

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
Minutes for December 13, 2010
(Approved as submitted February 28, 2011)

A. CALL TO ORDER: The Chair called the meeting to order at 6:00 p.m. Council members present: Cheryl Miraglia, Chair. Dave Sadoff, Vice Chair, Dean Nielsen, John Ryzanych, Jeff Moore, Sheila Cunha, and Marc Crawford. Council member excused: None. Staff present: Sonia Urzua, Elizabeth McElligott and Bob Swanson. There were approximately 13 people in the audience.

B. Approval of Minutes of November 22, 2010
Council member Nielsen moved to approve the minutes of November 22, 2010 as submitted. Council member Sadoff seconded. Motion carried 6/1 with Council member Cunha abstaining.

C. PUBLIC ANNOUNCEMENTS / Open Forum – None.

D. Consent Calendar –

1. **PLN2010-00093 – SITE DEVELOPMENT REVIEW, ALL SIGN SERVICES/DAVID FORD** – Application to allow new signage (O'Reilly's Auto Parts) in Subarea 6 of the Castro Valley Central Business District Specific Plan (CVCBDSP, Subarea 6) District, located at 2990 Castro Valley Blvd, north side, approximately 130 feet east of Anita Avenue, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0128-002-09, 084A-0128-004-04. **Staff Planner: Richard Tarbell.**

Council member Sadoff asked that this item move to the Regular Calendar.

Ms. Urzua summarized the staff report. Council member Sadoff asked about the size of the existing sign.

Public testimony was opened.

The applicant appeared. Council member Crawford asked about painting and patching damaged stucco. The applicant replied that the stucco would be painted and patched.

Public testimony was closed.

Council member Crawford made a motion to recommend approval of PLN2010-00093 with the additional condition that the stucco behind the sign will be painted and patched to match the existing building. Council member Nielsen seconded. Motion carried 6/1 with Council Member Sadoff opposing.

E. Regular Calendar

1. **PLN2010-00065 - CONDITIONAL USE PERMIT, VALLEY POINTE/PREIM HEALTH SERVICE, LLC/ GRIMES** - Application to allow continued operation of a 50 bed skilled residential facility in a R-S-D3 (Suburban Residential with 1500 Minimum Building Area per Dwelling Unit) District, located at 20090 Stanton Avenue, 75 feet northeast of Stanton Hill Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: APN: 84A-0279-003-00. **Staff planner: Shahreen Basunia**

Ms. Urzua summarized the staff report.

Public Testimony was opened.

Ms. Robia Chang appeared and spoke on behalf of the applicant. She referred to a written correspondence where she clarified that the applicant requested the authorization for 56 beds and a 10 year expiration period. Council member Crawford asked about the history of 56 bed capacity at the facility.

Public Testimony was closed.

Council members discussed the number of beds and had no objection to recommending a 10 year expiration period.

Council member Nielsen made a motion to recommend approval of PLN2010-00065 with a 10 year expiration period and capacity for 56 beds if the proper state license is obtained. Council member Cunha seconded. Motion carried 7/0.

2. **PLN2010-00085 – CONDITIONAL USE PERMIT, RIGG/ANCHOR EDUCATION/FUSSELL** – Application to allow operation of a K-12 school for up to 30 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 Assessor's Parcel number: 084B-0529-011-02. **Staff Planner: Christine Greene**

Ms. Urzua summarized the staff report.

Public Testimony was opened.

James Holt, appeared and spoke on behalf of the applicant, Anchor Education. Council members asked Mr. Holt about the configurations of the classrooms, the number of teachers, and the range of grades.

Public Testimony was closed.

Council member Moore made a motion to recommend approval of PLN2010-00085 and adopt the initial study. Council member Cunha seconded. Motion carried 7/0.

