



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO: Castro Valley Municipal Advisory Council
HEARING DATE: April 11, 2016

GENERAL INFORMATION

APPLICATION: Administrative Conditional Use Permit, PLN2016-00019

**OWNER/
APPLICANT:** Food Truck Mafia/April Bibbins

PROPOSAL: To allow weekly food truck event every Tuesday from April 19, 2016 through December 26, 2016 (total of 36 evenings).

**ADDRESS AND
SIZE OF PARCEL:** Goodyear Certified Tire & Service Center; 3430 Castro Valley Boulevard, north side, 300 feet to the west of Redwood Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0080-019-03; 31,524 square feet (0.72 acres).

ZONING: Sub-Area 7 - Intensive Retail Core within the Castro Valley Central Business District Specific Plan.

**GENERAL PLAN
DESIGNATION:** The site lies within the Castro Valley General Plan adopted by the Board of Supervisors on March 27, 2012. The Plan designates the site as Core Pedestrian Retail (CBD-5) within the Central Business District General Plan Land Use. This designation is intended for the intensive pedestrian-oriented retail and service uses that form the heart of the Castro Valley community.

**ENVIRONMENTAL
REVIEW:** The project is exempt from the requirements of the California Environmental Quality Act (CEQA, 1970 as amended) according to Article 19, Section 15304, Class 4 (Minor Alteration to Land (e)) in that the project consists of minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

RECOMMENDATION

If the Council finds it appropriate, the Castro Valley Municipal Advisory Council should recommend approval of this Administrative Conditional Use Permit to the Planning Director to allow a weekly food truck event every Tuesday from April 26, 2016 through December 27, 2016 (total of 36 evenings), based on drawings marked "Exhibit A" on file with the Alameda County Planning Department. If the Council determines that the use is appropriate, the enclosed conditions of approval should be considered.

PARCEL ZONING HISTORY FOR PROJECT

June 21, 1951, 12th Zoning Unit, designated the subject property as the C-1 (Retail Business) District.

In 1983, the Castro Valley Central Business District Specific Plan designated the area as Land Use Group A (Intensive Retail Commercial).

April 4, 1985, Castro Valley Plan designated the area as Intensive Commercial.

January 7, 1993, the County Board of Supervisors adopted the Castro Valley Central Business District Specific Plan, which established the site as Subarea-7, Intensive Retail Core.

March 27, 2012, Castro Valley General Plan adopted by the Board of Supervisors, designates the site as Core Pedestrian Retail (CBD-5). This designation is intended for the intensive pedestrian-oriented retail and service uses that form the heart of the Castro Valley community.

DEVELOPMENT APPLICATION HISTORY

April 27, 1960, Conditional Use Permit, C-1014, approved an operation of a private recreation center consisting of 12 ground level trampolines, a ticket office, and 20 parking spaces, expiration in three years, in a C-1 (Retail Business) District.

July 13, 1960, Conditional Use Permit, C-1043, approved the operation of a private recreation center consisting of eighteen (18) ground-level trampolines, a ticket office and rest rooms, expiration in three years, in a C-1 (Retail Business) District.

March 8, 1961, Conditional Use Permit, C-1098, approved a concession stand in conjunction with a presently operating trampoline center, expiration in three years, in a C-1 (Retail Business) District.

September 17, 1963, Conditional Use Permit, C-1403, approved continued operation of a miniature golf course and a food concession stand in conjunction with a trampoline center, in a C-1 (Retail Business) District, with expiration on July 5, 1964.

April 26, 1972, Variance, V-5755, disapproved by the Zoning Administrator, of changing a nonconforming use (dwelling in a C-1 District) by the addition of a new retail business use (saw shop), in a C-1 (Retail Business) District.

May 11, 1994, Site Development Review, S-1432, approved a sign review (Goodyear) for an existing building on one parcel containing approximately 30,000 square feet, in a CVCBD, Subarea 7 (Castro Valley Central Business District Specific Plan, Subarea 7) District.

