

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**  
**Minutes for February 28, 2011**  
**Approved March 28, 2011**

**A. CALL TO ORDER:** The Chair called the meeting to order at 6:03 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, Liz McElligott and Bob Swanson. There were approximately 10 people in the audience.

**B. Approval of Minutes of December 13, 2010, January 10, 2011, and January 24, 2011**  
Council member Sadoff moved to approve the minutes of December 13, 2010 as submitted. Council member Nielsen seconded. Motion carried 6/1 with Council member Cunha not present during approval of minutes.  
Council member Nielsen moved to approve the minutes of January 10, 2011 as corrected. Council member Sadoff seconded. Motion carried 6/1 with Council member Cunha not present during approval of minutes.  
Council member Moore moved to approve the minutes of January 24, 2011 as corrected. Council member Ryzanych seconded. Motion carried 6/1 with Council member Cunha not present during approval of minutes.

**C. PUBLIC ANNOUNCEMENTS / Open Forum**

Mr. Frank Mellon, Castro Valley resident expressed concerns about possible conflict of interest involving Council member Crawford. He suggested that Council member should recuse himself from item 1 on the regular calendar (the Revised General Plan) given his role in the Measure Q campaign. Council member Miraglia and Mr. Mellon discussed various scenarios where Council members involved in other matters should recuse themselves.

**D. Consent Calendar**

**1. PLN2010-00172 – CONDITIONAL USE PERMIT, EDEN MEDICAL CENTER/ AT&T MOBILITY/ BYRNE** – Application to allow continued operation of a telecommunications facility) façade mounted antennas) in Sub Area 4 (Hospital/Medical Oriented Office and Retail) District within the Castro Valley Central Business District Specific Plan, located at 20103 Lake Chabot Road, west side, 2/10 of a mile north of Castro Valley Boulevard, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel number: 084A-0279-011.

**Staff Planner: Christine Greene**

**2. PLN2010-00205 - SITE DEVELOPMENT REVIEW, CHRISTENSEN** - Application to allow continued occupation of an agricultural caretaker dwelling in the "A" (Agricultural) District, located at 10303 Cull Canyon Road, west side terminus of said thoroughfare, 6 miles north of Columbia Drive, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085 -0510-003-011. **Staff Planner: Damien Curry**

**Council member Moore disclosed his role as civil engineer on the Eden Medical Center property. Council member Moore made a motion to approve the consent calendar. Council member Cunha seconded. Motion carried 7/0.**

**E. Regular Calendar**

**1. Review and Public Comment of the Revised Draft Castro Valley General Plan. Staff Planner: Sonia Urzua**

Staff summarized the staff report. Staff also noted that the Castro Valley School District submitted a letter reiterating their position about the public facilities designation, changes in school district boundaries, and traffic pattern concerns. Council member Miraglia asked staff to confirm that the Council has already addressed. Staff also summarized the next steps

Public Testimony was opened.

Ms. Roxanne Lewis, Castro Valley resident, reiterated her interest in amending the language in the Revised Draft regarding changes to the Madison Specific Plan.

Mr. Frank Mellon, Castro Valley resident, expressed concern about the recommendation to designate publicly held properties as Public Facilities. He the position flies in the face of historical County action. He opined that the Public Facilities designation is an inverse condemnation. He noted the effect on the value of the property. He stated that the Council was putting the County in a position of liability. He recommended keeping EBMUD's historical (residential) designation. He noted EBMUD's objection as contained in their correspondence.

Public Testimony was closed.

Council member Miraglia asked staff for input on the conflict of interest concern. Staff noted that a financial interest in the matter and the semblance of impropriety are primary issues. Staff also noted the importance of being objective. Council member Crawford explained that he would not recuse himself.

Council member Miraglia reviewed her concerns with the table of changes attached to the staff report. Council accepted staff's recommended language to address Mr. Haussner's concern about pedestrian access on Redwood Road. Council members also accepted the Fire Marshall's clarification on the practical implications of "defensible space." With regard to page 5-23, Action 5.2-9, a clarification would include language clarifying that 50% of the landscape requirement would apply to new projects, not existing projects.

Council member Moore clarified that his concern about coordination between the Fire Department and Planning would not require a change in the draft language but would encourage improved internal coordination between the two departments and better information for the public.

With regard to page 5-37, Action 5.3-17, Council agreed with Council member Miraglia that the 2007 language should be re-inserted and also clarified that legal non-conforming uses would also be supported. "Assistance should be limited to those uses that conform to General Plan policies or are a legal non-conforming use."

With regard to p. 8-28, Action 8.4-2, amend to with to "within".

Council member Miraglia suggested a change to the “Comment & Revision” on page two of the table of changes. Change the comment “rose to 100” to “rose to 120”.

Staff noted that future versions of the table will be converted to a Microsoft Word file so that deletions are reflected in strikethrough font instead of underline.

Council members discussed the changes to the maps and tables. Staff clarified a categorical revision of the color coding of the entire map, which would capture the observations about the use of white (for rural residential) and the shades of red. The map should be amended to show parcel lines. Also, changing the parcels from residential small lot Christensen Lane, across from Chabot Elementary School and Heyer Avenue, starting at Redwood Road, going east. The fire station is shown in white instead of blue. Staff clarified that as part of the final recommendation all of the publicly held properties would be shown in blue for public facilities. Council member Crawford brought up the language in the Public Facilities Zoning language regarding private schools. Staff stated that the map will be revised before presenting the matter to the Board of Supervisor. The map will be made available for public review before going to the Board of Supervisors.

Council members clarified that items that were resolved in previous Council meetings could be removed.

Council members discussed the recommendation to designate publicly held properties as Public Facilities as a land use designation. Council member Miraglia discussed the history of EBMUD’s property holdings. Council members maintained their position that all publicly held properties should be designated as public facilities.

**Council member Cunha made a motion to recommend approval of the 2010 Revised Draft General Plan as amended by the table of changes attached to the staff report in addition to the comments made during this hearing and with the circulation of the air quality and climate action chapter of the EIR. Council member Crawford seconded. Motion carried 7/0.**

- F. Chair’s Report.** Council member Miraglia recommended that the future Planning Commission work session to discuss the Revised Draft General Plan should be a joint session.
- G. Committee Reports.**
  - 1. **Eden Area Alcohol Policy Committee. None**
  - 2. **Redevelopment Citizens Advisory Committee. None.**
  - 3. **Ordinance Review Committee. None.**
  - 4. **Eden Area Livability Initiative. None.**
- H. Staff Announcements, Comments and Reports.** Staff reminded Council members to complete the ethics training online.
- I. Council Announcements, comments and Reports.** Council member Crawford announced that Council member Sadoff was selected to serve on the Sanitary District Board.

**J. Adjourn**

The meeting was adjourned at 7:10 p.m.

**Next hearing date: Monday, March 14, 2011**