3. **PLN2010-00176 – VARIANCE, HUI WU** – Application to maintain a two story accessory structure where one story is permitted in a R-1-RV (Single Family Residence, Recreational vehicle parking permitted) District, located at 16027 Gramercy Drive, southwest side, approximately 200 feet south of Selborne Drive, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 080A-0170-011. **Staff Planner: Christine Greene**

Ms. Urzua summarized the staff report. Council member Sadoff asked staff about geotechnical requirements for the project. Staff noted that the Grading Department had no comment.

Public Testimony was opened.

The applicant, Mr. Wu appeared and testified with the assistance of a translator. Council members asked the applicant about the way the fill was compacted and also about the quantity of the fill brought onto the site. Mr. Wu replied that he used a borrowed machine to compact the soil. He also stated that he used recycled rock and sand.

Ms. Suzanne LeBare, resident at 16063 Berkshire Drive, opposed the application and expressed concern about the impacts of the project such as diverted water runoff, rodent infestation, instability of the slope, and an unsightly design. She noted that a petition had been submitted to the Planning Department opposing the project.

Ms. Claudia Provost, resident at 16064 Berkshire Drive, opposed the application and also noted the submission of the petition opposing the project.

Mr. Joseph Bacon, resident at 16040 Berkshire Drive, opposed the application and expressed concerns about the diversion of water runoff, rodents, and the loss of privacy.

Mr. Gary Gin, resident at 16021 Gramercy Drive, submitted written comments in addition to his oral testimony. He expressed safety concerns and suggested adding conditions to dirt bearing an undue load on neighboring fences.

Ms. Pauline Viera, opposed the project and expressed concerns about the proposal. She commented that the structure was an eyesore and noted a history of landslides. She asked if building permits were approved.

Ms. Helen Chandler, resident at 16052 Berkshire Drive, opposed the project. She commented about the lack of privacy due to the design of the windows. She was also concerned about the slope stability and the increase in water since the structure was built.

Public Testimony was closed.

A discussion ensued about the scale of the project, safety issues due to the fill, whether the soil was properly compacted, and the lack of landscaping. Council member Crawford noted that the slope on the subject property was not a special circumstance because adjacent properties also had similar slope conditions.

Council member Crawford made a motion to recommend denial of PLN2010-00176. Council member Cunha seconded. Motion carried 7/0.

4. Castro Valley General Plan – Staff Planner: Sonia Urzua (Continued from November 22, 2010)

Ms. Urzua summarized the staff report. Council member Miraglia asked if staff determined if the parcel running along the edge of the creek was one parcel or separate parcels. Staff explained that the area along the creek was made up of separate parcels but the intent is that one entity purchase that entire area from Caltrans and maintain it as open space.

Public Testimony was opened.

Mr. Jim Haussner, resident at Greenview Drive, expressed concern about the elimination of the pedestrian access for extended periods of time. Would like language added to the document. Grove Way corridors also have pedestrian access issues.

He was also concerned about proactively requiring replacing sewer laterals. He also asked for more information about Bay Friendly Landscaping Guidelines and the policies discussing noise. He believes the County should be focusing on the reduction of noise. He asked for more information about the Draft EIR.

Mr. Howard Beckman referred to his correspondence regarding the San Lorenzo Creek Watershed and elaborated on his interest in creating a public commission that would provide opinion on watershed issues, applying the Public Facility designation to the “pink area” next to the creek in order to maintain the creek visibility and accessibility.

Public Testimony was closed.

Chairperson Miraglia listed and discussed Mr. Beckman’s suggested changes. These are summarized below.

- Page 7-11, Action 7.1-1, staff should delete “especially those with riparian vegetation.”
- Page 7-12, Action 7.1-1 – Discussion ensued about the Biological overlay zone vs. a Creek Overlay Zone. Add “explore the possibility of an Overlay Zone.”

Public testimony was re-opened so that Mr. Beckman could explain his proposition regarding Creek Overlay Zone. Council member Nielsen was concerned about overburdening property owners with properties adjacent to a creek.

Public testimony was closed. Discussion continued about additional changes.