March 4, 1995, Site Development Review, S-1472, approved an installation of a monument sign (Goodyear) as a commercial identity of the business, in a CVCBD, Subarea 7 (Castro Valley Central Business District Specific Plan, Subarea 7) District.

November 17, 1994, Administrative Conditional Use Permit, AC-6516, approved the temporary operation of a Christmas tree lot from November 22, 1994 through January 5, 1995, in a CVCBD, Subarea 7 (Castro Valley Central Business District Specific Plan, Subarea 7) District.

April 13, 2011, Site Development Review - Signage, PLN2011-00004, approved new signage, in a CVCBD, Subarea 7 (Castro Valley Central Business District Specific Plan, Subarea 7) District.

April 25, 2013, Administrative Conditional Use Permit, PLN2013-00070, approved a 4-day parking-lot sale – two occasions: April 25 - 28, 2013 and May 2 - 5, 2013, in a CVCBD, Subarea 7 (Castro Valley Central Business District Specific Plan, Subarea 7) District.

September 2, 2015, Administrative Conditional Use Permit, PLN2015-00142, approved weekly food trucks event, from September 8 – November 17, 2015, in a CVCBD, Subarea 7 (Castro Valley Central Business District Specific Plan, Subarea 7) District.

SITE AND CONTEXT DESCRIPTION

Physical Features: The project area is located in a parking lot between a large shopping center known as the Castro Village shopping center and Safeway’s supermarket. The parcel currently contains an 8,400 square-foot tire and service center (Goodyear). The property is located between Castro Valley Boulevard, Patio Drive, Village drive, and Redwood Road. The proposed project is located in the tire and service center’s parking lot along Castro Valley Boulevard near the rear of the Safeway’s supermarket. This parking lot has one-way access easement from the Castro Village shopping center development (Patio Drive) through the subject parking lot onto the Castro Valley Boulevard.

Adjacent Area: Located to the north of the proposed project is Castro Valley Bowl. To the east of the proposed project is the Safeway’s supermarket. To the west are small retail building (Lee’s Beauty Salon and Lee’s Nail & Spa) which are not within the Castro Village shopping center development, and does not share the same access driveway or parking area with the proposed subject. South of the proposed project across Castro Valley Boulevard is a large parking area for Pet food Express and Chase Bank.

REFERRAL RESPONSES

Alameda County Community Development Agency, Economic & Civic Department: In an electronic message dated March 21, 2016, ECD Staff states that The Economic & Civic Development Department recommends approval of the weekly food truck event at 3430 Castro Valley Blvd. The Food Truck event was a huge success in its 2015 kick-off season, attracting large numbers of residents to the downtown commercial district. This type of popular weekly event serves to showcase other businesses in the downtown, encouraging residents to return to shop and dine. It also serves to attract new customers to the area who may have come just for the food trucks but discover all that downtown Castro Valley has to offer. With its location next to the Village Shopping Center, the food truck event offers their merchants an exciting opportunity for cross-marketing and promotions to benefit from the large numbers of event attendees.

Alameda County Public Works Agency, Land Development Department: In a referral response dated February 24, 2016, the Land Development stated no comments on the application.

Alameda County Department of Environmental Health, Unit 5 – Mobile Food Facilities and Temporary Events: In an electronic message dated March 11, 2016, Health Development staff states the event sponsor is required to apply for a Temp Event Sponsor Permit with this department.

Alameda County Fire Department: In a referral letter dated March 9, 2016, the Fire Department staff stated, review of Planning referrals are usually based on information and plans that lack sufficient information and details for specific comments. The primary focus of the department review is to assure fire access to the site. Specific fire and building code issues will be addressed during the fire inspection and fire clearance process.

The following conditions shall be met prior the insurance of a fire clearance for occupancy.

1. Fire Department access as shown on the site plan to be maintained accessible at all time.
2. No Fire Code Regulated Activity/Use Permit is required. No fire inspections required.

