tract signs in a P-D (Planned Development, 1408<sup>th</sup> Zoning Unit) District, on a site measuring approximately 7,632 sq. ft (0.175 acres) located at 3151 Grove Way, southeast side, 800 feet northeast of Center Street, Castro Valley area of unincorporated Alameda County, designated Assessor's Parcel Number: 417-0010-013-02. Continued from April 12, 2010. Staff Planner: Damien Curry**

Ms. Urzua summarized the staff report. She stated that there are 3 related items on this agenda and briefly described the history of them. Staff recommends approval with the conditions included in the staff report.

A discussion followed about whether to consider each item individually or separately.

Council Member Sadoff asked for clarification of "original sale of the buildings." Ms. Urzua stated that while there is no definition in the condition of approval, it does refer to original sale or one year, whichever comes first.

Council Member Moore asked James Gochnauer, representing Marketshare, about Figures 1 and 2. Ms. Urzua clarified the representations of Figures 1 and 2.

Council Member Miraglia referred to the violation to Condition #3, regarding the signs advertising a PGA tournament. She also asked for the reasoning behind needing three more signs. Mr. Gochnauer distinguished by stating that they are the sign company and they do not deal with websites directions and that they don't have much control over that. In regards to 3 additional signs, it is because the housing market is down so they need directions on visibility and on how to get there. In regards to the violation, the PGA had the signs put there, Marketshare did not do it.

Public testimony was called for.

Jewell Spalding spoke in opposition of the application. She expressed concerns over the applicant's ability to control the signs. She made reference to the history of condition of approval violations. She suggested to the Council that they have sufficient grounds to recommend denial.

Dale Silva, resident at 25633 Clover Road, Hayward, spoke in opposition of the application and asked the Council to consider the signs when the conditions that were required for the first ones are met.

Mr. Gochnauer responded to the statement about whether the applicant had control over the sign.

Council Member Moore asked that if there was a compelling reason on why these would not be there.

Council Member Cunha referred to the specified directions, according to the staff report, nothing has changed. When there are new developments, there are signs all the time.

Council Member Miraglia discussed Stonebrae and/or Pulte's role in controlling these signs. It seems like the application should really involve the person handling Marketshare because they are the ones responsible for this.

Ms. Urzua stated that the people who are responsible for enforcing the conditions of approval are the property owner and the applicant, in some cases such as this the applicant is the person installing this. We do follow up with the property owner and not just the applicant.

Council Member Nielsen commented that when something like this comes back before the Council it should be in one application because having split this way is totally confusing. The same owners and advertising companies involved, one application would make things easier.

Ms. Urzua stated that there are different property owners. That is the reason why they were separated and discussed one by one.

Council Member Sadoff stated that if this came with no history he would be more inclined to be in favor of it, but he has an issue with rewarding that behavior.

Council Member Moore stated that the fact that it was changed does not bother him. The sign is there and is pretty similar. He supports the application. **He made a motion to approve Administrative Conditional Use Permit, PLN2010-00031. Council Member Ryzanych seconded. Motion denied 4/2/1 with Council Members Cunha, Miraglia, Sadoff and Nielsen opposed and Council Member Frank excused.**

3. **ADMINISTRATIVE CONDITIONAL USE PERMIT, PLN2010-00032 – FIVE CANYONS HOMEOWNERS ASSOCIATION / MARKETSHARE, INC.** -Application to allow for temporary placement of a (36’’ X 60’’) directional tract sign in a P-D (Planned Development, 2100<sup>th</sup> Zoning Unit) District, on a site measuring approximately 2,476 sq. ft (0.056 acres) located on Five Canyons Parkway, southwest side , 570 feet north of Boulder Canyon Drive, Castro Valley area of unincorporated Alameda County, designated Assessor’s Parcel Number: 417-0161-004-06. **Continued from April 12, 2010. Staff Planner: Damien Curry**

Council Member Miraglia recused herself. Ms. Urzua summarized the staff report. Staff recommends approval. This would be the second of the Pulte signs.

