

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL  
MINUTES FOR AUGUST 26, 2002**

(Approved as submitted September 9, 2002)

1. **CALL TO ORDER:** The Chair called the meeting to order at 7:30 p.m. **Councilmembers present:** Andy Frank, Chair; Dean Nielsen Vice Chair, **Councilmembers** Jeff Moore, Ineda Adesanya, Carol Sugimura, and Ken Carbone . **Councilmembers excused:** none. **Staff present:** Ron Gee, Tona Henninger, Maria Palmeri, and Bob Swanson. There were approximately ten people in the audience.
  
2. **APPROVAL OF MINUTES OF AUGUST 12, 2002**  
  
**Mr. Nielsen moved, seconded by Mr. Carbone, that the Council approve the minutes of August 12, 2002, as submitted.**  
  
**The motion passed 6/0 with Mr. Moore abstaining.**
  
3. **PUBLIC ANNOUNCEMENTS:** There were no public announcements.
  
4. **VARIANCE V-11656 - TRADER JOE'S** - Application to allow placement of a freestanding sign with a 10 feet setback where 41 feet is required, in a C-1 (Retail Business) District, located at 22224 Redwood Road, east side, approximately 100 feet north of Grove Way, unincorporated area of Castro Valley, bearing County Assessor's Designation: 085-0510-003-00 (Continued from August 12, 2002).

Councilmembers Carbone and Nielsen excused themselves from the meeting.

Mr. Gee presented the staff report. He said the proposal would allow installation of a freestanding pole sign with three attached sides, 15 feet in height, with a 10 foot setback where a minimum 41 feet is required. The new sign would be located at the southwest corner of the property, at the intersection of Grove Way and Redwood Road. The three-sided sign (similar to the Montgomery Ward sign that was at Bayfair Mall) would be placed such that it could be visible to southbound traffic on Redwood Road, westbound traffic on Grove Way, and northbound traffic on "A" Street coming from Hayward. The proposed sign faces measure 13 feet wide by 6 feet high with a total area of 78 square feet per side. The total sign area for all three sides would be 234 square feet. The sign would be erected on one 15 foot tall pole. The sign would not be illuminated. The pole would only have an attached light directed towards the parking lot for safety and security purposes. The light would only be kept on during business hours.

The sign setback from Redwood Road is the main issue of this variance . The proposed sign would be 10 feet from the edge of Redwood Road instead of the minimum 41 feet required. The Castro Valley Chamber of Commerce recommended that the pole sign not be approved. Instead, they suggested two alternatives to allow: 1) one, reduced size, two-sided, low profile monument sign in the same corner location, or 2) separate low-profile monument signs at the driveway entrances along both Redwood Road and Grove Way. The monument signs should provide adequate line-of-sight and visual clearance for vehicles and pedestrians. They also recommended that additional landscape improvements be installed along Grove Way property frontage on either side of the access driveway.

Mr. Jim Warren, from Continental Sign Company and representing the applicant, stated that they do not want to install monuments signs at this corner, as suggested by the Castro Valley Chamber. A monument sign does not provide visibility as a pole sign would. Because of the uniqueness of the corner and how it curves, the pole sign would be best for this site. He welcomed input from Councilmembers and the public.

Ms. Rivet asked that County staff explain the setback and how it is calculated at that corner. Discussion ensued between Councilmembers, Mr. Warren, and Mr. Gee on setback requirements for the sign.

Mr. Charles Mortifur, representing the First Presbyterian Church, said that Trader Joe's is the best tenant they could have for this location. They are very pleased to have Trader Joe's at this particular location and they do not favor a monument sign. They feel that the pole sign will give them clear sight in both directions. It is important to the Church not to create a hazardous situation at this corner.

Discussion ensued between Councilmembers on type of sign, location, and aesthetics of the signs. They had no problems with the sign proposal as submitted but asked that Mr. Warren come up with some variations on the material used for the sign. Ms. Sugimura asked about the height of the sign from the floor. Mr. Gee explained that it is 4 feet from the ground.

Mr. Warren suggested that he could cover the pole. Mr. Moore stated that he would like to see more than the pole covered, the type of material used was his concern. All Councilmembers asked for less plastic and steel and some suggestions on different material for the sign.

Councilmembers asked that applicant come back to the Council in two weeks with three drawings and suggestions for material to be used on the signs.

**The Chair continued this item to September 9, 2002.**

- 5. CONDITIONAL USE PERMIT C-8032 - GIBBS** - Application to allow continued occupancy of a caretaker's unit on a parcel containing approximately 264.75 acres in an A (Agricultural) District, located at 25226 Palomares Road, east side, approximately 0.5 miles south of Palo Verde Road, Castro Valley, bearing County Assessor's Designation: 085A-2700-013-00.

Mr. Gee presented the staff report. The proposal would allow continued temporary occupancy of a mobile home as a residence for persons employed in the agricultural use of the property, a specific Conditional Use in the A (Agricultural) District. The parcel is approximately 265 acres. The property is large and requires maintenance and a caretaker to be present at all times. The applicant has requested that the permit be valid for a three-year period, consistent with Zoning Ordinance, which defines three years as the maximum term permitted. He noted that there were no significant comments from the referral agencies, and staff had received no calls or letters on the project.