Alameda County Public Works Agency, Building Inspection Department: As of this writing, no comments have been received.

Crosspoint Realty Services, Castro Village Property Manager: As of this writing, no comments have been received.

PROJECT DESCRIPTION

The proposal is for 2016 Weekly Food Truck Event in Castro Valley's downtown area. The event will happen every Tuesday evening between 6:00 pm. and 9:00 p.m. in the parking lot of Goodyear Certified Tire and Service Center, from April 26, 2016 through December 27, 2016 (total of 36 evenings).

There will be approximately 5 food truck spots along the perimeter of the parking area of the Goodyear Certified Tire and Service Center. Approximately 6 folding tables and related chairs will be available in the parking area lot for attendees. Un-amplified live music will be located on the west side of the parking area for entertainment each week. The events are sponsored by the Castro Valley/Eden Chamber of Commerce, who would be responsible for the set up and take down of the area each Tuesday.

Each participating food truck is self-contained with counter and kitchen (fryer, stove, cooler, sink, fresh/heated water, ventilation system, etc.). Each truck will provide its own garbage receptacles for outside their truck area, which will be taken away by each truck operator at the end of each weekly event.

Two existing access driveways to the event parking lot: from Castro Valley Boulevard, and at the driveway access to the Castro Village shopping center managed by Crosspoint Realty, located in the adjacent property to the west, will remain clear. Only pedestrians are allowed into the event area from the both driveways. The project also proposes to keep clear an existing 27 feet wide driveway in the event of a need for emergency vehicles during the event hours.

There will be at least two on-site "port-a-potties" for food truck operators and attendees, and two restrooms available for use by the patrons, located at the Castro Valley/Eden Chamber office across Castro Valley Boulevard. These are the only available restrooms, which are across the street, setting up the potential conflict of pedestrians jay-walking across Castro Valley Blvd to get to the Chamber restrooms instead of walking around at the intersection. The applicant/owner shall provide to the Planning Director evidence of a contract with a portable restroom ("port-a-potty") company to install at least two "port-a-potties" on-site for the duration of each event.

STAFF ANALYSIS

Conformance with General Plan:

The site lies within the Castro Valley General Plan adopted March 27, 2012. The Plan designates the site as Core Pedestrian Retail (CBD-5). The goal for the Core Pedestrian Retail is to renovate and add new public and private facilities to create an integrated, attractive, pedestrian-oriented retail area which serves as the heart of Castro Valley. The proposed food truck event is consistent with the Plan.

Conformance with Castro Valley Central Business District Specific Plan:

The site lies within the Castro Valley Central Business District Specific Plan dated January 7, 1993. The Specific Plan designates the site as Sub Area 7 – Intensive Retail Core (Central Castro Valley

Boulevard/Redwood Road). Development in this subarea must reflect its position as the community's business core and is limited to intensive retail and service commercial outlets which complement each other. New development should relate to existing adjacent development, should be designed to provide interconnection with potential new development on adjacent underdeveloped parcels, and should be on parcels large enough to accommodate appropriate development.

Conformance with the Zoning Ordinance:

The site is zoned as per the Specific Plan, see above discussion. State law states that a specific plan may be administered as Zoning Policies and Regulations, which take precedence over and replace standard zoning and the provisions of the Alameda County Zoning Ordinance and other County regulations. Where the Plan is silent, provisions of the Zoning Ordinance and other County regulations and policies apply.

Conformance with the previous Conditions of Approval:

The previous food trucks event was approved on September 2, 2015 under Administrative Conditional Use Permit, PLN2015-00142, with expiration on November 17, 2015. The administrative conditional use permit approved temporary weekly food truck events, with a total of 11 Tuesday evenings, from September 8 to November 17, 2015, between 5 p.m. - 9 p.m., subject to 19 conditions, which were met.

