

SUMMARY MINUTES OF MEETING
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
APRIL 12, 2021
APPROVED MINUTES

The Regular Virtual Meeting was held at the hour of 6:00 p.m.

REGULAR MEETING: 6:00 p.m.

MEMBERS PRESENT: Chair Carbone, Members: Mulgrew, Moore, Padro, Prokopoff, Killebrew and Thomas.

MEMBERS EXCUSED: None

OTHERS PRESENT: Nisha Chauhan, Senior Planner; Heather Littlejohn, County Counsel; Carole Kajita, Andrew Young, Damien Curry, and William Chin, Planning Staff; and Jazmin Sanchez, recording secretary.

CALL TO ORDER: The meeting was called to order by Chair Carbone at 6:00 p.m.

ROLL CALL: Chair Carbone, Members: Mulgrew, Moore, Thomas, Padro, Killebrew and Prokopoff.

SUBCOMMITTEE UPDATE: The Chair said there have not been any meetings.

SAFE PATHWAYS TO SCHOOL – None.

AD HOC SUBCOMMITTEE ON CITY OF HAYWARD / 238 PARCELS – None.

OPEN FORUM – Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes. – The Chair let the speakers know that this is only for items that are not on the agenda.

Public comment was open.

Dr. Anne Maris thanked CVMAC for reforming the 238 subcommittee. She wanted to let council know about the Bridge Court residents at 238 parcels and the offer from the Eden Community Land Trust to take a little bit of community stewardship of the land and wanted the council to support this effort because of all the generations that have suffered under Caltrans and it would be nice to see the community benefit from this effort.

Public comment was closed.

APPROVAL OF MINUTES – *March 22, 2021. Member Mulgrew asked that his name be listed under the members present. Member Moore asked that on page 6, Costco should be replaced with Quesco, which is a rental company. Member Padro said he made a number of comments specifically to the applicant and it was not mentioned in the minutes. The Chair said there is some oversight, specifically on Member Padro's comments. The Chair said the approval of the minutes are being continued. Member Padro moved to continue the approval of minutes. Member Moore seconded the motion.*

CONSENT CALENDAR - No items.

REGULAR CALENDAR - The Chair moved item number 2 to number 1. Councilmember Moore excused himself from the meeting and said Brian Moore from Greenwood and Moore is available to answer any questions the council may have regarding his application.

PLN2019-00221, SITE DEVELOPMENT REVIEW - TEIXEIRA, JOE & LURDES / TEIXEIRA, PHILIP – Application to allow the construction of a two-story, 7,087 square foot, single-family residence with a 3,083 square foot garage underneath, covered outdoor areas of 981 square feet, maximum height of 43 feet,

and the subsequent removal of an existing 575 square foot studio residence, in the "A" (Agricultural) District, located at 6021 Grassland Drive, 0.1 mile west of Sunnyslope Avenue, Castro Valley area of unincorporated Alameda County, designated Assessor's Parcel Number: 085A-1645-015-00. This project is categorically exempt under CEQA pursuant to section 15303 (Single Family Residence within a Residential zone). **Staff Planner: Damien Curry - Action Item**

Damien Curry presented the staff report and shared the exhibits/elevations for the proposed home. Staff recommends approval of the application subject to the proposed conditions.

Member Mulbrew asked about the Ag zoning for the parcel and having an exemption for the 100-acre minimum parcel size. Damien Curry said this site in the Ag District it is at least five acres in size and the frontage on E Castro Valley Blvd and under that scenario it qualifies for the exemption for the building site status. Member Padro questioned the 43-foot height exemption. There was a comment from a neighbor about the height and visibility. Damien Curry said in the Ag District there is not a maximum height from which an applicant needs to apply for a variance, it is allowed under the Site Development Review (SDR). Any height over the threshold it allows the applicant to go thru the SDR process.