- Page 7-13, Policy 7.1-4, insert “conservation” in front of easement
- Page 7-14, Action 7.1-10, change “protective” easements to “conservation easements”
- Page 7-15, 3rd paragraph, Delete “restrict discharge of polluted materials”
- Add Policy 7.1-6 or Replace Action 7.2-2 with “Encourage formation of a San Lorenzo Watershed Commission charged with ensuring coordination between multiple agencies and overseeing preparation of a comprehensive watershed plan.
- Page 7-16, Policy 7.2-1, change “flood control channels” to “engineered channels”
- Page 7-16, Policy 7.2-4, change to “Use and reclaim or fully restore natural or non-engineered creek drainage systems
- Add Policy 7.2-5, “Encourage the formation of a San Lorenzo Watershed Commission charged with ensuring coordination between multiple agencies and overseeing preparation of a comprehensive watershed plan.
- Page 7-16, Policy 7.2-2, change “buffers” to “setbacks”
- Page 7-17, Action 7.2-1, third bullet, delete “Revise setback and buffer requirements to”
- Page 7-17, Action 7.2-1, sixth bullet, change “construction” to “development”
- Page 7-18, Action 7.2-5, add, “Friends of San Lorenzo Creek” and delete “multiple use”

- Page 7-19, second sentence, second paragraph, add “reduce the heat island effect of dense urban development”
- Page 7-20, Action 7.3-1, Add period after “ordinance.” Begin new sentence “[R]equire permits.....”
- Page 7-20, Action 7.3-2, Correct version included on online version of chapter.
- Page 7-20, Action 7.3-3, Change to, “Adopting guidelines to promote the use of native trees and plants when landscaping on any County property. Consider adopting guidelines to mitigate the impact of private development on land with significant habitat value.”
- Caltrans Parcels “pink parcels” – Council member discussed the pros and cons of designating the parcels along the creek as public facility as opposed to the proposed open space designation. They discussed the implications for future sale and development of the site. Council members concluded that the open space (natural) designation should remain as drafted.

Council member Miraglia also raised questions and concerns about the proposed Land Use Classifications contained in Table 4.2. Particularly, she was concerned about the impacts to the larger lots after applying the new minimum lot sizes. As a previous speaker noted, a large number of lots would be deemed nonconforming. In areas where the predominant lot size is 10,000 square feet and the new lot sizes are changed to 5 to 10 thousand, does the density change. What are the implications to lot size consistency? A discussion ensued about the reason for including the table instead of narrative explaining that the steps in the future will be detailed. Council members also discussed when the appropriate time to work out the details would be. Reservations were expressed with blanket zoning is difficult.

Staff noted that the General Plan is required by law to include the land use designations but language could be included about exploring new zoning designations including lot sizes. This would be a zoning ordinance amendment to implement the General Plan.

Council Members Crawford and Sadoff will prepare a report on the proposed changes to the maps and tables.

Council member Crawford clarified that the Public Facility land use designation would not be delayed if the zoning related to Table 4-2 would be delayed to a future date.

- E. Chair’s Report.** The chair reported that the Caltrans property previously mentioned had not been cleaned up and suggested creating a list of all blighted Caltrans properties. The chair also expressed concerns about the proposed Safeway to be located at the 580 Market Place. She discussed the type of store that Castro Valley wants; re-hiring the former PW employees, including a Starbucks in the proposed store; and whether a CUP would be required given the alcohol use component. Interest was expressed about including language in the general plan encouraging a mix of operators which would promote a vibrant commercial mix.

F. Committee Reports.

- **Eden Area Alcohol Policy Committee. None**
- **Redevelopment Citizens Advisory Committee. None.**
- **Ordinance Review Committee. None.**
- **Eden Area Livability Initiative. None.**

G. Staff Announcements, Comments and Reports. None.

H. Council Announcements, Comments and Reports. Council members' availability was discussed for February 1st or February 8th.

I. Adjourn

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

Next Hearing Date: Monday, January 10, 2011