Parking: Approximately 37 parking spaces will be taken for the proposed event which will not be available for on-site parking during the event hours. Neither the Castro Village shopping center development nor Safeway have agreed to use of their parking lot for the proposed event staff and its attendees. Although the proposed event will only happen once per week after the Certified Tire and Service Center business is closed each Tuesday, currently the only event parking available is on-street parking in front of the subject property along both sides of Castro Valley Boulevard.

Signage: The Castro Valley Central Business Specific Plan prohibits banners, streamers or bunting without special permit (Section 1.15.4)

The proposal includes putting up a 3' by 6' temporary banner on the Certified Tire Service Center before each event and taken down at the conclusion of each event. Signs located on the south side of the building face the front parking lot and Castro Valley Boulevard. Planning Staff recommends that a sign plan should be submitted for review and approval by the Planning Director as a condition of approval.

Currently there are existing streamers (flag pennants) installed on building and in the parking area. The streamers (flag pennants) are in violation of the specific plan and have to be removed prior to the food truck event.



Existing streamers (flag pennants) installed on building and in parking lot.



Existing streamers (flag pennants) which are in violation of the Castro Valley Central Business District Specific Plan.

Noise: No amplified music is allowed during the duration of the event, only un-amplified live music is allowed which will be provided and arranged by the Castro Valley/Eden Chamber.

Lighting: All exterior lighting shall be directed away from adjacent properties, and no light fixture shall shine above the horizontal. The event parking lot has existing exterior light poles located around the parking lot directed into the proposed parking (event) area, and shall not required any additional lighting.

Food Truck Event Summary: The proposed food truck event would be open for business every Tuesday between 6:00 p.m. to 9:00 p.m. Food Trucks will arrive and set up between 5:00 p.m. to 5:30 p.m. and be removed by 10:00 p.m.

Summary: As proposed, if the proposed parking lot is found to be adequate for the food truck event, the proposal at this location meets the overall intent of the General Plan and Specific Plan.

CONCLUSION

Approval subject to plans marked “Exhibit A” received on February 22, 2016, on file with the Alameda County Planning Department and the following conditions:

1. This permit authorizes a temporary 2016 Food Trucks Event, every Tuesday from April 26, 2016 through December 27, 2016 (total of 36 evenings), between 6 p.m. and 9 p.m., subject to “Exhibit A”, on property located at 3430 Castro Valley boulevard, unincorporated Castro Valley area of Alameda County, Assessor’s Parcel Number: 084A-0080-019-03.

PERFORMANCE STANDARDS

2. Compliance with all laws and Regulations. Prior to issuance of Demolition, Grading, Site, Stormwater, Encroachment, or Building Permits, the applicant, property owner, or successor shall provide to the satisfaction of the Alameda County Public Works Agency, and the Alameda County Planning Director, evidence of compliance with all laws, policies, and regulations applicable at the time of application for respective Demolition, Grading, Site, Stormwater, Encroachment, or Building Permits.
3. Indemnification. The applicant, property owner, or successor shall defend, indemnify, and hold harmless Alameda County or its agents, officers, and employees from any claim, action, or proceeding against Alameda County or its agents, officers or employees to attack, set aside, void, or annul PLN2016-00019, Administrative Conditional Use Permit, or any subsequent Permit. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by Alameda County in its defense. The County shall promptly notify owner or successor of any such challenge.
4. Responsibility for fees. The applicant, property owner, or successor shall be responsible for payment of all reasonable costs associated with the necessary permit processing or inspections of the conditions of approval contained in the authorization of the facility, including costs incurred by the Community Development Agency, the County Fire Department, the Building Inspection Division, the Public Works Agency or any other applicable Federal, State or County department or agency. Nonpayment of fees may subject the permit to revocation in accordance with conditions of approval herein and per the Alameda County Zoning Ordinance Section 17.54.030.