Member Prokopoff said it sounds like the project meets all the requirements. One of the things that residents in Castro Valley value is the view and he asked if there are any particular considerations that could be given by the architect to give it more of a fit into the landscape. Damien Curry said the applicant is considering grading so the garage is built into the ground and in addition the applicant is planning to landscape the area with shrubs that would screen the home from East Castro Valley Boulevard. He suggested that the council could add to the conditions of approval regarding the roof and colors to be more muted and less reflective. Member Moore said from an Ag standpoint he did not see anything that would prevent the approval of this project. He knows the site and the only question he has is regarding the solar and where it is going to be located. Damien Curry said the solar will be required for this construction however the products that are used now are not reflective. The Chair said he has looked at the site and this project is sitting on a grade and it is three stories on one side and two on another side. He asked about the height on the south side. Damien Curry said the actual height is 31 feet. The Chair said the color chosen for the building could minimize any impacts and blend into the hill, and also landscape will minimize any visibility from the western side of the property.

Member Padro moved to approve PLN2019-00221 with the recommendations in the staff report. The Chair seconded the motion but amended the motion to include the southwest color for the exterior color of the home. *Nisha conducted the roll call. Yeas: Members Carbone, Padro, Moore, Prokopoff, Killebrew, Mulgrew and Thomas. Motion passed 7/0.*

PLN2021-00010, SITE DEVELOPMENT REVIEW, MOORE RANCH INC. DBA GRACELAND EQUESTRIAN CENTER - Application to construct a new 3,973 sq. ft. single family residence and re-designation of an existing 1,180 sq. ft. residence into an ADU, in the R-1-L-BE Zoning District, located at 10970 Crow Canyon Road, unincorporated Castro Valley, CA 94552, bearing Assessor's Parcel Number 085-2026-001-00. The project is exempt from CEQA pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. **Staff Planner: Nisha Chauhan - Action Item**

Nisha Chauhan presented the staff report. The applicant is no making any changes to the current residence but changing the designation of the current home to an ADU. Staff recommends that the Council recommend approval to the Planning Director of the proposed Site Development Review for the construction of the new single family home and re-designation of the existing home.

Brian Moore, from Greenwood and Moore, said he is available to answer any questions.

Member Padro moved to approve PLN2021-00010 subject to the conditions of approval and move forward to the Planning Director for final approval. Member Thomas seconded the motion. *Nisha conducted the roll call. Yeas: Members Carbone, Padro, Moore, Prokopoff, Killebrew, Mulgrew and Thomas. Motion passed 7/0.*

PLN2020-00247, SITE DEVELOPMENT REVIEW, VITA REY (APPLICANT) / CHENG, JENSEN F & JADE TRS (OWNERS) Application to allow modification of approved Exhibit B, Site Development Review, PLN2015-00178, with permanent outdoor seating to be established in the front setback area of an existing restaurant (Genghix) in the Castro Valley Central Business District Specific Plan (CVCBDSP), Sub-area 7 District, located at 20855 Redwood Rd., west side, 100 feet south of Castro Valley Blvd, unincorporated Castro Valley, designated Assessor's Parcel Number: 084C-0064-008-08. This project is Categorically Exempt from the requirements of the California Environmentally Quality Act, Article 19, Section 15301, Class 1, "Existing Facilities". **Staff Planner: Carole Kajita - Action Item**

Andrew Young presented the staff report. The application also includes a conditional use permit renewal. He said this project is located in the Central Business District and not downtown community commercial as the staff report reads. He shared the exhibits showing the proposed permanent outdoor seating area for the restaurant. Planning staff recommends approval of PLN2020-00247 subject to the conditions of approval for permanent outdoor seating enclosed by a fence at the existing Genghix restaurant.

The Chair asked staff to show how far the seating area will extend on the side of the building. Member Thomas asked about drivers exiting Chevron and taking a short cut thru the side of this building to get to the shopping center. Andrew Young said it could be closed if the eating area became very popular. He said the width is about 24 feet. The Chair said there is plenty of room, it is up to people if they want to sit at the location and have cars go by the seating area. Member Moore asked if the tables will be under a cover. Andrew Young said it is up to the council to add it to the conditions of approval. Member Padro spoke on the Chevron traffic going thru this area. It is frequent and there are issues. From a safety standpoint it is a concern with patrons eating at this area. He asked about putting four or five cement poles on the eastern side of the seating area. Regardless of the width, it is used as a thoroughfare going south and north.

