

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
Draft Minutes for April 12, 2010
(To be approved)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:04 p.m. Council members present: Cheryl Miraglia, Chair, Dave Sadoff, Vice Chair. Council members: Sheila Cunha, Dean Nielsen, John Ryzanych, Jeff Moore and Andy Frank. Council members excused: none. Staff present: Liz McElligott, Bruce Jensen, Sonia Urzua, Bob Swanson and Maria Elena Marquez. There were approximately 12 people in the audience.
- B. Approval of Minutes of March 22, 2010**
Council member Sadoff moved to approve the minutes of March 22, 2010 as submitted. Council member Cunha seconded. Motion carried 7/0.
- C. PUBLIC ANNOUNCEMENTS / Open Forum**
Suzanne Barba commented on the Governance Committee meeting regarding the Silva property matter and thanked council member Miraglia for her presentation on this issue.
- D. Consent Calendar –**
Council member Cunha made a motion to move Items 5 and 6 to the Consent Calendar. Council member Nielsen seconded. Motion carried 7/0. Council member Frank moved to approve the consent Calendar. Council member Cunha seconded. Motion carried 7/0.
- E. Regular Calendar**
- 1. PROPOSED NEW CLIMATE ACTION PLAN FOR UNINCORPORATED AREAS OF ALAMEDA COUNTY –** An overview of the draft climate action plan on how to reduce greenhouse gas emissions from community activities in line with local and regional targets.
Staff Planner: Bruce Jensen

Bruce Jensen summarized the staff report followed by a Power Point presentation. He stated that California has adopted executive orders and enacted legislation aimed at reducing the State's GHG emissions. Key statewide emission reduction legislation and actions do date include Executive Order S-3-05 (2005; Assembly Bill 32 (2006); Senate Bill SB 375; and California's Climate Change Scoping Plan. Also, Alameda County adopted actions that help to reduce greenhouse gas emissions, like the County Climate Change Leadership Resolution; the Cool Counties Initiative and the Strategic Vision. Staff requests that the Council approves the staff report and analysis, take public comment and provide comments on this Draft Community Climate Action Plan.

Public testimony was called for.

David Stark, with the Bay East Association of Realtors, said that they are in general supportive of the policies that create and maintain a suitable living environment. He submitted a letter to all council members with observations and recommendations and asked the Council that they be considered as the County proceeds with developing the CAP. A copy of the letter was entered into the record.

David Goggin, resident at 920 Van Ness # 103, San Francisco, made some remarks relating to energy use as it relates to outdoor lighting policy.

Brian Hill, resident at 2727 Darlene Court, spoke to the residential energy conservation ordinance portion and said that the report is unrealistic and short sided and does not make any sense; besides, it is destroying the real estate market.

Ed Walsh, resident at 20401 Santa Maria Avenue, discussed the HOA's restrictions that are proposed in the staff report. He said that before this is done it needs to be detailed as to what that means.

Dan Briggs said that 25 agencies are involved in this and asked who determines the fees, and how many employees it takes to implement this whole issue. He said that we don't have any control over global warming and that this whole thing should be stopped. We are not going to change anything.

Suzanne Barba, resident at 5787 Highwood Road, said that she was disappointed that this report came so late. The Hayward Climate Action Plan was started in 2006 and apparently they got \$45,000 from the Resources Board to develop their plan.

Marc Crawford, resident at 3832 Somerset Avenue, said that he is very concerned about the impact that this will have on development corridors. Developers are not able to build anything due to huge costs, everything is extremely costly.

Council member Miraglia read the comments sent by Cliff Sherwood since he was unable to attend this meeting. His comments were entered into the record

Sofia Linnios, a Castro Valley resident and realtor, also expressed her concerns regarding the point of sale Residential Energy Conservation Ordinance (RECO).

Public testimony was closed.

Council member Moore said that he generally agrees with the concept but that he is concerned with the timing.

Mr. Jensen said told him that this plan is for the rest of the century, not just for the following months or years. The arguments would not be too much different even in a good economy. There certainly appears to be warming generally occurring and it certainly appears to be climate forcing as a result of that. He hopes it is human caused.

Council member Frank commented on the impact that this plan will have on the community.

Liz McElligott, Assistant Planning Director, concurred that this is not a good time to be adding fees and requirements but the reason why it is presented right now is because the Board of Supervisors adopted a resolution in 2006 which adopted the State's targets to reduce the GHG emissions to the 1990 levels by 2020 which in planning terms, it is around the corner.

Council member Miraglia asked if we are mandated by the State to do this and if there would be a penalty if this is not done. Ms. McElligott said that we are not mandated by the State to have a Climate Action Plan; we are mandated to try to reach the target in the State legislation. She said that the comments will be taken to the Board of Supervisors so they can consider

revising it. Council member Miraglia spoke about the debts of the State and the County and said that a plan like this to try to achieve a 35% efficiency improvement at this time is a pretty poor timing.