5. Any proposal of Administrative Conditional Use Permit in the years to follow will be required to be submitted at least 60 days prior to the intended beginning date of operation.
6. **Prior to Operation of the Event Activities**, the applicant/owner shall obtain a Sponsors of Food Facilities at Temporary Events in Alameda County permit for the proposed event from the Alameda County Environmental Health and submit a copy to the Planning Department.
7. **Prior to Operation of the Event Activities**, the applicant/owner must remove the existing streamers (flag pennants) from the property, and shall not be reinstalled at any time. All signage for the event shall comply with the County Zoning Ordinance.
8. **Prior to Operation of the Event Activities**, the applicant/owner shall provide to the Planning Director evidence of a contract with a portable bathroom (“port-a-potty”) company to install at least four “port-a-potties” (one of which is to be Handicap accessible) on-site for the duration of each event.
9. **Prior to Operation of the Event Activities**, the applicant/owner shall provide to the Planning Director written evidence that communication and cooperation was sought from the property owner and property management company of the Castro Village Shopping Center to install “No Event Parking” signs on Castro Village Shopping Center property.
10. At all times, no placement of tents or canopies is allowed on the premises during the operating hours.
11. There shall be no more than five (5) food trucks on the subject at any one time.
12. Hours of operation shall be limited from 6:00 p.m. to 9:00 p.m. every Tuesday from April 26, 2016 through April 27, 2016 (total of 36 evenings).
13. Noise shall not exceed noise level maximums listed in the Alameda County General Ordinance, Section 6.60.040 of the County Noise Ordinance. There shall be no amplified sound at any time on the subject property as part of the subject use.
14. There shall be adequate storage of any garbage, litter, and debris produced on the premises with subsequent removal to an approved dumping facility, to the satisfaction of the Planning Director. The site shall remain free of debris, and shall maintain its pre-application condition during non-operating event hours at all times.
15. Any exterior lighting shall be installed in accordance with a permit issued for this purpose by the Building Inspection Department, and any such lighting shall be directed away from adjacent properties. No exterior lighting fixture shall shine above the horizontal (installing lighting screen at the light source so that the light does not shine above the horizontal).
16. Secure approval from and/or maintain compliance with the requirements of the following County agencies:
 - a. Alameda County Environmental Health Department, 1131 Harbor Bay Parkway, Alameda, CA 94502, (510) 567-6700;
 - b. Alameda County Fire Department, 399 Elmhurst Street, Suite 141, Hayward, CA, 94544, (510) 670-5853;