James Gochnauer, representing Marketshare, explained that they need the signs to direct new homebuyers to the new home site.

Council Member Cunha asked if there was a way to combine the signs. Mr. Gochnauer stated that the existing sign was for Stonebrae and this is for Veranda Heights.

Public testimony was called for.

Jewell Spalding, spoke in opposition to the application and stated that the issue with the golf course is extremely important because those are not subdivision directional signs. If you were to recommend to the Board of Supervisors that they disregard the ordinance and change the ordinance, they are cited by Code Enforcement with some small fine which for this people is nothing because this is a lot of money. She also described the environmental review history of the housing development.

Council Member Moore stated that this one is different from the previous one because that one was not there. He preferred combining signs.

Council Member Nielsen asked Ms. Urzua how many development signs are there between 580 and Veranda Heights. Ms. Urzua did not have that information. Council Member Nielsen stated that there are 7 signs. He stated that this is a residential area and it is objectionable.

**Council Member Nielsen made a motion to deny Administrative Conditional Use Permit, PLN2010-00032. Council Member Cunha seconded. Motion carried 5/1/1 with Council Member Miraglia recused and Council Member Frank excused. Council Member Moore added that he denied it on the basis of its location but that he does not have a problem with the added area of the sign or the context. He stated that if they can come back with a combined signage he would be in favor of something like that.**

4. **ADMINISTRATIVE CONDITIONAL USE PERMIT, PLN2010-00033 – HAYWARD AREA RECREATION DISTRICT / MARKETSHARE, INC** - Application to allow for

temporary placement of a (40'' X 65'') directional tract sign in a P-D (Planned Development, 1985<sup>th</sup> Zoning Unit) District, on a site measuring approximately 529,036 sq. ft (12.145 acres) located on Five Canyons Parkway, northwest side , 175 feet north of Fairview Avenue, Castro Valley area of unincorporated Alameda County, designated Assessor's Parcel Number: 417-0289-016. **Continued from April 12, 2010. Staff Planner: Damien Curry**

Ms. Urzua summarized the staff report. Staff recommends approval.

Council Member Ryzanych asked James Gochnauer, representing Marketshare to identify where the closest sign to the proposed sign is located. Mr. Gochnauer stated that it is west of the roundabout. He measured these proposed signs 150 feet east of the roundabout.

A discussion ensued regarding the location of both signs for Stonebrae and Pulte Homes.

Public testimony was called for.

Dale Silva, resident at 25633 Clover Road, Hayward, asked the Council to consider the signs when the conditions that were required for the first ones are met.

Jewell Spalding stated that the sign that is there now was installed for the purpose of people travelling up five Canyons so they could make a left. It has been there for quite a long time. It is on a kitty corner towards Five Canyons and it is between Strobridge and Five Canyons.

James Gochnauer stated that as Council Member Moore stated that the Stonebrae sign there is not the greatest location because this one definitely is a right hand read and will give definitive direction, it is cross read.

Council Member Miraglia asked Ms. Urzua about co-locating on the existing sign at the roundabout. She asked if this item could be continued instead of denying it. Ms. Urzua stated that it is feasible to try to submit something on the existing. The expiration date on the existing would be her concern. Council Member Miraglia asked if Marketshare would be amenable to continue this in order to look into that. Mr. Gochnauer agreed to continue the item.

Council Member Moore stated to Mr. Gochnauer, if this is going to be continued, that unless he puts a sign in the middle of the runabout he does not think that he is going to have equal and safe visibility to the side, this is a pretty major intersection and for him it makes sense to have signage temporarily on one side or the other, unless he can come up with something that is equally visible.

Council Member Miraglia asked Mr. Gochnauer to talk to the people at Stonebrae and let them know why those two signs were not approved.

Council Member Moore stated that for any future developers the Council does not want to deal with separate applications and that all be congregated in an area.