Council member Nielsen said that he didn't see any names of industry and community representatives in the report. He said that he is upset by the fees that would be added to the price of a house. He suggested that council members sit down not only with Planning staff but also with business representatives. The Board of Supervisors needs to work together with members of the community. This is a serious problem and it will be an economic impact. He asked staff to give the community the opportunity to work with the government.

Council member Sadoff concurred with council member Moore, he said that he agreed with the concept but the timing is very difficult; he asked if any other counties or agencies are considering similar measures. Mr. Jensen said that the City of Hayward adopted its own plan. He will do some research with other agencies and cities. Mr. Jensen said that it will be at least another 16 months in the process before it goes into effect, so it will give time to people in commerce, industry and business. The process involves finding funding sources to become available.

Council member Frank said that it requires a more responsible approach.

Council member Ryzanych asked Mr. Jensen to elaborate on the funding element. Mr. Jensen said that we have a grant from BAAQMD (Bay Area Air Quality Management Department) to prepare this plan and part of this grant involves finishing it by the middle of this year which would be June 30th. The grant is for \$ 40,000 and Alameda County Planning Department gets half of that the other half went to the GSA for their internal government grant.

Council member Moore asked Mr. Jensen if a lot of details are coming forward. Mr. Jensen said that this plan is a draft and it is very similar to other plans that have been adopted by other jurisdictions.

Ms. McElligott said that this plan would be comparable to a General Plan. After it is adopted, there will be an implementation process. This is just the beginning of the overview and there will be more details to come after that.

Council member Sadoff said that this is like a vision statement. Mr. Jensen said that it probably will take another year from this date.

Council member Cunha said that as a realtor why don't figure out a way to incentivize these repairs in which homeowners could do these repairs, the county needs to take a look at to make it a point of sale on the back of the housing industry is not viable at this point in time.

Council member Ryzanych said that council members would like to participate in crafting a better more appropriate product for the community considering the fact that there have been unforeseen changes in our economic position and it would be a good idea to make some arrangements to change some of the elements and components of this document and asked Mr. Jensen if that is a recommendation that he can take forward.

Mr. Jensen said that he will take virtually everything that has been said here at this meeting. It will be presented before the Planning Commission on April 19 and the Board of Supervisors on April 28.

Council member Miraglia said that most of the proposed measures are acceptable but there are some others that are not in the public interest and will negatively affect the livability of the community. She read some of her comments from a document that has been entered into the record.

Council members ensued in a discussion regarding several of the measures included in the draft, waste being one of them. Staff will consider the Council's input. The Council thanked Mr. Jensen for his presentation.

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, 1408th 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 to April 26, 2010. Staff Planner: Damien Curry**

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, 2100th 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 to April 26, 2010. Staff Planner: Damien Curry**

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, 1985th 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 to April 26, 2010. Staff Planner: Damien Curry**

5. **SIGN REVIEW, PLN2009-00101 – MARINELLO SCHOOL OF BEAUTY** - Application to allow six signs, including replacement of four existing signs: two double faced pole signs (previously constructed with permits), signage on front awning, and one wall mounted sign on rear of building; plus one new freestanding directional sign and one new wall-mounted sign, in the *Castro Valley Central Business District Specific Plan*, Subarea 5 (CVCBDSP-SUB 5), on a site located at 2806 Castro Valley Blvd, north side, 250 feet west of Wisteria Street, unincorporated Castro Valley of Alameda County, designated Assessor's Parcel Number: 084A-0131-013-00. **Staff Planner: Carole Kajita – Moved to the Consent Calendar.**

6. **SIGN REVIEW, PLN2010-00002 - DAVID FORD//ALL SIGN SERVICES//CVS REALTY COMPANY** – Application to allow new signage in the *Castro Valley Central Business District Specific Plan*, Subarea 10 (CVCBDSP-SUB 10) District located at 3667 Castro Valley Boulevard, south side, 570 feet east of Redwood Road, Castro Valley area of unincorporated Alameda County, bearing County's Assessor's Parcel Number: 084C-0621-001-04. **Staff Planner: Richard Tarbell – Moved to the Consent Calendar.**

F. Chair's Report

Council member Miraglia talked about the Governance Committee meeting. The hot topic was the Silva ordinance and supervisor Miley's position on that. The entire unincorporated community is united on this and up in arms regarding this particular variance and have all asked Supervisor Miley to do the right thing and deny the variance.

G. Committee Reports

- **Eden Area Alcohol Policy Committee**
- **Redevelopment Citizens Advisory Committee**

There will be a CAC meeting on the second Wednesday of the month.

- **Ordinance Review Committee**
- **Eden Area Livability Initiative**

H. Staff Announcements, comments and Reports

I. Council Announcements, Comments and Reports

J. Adjourn

The meeting was adjourned at 8:35 p.m.

Next Hearing Date: Monday, April 26, 2010