Mr. Dennis Gibbs, applicant, stated there has not been any changes since the last time he applied and was granted a Conditional Use Permit. This is a renewal of the previous Conditional Use Permit.

Mr. Nielsen stated that he visited the site and the property is well cared for and clean, the home is not visible from the street.

**Mr. Carbone moved, seconded by Ms. Sugimura, that the Council recommend approval of the Conditional Use Permit subject to the conditions and planning considerations outlined in the staff report, and the extension of the conditional use permit to 5 years. The motion passed 7/0.**

6. **CONDITIONAL USE PERMIT C-8044/VARIANCE V-11648 - POLYZOS** - Application to allow an approximately 640 square foot detached secondary dwelling unit in front of the primary unit with a five foot side and rear yard where ten and twenty feet, respectively, are required, on a parcel containing approximately 12,640 square feet (0.29 acres) in an R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle Storage) District, located at 2547 LaDon Court, north side, approximately 300 feet west of Stanton Avenue, Castro Valley, bearing County Assessor's Designation: 084A-0210-006-09.

Mr. Gee presented the staff report. He stated that the proposal is to construct a 640 square foot secondary dwelling unit, which would be located in the front half of the lot in front of the existing 1,800 square foot primary unit. The secondary unit would not be attached to the primary unit. The intent of the Ordinance requirement to locate the secondary unit behind the primary unit is clear in that a secondary unit must be subservient to the primary unit. The side yards are proposed to be five feet where the requirement is eight feet. The side yard setback is eight feet, based on the lot width, from the remainder of the northern property line and from the eastern and southern property lines. The primary unit is located about 60' back from the street access. There is approximately 95' from the front of unit to the property line at the opposite end of the lot. The secondary unit would be located in this area. The unit would consist of a kitchen, dining area, living room, bedroom, and bath. Applicant proposes an attached single car garage for the secondary unit with a 12' wide driveway from the street. He noted that there were no significant comments from the referral agencies, and staff had received no calls or letters on the project.

Mr. Nielsen expressed concerns with the property line measurement and right of way. He suggested that the plot plan as drawn was not accurate. Discussion ensued between Councilmembers and County Staff on the accuracy of plot plan. Mr. Moore stated that from his calculations there might be a three foot variation, which is minor.

Mr. George Polyzos, applicant, stated that he wants to use the unit for his mother-in-law. He said that his lot is odd sized and that is why he is placing the secondary unit at the location shown on the drawings.

Ms. Sugimura suggested that applicant move the whole building over three feet so that the only variance they need is the one for the secondary unit to be located in front of the main dwelling. Mr. Carbone stated that under the circumstances this particular project makes sense. This is a unique situation and the secondary unit could not be located in any other place on the parcel.

Mr. John Ryzanych, resident at 2490 McCloud Avenue, stated that the Council should not make a recommendation on this item but rather continue it to another date. He stated that the adjacent neighbors had not had a chance to review the proposed project. He would like to review the plans before the Council makes a recommendation. This plan would affect property values and change the character of the neighborhood. He does not feel that the applicant should be able to get a variance for this project.

Ms. Denise Herdt, resident at 2482 McCloud Avenue, stated that she did not know about the project until last night. Her concerns are the same as Mr. Ryzanych. There was no further testimony.

**Ms. Adesanya moved, seconded by Mr. Moore, that the Council recommend approval of the Conditional Use Permit and Variance to allow the secondary unit in front of the primary unit, but denial of the two Variances to allow the five foot side yards by moving the building another three feet, subject to the conditions and planning considerations outlined in the staff report.**

**The motion passed 7/0.**

**7. DISCUSSION OF SCHEDULING OF MATTERS TO BE HEARD BY THE WEST COUNTY BOARD OF ZONING ADJUSTMENTS.**

Mr. Dennis Botelho, Chair of the West County Board of Zoning Adjustments, asked that Council recommend that items heard by MAC be heard by the BZA two weeks from the MAC meetings. He stated that this should give BZA members a chance to read the MAC minutes and take into consideration the recommendation of the MAC board when making their decision.

Councilmembers discussed when meetings should be scheduled and asked Mr. Botelho if a draft copy of the minutes would be acceptable. Mr. Botelho answered yes.

**Mr. Moore moved, seconded by Mr. Carbone, that the Council recommend to the Planning Department that MAC items be heard by the BZA two weeks following the MAC meetings, and provide BZA members with a draft copy of the MAC minutes.**

**The motion passed 7/0.**

**10. PUBLIC COMMENT:** There was no public comment.

**11. CHAIR'S REPORT:** The Chair announced that the next Unincorporated Services meeting will take place on September 25, 2002.

**12. COMMITTEE REPORTS:** There were no Committee Reports.

**13. STAFF ANNOUNCEMENTS, COMMENTS, AND REPORTS:** Mr. Gee informed Councilmembers that Safeway has applied for a Conditional Use Permit to have trailers placed at their location during the construction and remodeling of the store.

Councilmembers expressed their concerns about the increase in graffiti in the community. Mr. Swanson stated that his office is working on having a meeting to discuss graffiti issues in the area.

**14. COUNCIL ANNOUNCEMENTS, COMMENTS, AND REPORTS:** There were no Council announcements, comments, or reports.

**15. ADJOURN:** There being no further business, the Chair adjourned the meeting at 8:50 p.m.

**NEXT MEETING DATE: SEPTEMBER 9, 2002**