**Council Member Cunha made a motion to continue Administrative Conditional Use Permit, PLN2010-000333. Council Member Nielsen seconded. Motion carried 6/1 with Council Member Frank excused.**

5. **CONDITIONAL USE PERMIT, PLN-2009-00167 – HAMRICK/WOODSIDE NIGHTINGALE** – Application to allow continued operation of a residential care facility for up to 14 elderly clients, in a R-S-D-20 (Suburban Residence, 2,000 square feet per dwelling unit) District, located at 20531 Forest Avenue, west side, 750 feet north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing County's Assessor's Parcel Number: 084C-0724-079. **Staff Planner: Christine Greene**

Moved to the Consent Calendar.

6. **CONDITIONAL USE PERMIT, PLN-2009-00175 – RIGG/MONTESSORI SCHOOL OF CASTRO VALLEY** – Application to allow operation of a pre-school for up to 90 children, in a R-1-SU-RV (Single Family Residence, Secondary Unit is permitted, Recreational Vehicle parking is permitted) District, located at 19234 Lake Chabot Road, east side, 75 feet north of Barrett Court, Castro Valley area of unincorporated Alameda County, bearing County's Assessor's Parcel Number: 084B-0529-011-020. **Staff Planner: Christine Greene**

Ms. Urzua summarized the staff report. Staff is recommending approval for 68 children. The applicant would like that the Council consider approval for 90 children.

Richard Rigg, representing the applicant, stated that the school has been in operation for 25 years. In 2004 they were approved from 60 to 90 children and they requested that because they wanted to expand the size of additional classrooms and storage area. He described some of the work that they have undertaken. His wife closed the school at the end of 2007 because they did not have the financing to build the additional classroom. They are now ready to go forward with that. Also, an upgrade retrofit has to be done.

Council Member Nielsen stated that there is a problem with the applicant asking the Council to approve when the State of California has not given a permit to do that. Mr. Rigg stated that they can get the permit from the State of California. Council Member Nielsen asked Mr. Rigg if they have credential teachers on the site. You cannot have a kindergarten without having a California credential public school teachers being approved for it. Council Member Nielsen asked Mr. Rigg if they have credential teachers for kindergarten. Mr. Rigg stated yes.

Public testimony was called for. No public testimony submitted.

Council Member Moore made a motion to approve Conditional Use Permit, PLN2009-00175 with Council Member Nielsen suggestion that a condition be added that the state grants appropriate licensing prior to operations.

Ms. Urzua asked for clarification as to the number of children. Council Members Moore, Nielsen and Miraglia along with Ms. Urzua discussed briefly how to amend the motion. Finally, Council Member Moore amended the motion to say: **A motion to approve Conditional Use permit, PLN2009-00175 with the existing conditions and the following modification that the number of children be 68 for the staff report until and unless the additions are completed and the state issues authorization for a new license for 90 children. Council Member Nielsen seconded. Motion carried 6/1 with Council Member Frank excused.**

- 7. SITE DEVELOPMENT REVIEW, PLN2009-126/SIMAS** - The application includes the combining of two driveways into one access point, and relocating an existing trash enclosure and air/water station to the rear of a neighboring property under the same ownership. The properties currently share parking facilities. The subject properties contain a total of 20,700 square feet, are zoned Sub-Area 7 in the Castro Valley Central Business Specific Plan, and are located at 3495 & 3489 Castro Valley Blvd, at the southwest corner of Redwood Road, Castro Valley area of unincorporated Alameda County, bearing County's Assessor's Parcel Numbers: 84A-0064-005-04 and 84A-0064-004. **Staff Planner: Jeff Bonekemper**

Moved to the Consent Calendar.

**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**

Bob Swanson informed that the Castro Valley Farmers Market will start May 15.

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

Council Member Miraglia stated that the Climate Action Plan is going to come back before the MAC before it goes to the Planning Commission.

**J. Adjourn**

The meeting was adjourned at 7:26 p.m.

**Next Hearing Date: Monday, May 10, 2010**