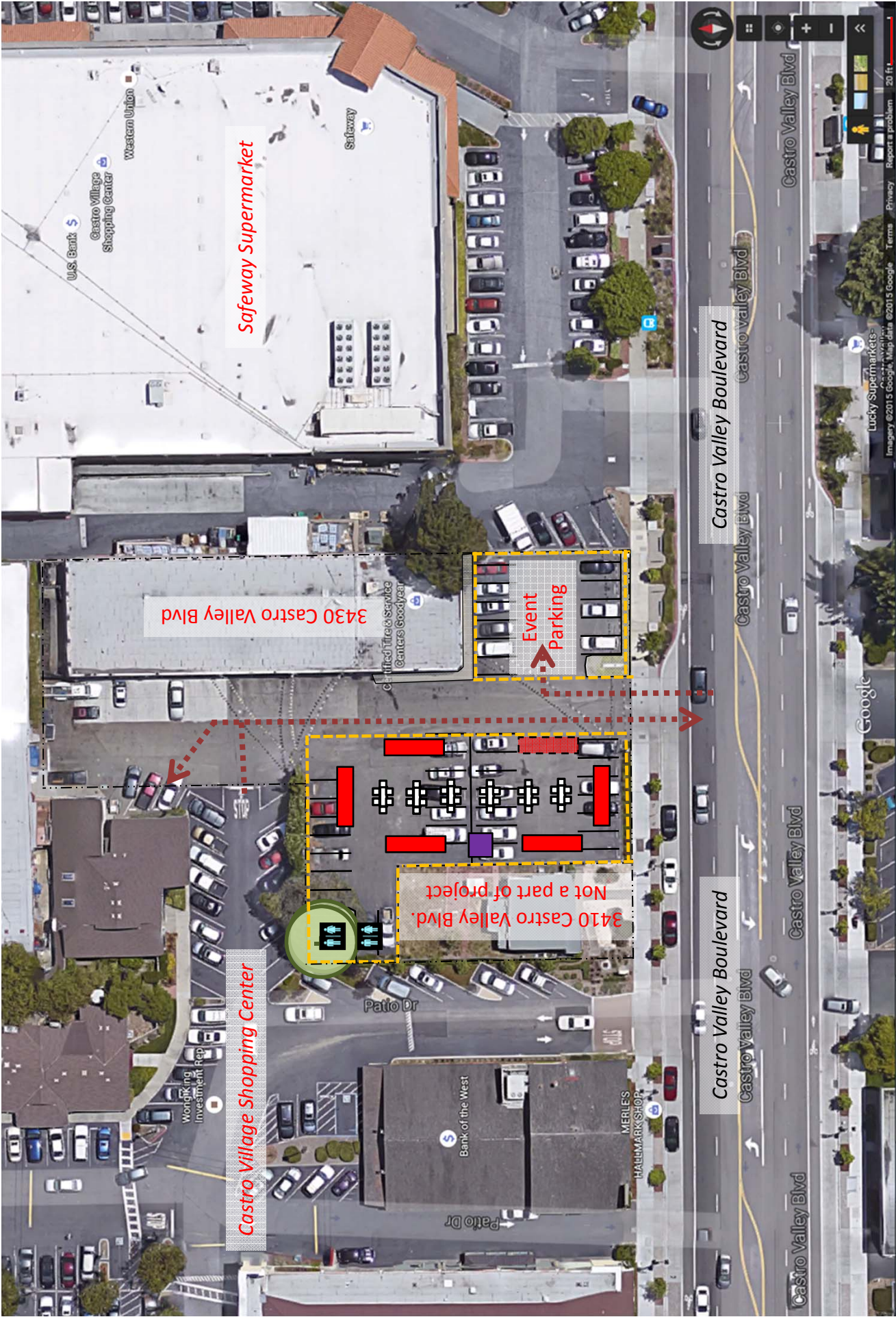
- c. Public Works Agency, 399 Elmhurst Street, Suite 141, Hayward, CA 94544, (510) 670-5480.
- 17. All signs to be installed in conjunction with this permit for purpose of identification, advertisement, or direction shall be in compliance with County Zoning Ordinance as to size, height, and location refer to in Section 17.52.520.
- 18. Failure to comply with any of the above conditions without prior written agreement from the Planning Department will nullify this permit.
- 19. This permit shall expire on December 27, 2016, at 10:00 p.m.
- 20. The permittee/property owner shall remove all improvements authorized under this permit from the site and the property shall be returned to its pre-application condition as specified by the Planning Director when the subject permit expires.

ATTACHMENTS

Project Referral Comments
Supporting Document
Graphics

PREPARED BY: Pat Anekayuwat
REVIEWED BY: Rodrigo Orduña

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Castro Village Shopping Center

Safeway Supermarket

3430 Castro Valley Blvd

3410 Castro Valley Blvd.
Not a part of project.

Event Parking

Castro Valley Boulevard

Castro Valley Boulevard

Castro Valley Blvd

Castro Valley Blvd

Castro Valley Blvd

Castro Valley Blvd

Food truck 7'-6"W x 23'L approx.

Folding table and chairs

Port-a-Potties

10'W x 10'L un-amplified live music area

Existing Vehicle Access Ingress / Egress to remain

Physical barrier impedes pedestrian access

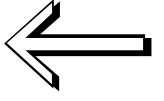


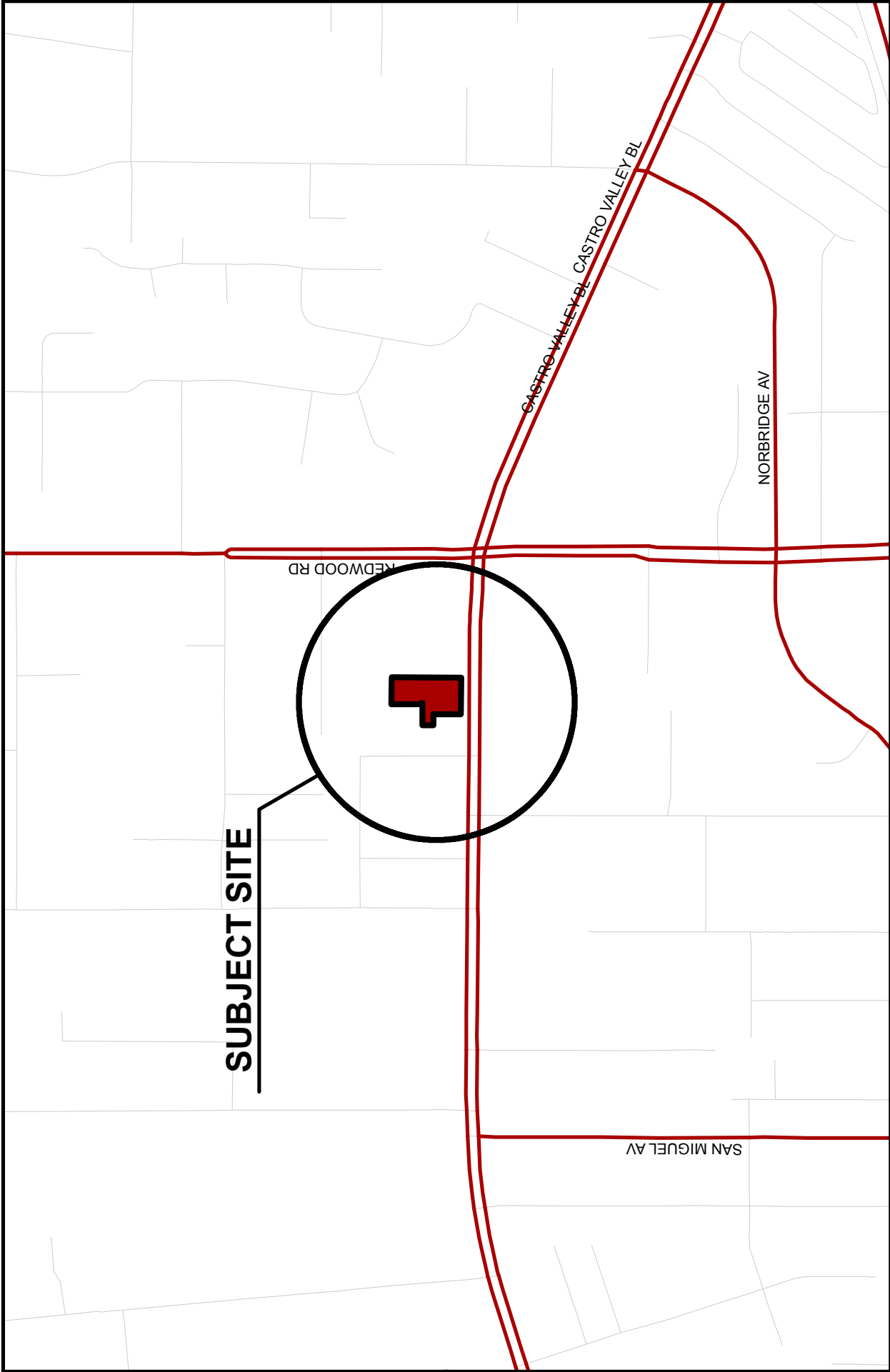
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PLN2016-00019
AERIAL PHOTO

Alameda County CDA - Planning Department





PLN2016-00019
VICINITY MAP

Alameda County CDA - Planning Department