The Chair asked the applicant about the safety of the patrons using the outside seating area and if there has been any consideration how it could be handled. Mr. Jeff Young, the applicant, said the vehicles do not use this area very often, but a barrier could be placed at the location. The Chair asked about having an awning for the seating area. Mr. Young said it would be hard to add the awning do to the roof line being so low. Member Padro asked about protecting the patrons. The Chair said maybe a railing not bollards. The applicant said he is willing to include that in the application. Member Padro said it should not be wood. The Chair agreed.

Member Moore moved to approve PLN2020-00247 with the requested amendments for suitable metal railing for safety of patrons with the conditions of approval. The Chair said the design for the fencing should incorporate a bollard or similar design along the roadway. Member Thomas seconded the motion. *Nisha conducted the roll call. Yeas: Members Carbone, Padro, Moore, Prokopoff, Killebrew, Mulgrew and Thomas. Motion passed 7/0.*

PLN2020-00246, TENTATIVE PARCEL MAP SUBDIVISION (PM-11122) - Application to subdivide one parcel into three parcels, in the "R1-CSU-RV" (Single Family Residence, Conditional Secondary Unit, RV parking allowed under certain circumstances) Zoning District, located at 4364 Edwards Lane, north side, 220

feet east of cross street Jaydine Street, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number 084C-0696-014-00. This project is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15315, Class 15, Minor Land Divisions. **Staff Planner: William Chin - Action Item**

William Chin presented the staff report. He received comments from the public, one regarding concern with occupancy load and how the street will be able to handle construction equipment and materials. Access for parking. The majority of the comments were regarding parking. Staff recommends that the Council recommend approval to the Planning Director for Tentative Parcel Map PLN2020-00246, to allow a three-lot subdivision, based on drawings marked Exhibit B on file with the Alameda County Planning Department. If the Council determines that the subdivision is consistent with the Subdivision Map Act, Castro Valley General Plan, and Zoning Ordinance, then, the enclosed conditions of approval should be considered.

The Chair said Gregory Street is a very narrow street and a fire truck can't turn around. William Chin said the Fire Department did not provide any comments regarding turn around but provided six conditions. Staff received comments on the application a few days before the meeting and it was not included in the packet. Member Padro said regardless when the comments were received these comments should have been e-mailed to the councilmembers. In the future he said they should be sent to councilmembers prior to the meeting. The Chair said without being able to review of the comments it will be hard to make a decision and the item might have to be continued. Member Moore said Gregory Street is a big part of this project and without an opportunity to digest the comments from the neighbors it is tough to make a decision. The Chair agreed that the item should be continued and asked staff to send the comments by e-mail to councilmembers.

Rodrigo Orduna said many of the comments were received today. The Chair said please send comments as the staff receives them. There are some issues that need to be resolved. Member Thomas said one of the letters says they are opening up a dead-end street. Rodrigo Orduna said it will continue to be a dead-end street, but it will have a driveway.

Member Padro moved to continue PLN2020-00246 to allow the councilmembers to consider all comments from the neighbors. Member Thomas seconded the motion. *Nisha conducted the roll call. Yeas: Members Carbone, Padro, Moore, Prokopoff, Killebrew, Mulgrew and Thomas. Motion passed 7/0.*

CHAIR'S REPORT: The Chair said he was contacted by a real estate broker representing the lumber yard site and a request they received from EBMUD. He referred them to the Planning Department. He said that when making comments about an application, he asked councilmembers to provide very concise comments. Councilmember Killebrew asked about short term rentals and a policy. Rodrigo Orduna said with COVID there has been other priorities staff is working on such as outdoor seating but will bring an update at a future meeting.

COUNCIL ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

STAFF COMMENTS & CORRESPONDENCE: None

ADJOURNMENT: There being no further business, the hearing adjourned at 7:30 p.m.

ALBERT LOPEZ - SECRETARY
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL