

**SUMMARY MINUTES OF MEETING  
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL  
JUNE 14, 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:** Rodrigo Orduna, Nisha Chauhan, Michael Flemming 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:**

**SAFE PATHWAYS TO SCHOOL** – Chuck Moore said at the Supervisor Miley’s Ag meeting last week, they spoke on a traffic study at Crow Canyon and coming up with safe zones per AB43. The Chair asked about a timeline. . Member Moore said a committee is looking at it.

**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. – There were no speakers for Open Forum.

**APPROVAL OF MINUTES** – *May 24, 2021. Member Moore said on page 3, the motion should read 6/1. Member Prokopoff asked that the following corrections be made: page 2 Member Mulgrew is misspelled and page 5, the motion should be 6/1 as he voted no. The Chair said the approval of the minutes are being moved to the next meeting until the corrections are done.*

**CONSENT CALENDAR** - No items.

**REGULAR CALENDAR**

**PRELIMINARY REVIEW OF PLN2021-00064, CONDITIONAL USE PERMIT, SITE DEVELOPMENT REVIEW, REZONING, AND BOUNDARY ADJUSTMENT, FA YUN CHAN**

**TEMPLE** – Application to allow a religious facility, with conversion of an existing residence into staff dorms and adding (3) Buddha statues & associated meditation trials, and construction of (5) new buildings and site improvements for the proposed private buddhist temple complex, in the R1-CSU-RV, C-1, and A Districts, located at 7825 Crow Canyon Road, east side, 500 feet south of Norris Canyon Road, Castro Valley area of unincorporated Alameda County, with 13 separate Assessor’s Parcel Numbers, including: 085-4060-001-09, 085-5000-001-01, 085-4060-001-26, 085-4050-001-04, and 085-4050-002-00. The status of the project with respect to CEQA requirements has yet to be determined, however a project initial study will be required. **Staff Planner: Damien Curry**

Damien Curry presented the staff report. The project site consists of thirteen separate parcels, ranging in size from 5,000 square feet to 64 acres. The parcels will be joined by a boundary adjustment process and it would be an administrative process. This project will require approval of a conditional use permit, a site development review and a rezoning because the zoning designations for the parcels in question, one is a C1 (commercial),

and others are zoned R1 (single family) and some are zoned Agricultural. These are not consistent with resource management land use designation and the rezoning would be required. The process could take a while and involve various boards. There is some unpermitted construction on site. The property is within the boundaries of the Norris Canyon Property Owner's Association which manages water but this property is not a member due to legal reasons and failure to follow the by-laws. He spoke on the boundary adjustment process for the parcels, traffic impact, and the new proposed 5 buildings. Staff recommends the Council consider this report, take testimony, and provide the applicant with comments and guidance.

The Chair asked about occupancy for the new buildings, traffic impact and what is the plan?. Staff said phase 1 is the initiation of the project utilizing the existing building. It will be used for limited programs, Sunday afternoons with 10 to 20 participants. The Chair asked what is the final impact of this project? Is it going to be 500 people. Rodrigo Orduna asked Damien Curry if he knows the number of people that will attend the events. Staff said the applicant may address the question.

Member Moore asked about the square footage of the buildings. Damien Curry said the site is approximately about 100 acres total. He shared an exhibit showing the five parcels that are being proposed for the boundary adjustments which is approximately 100 acres. Member Prokopoff asked if people will be staying at this location. Member Killebrew said the information about the boundary adjustment and need to finance the property is confusing. Member Mulgrew asked about the letter of opposition to the project. Staff said there was a phone call of opposition. Member Mulgrew asked how does a remainder parcel become a developable parcel. Staff said combining with one of the other parcels, and having frontage to a county road. Member Thomas said this property was a member of the association. Staff said the association has a communal cooperative water venture to supply water to the current 20 residential sites in the Norris Canyon area. The previous owner used too much water and was terminated from the association. The Chair asked about water for the project. Staff said there is a well on site and will be further developed to accommodate the development. The Chair asked if everyone in the canyon shares the same water table. Member Moore said he drilled that water well but not sure if everyone shared the same water table.

Public comment was open.

The applicant's architect presented a power point regarding the project. The operation events will only be offered to the temple's members on Sundays. She spoke on the five new buildings, landscaping plan and entry wall. The plan is to have religious events and 150 people attendance is the limit. There will be a shuttle bus service from Oakland to this location. She expanded on phase two and the construction of the new buildings. She asked for comments and questions.

Dan Davini said the notification and range of this is 1000 feet. He asked that notifications be sent to the whole canyon. He asked about the purpose of this project and the numbers mentioned seemed to be small for the scale of this project. Is this for members only or open to the general public. The proposed structures fit into one parcel and the other parcels are left empty. These parcels should be combined into one parcel.

Diana Hanna, longtime Castro Valley resident, said she nothing against churches, but the fact is that this is ag land. She expressed concern about the large buildings and lack of water. This project has nothing to do with ag and is not benefitting the community. People being shuttled from Oakland. They do not pay taxes and the community will be paying for any needed infrastructure.

Kelly Abreu questioned the number of people for such a large facility. If the attendance is more than 50 people the applicant will be required to install sprinklers and exit signs. In the City of Fremont these types of facilities are coming up, one with 1000 buddhas in a remote canyon and the city has rigorous enforcement. The County does not do enforcement.

The Chair said this is only a preliminary review. He questioned about allowing this project to do a rezoning and that the same opportunity should be given to everyone in the canyon. Rodrigo Orduna explained that all religious facilities projects have to be reviewed. The Chair said the process should be equal to all.

Member Ratto considering all of the zoning changes, how does this benefit Castro Valley when there is no taxes. Member Thomas asked about permanent staff once phase two is done. The applicant said there will be five permanent staff. For phase two, expecting less than 20 people will live there. During the events, 150 are expected and about forty will be spending the night. The events will be four times a year. Once a year there will be a seven-day event. Member Moore said he has been at the property several times, the concern is the water. When facilities have no water, and there is an event with 100 people, the amount of water consumed is astronomical and is pretty certain that everyone in the canyon will be affected. If there was city water, it would not be a concern. Member Mulgrew he did not understand if the purpose is to promote diversity and cultural awareness why is the public not allowed. It would be much better to allow people to visit the site and learn about buddhism. The applicant said the public is welcome so they understand what this is about. He said they will try to accommodate that. He explained the some of the parcels will, in the future, be used for meditation retreat area, but if the council wants one single parcel, the applicant is willing to accept that.

Damien Curry wanted to clarify that in regards to rezoning the project does not require a rezoning for a religious use, the religious use is conditionally permitted in all districts. The rezoning is required where for a property where discretionary permit is required and the zoning is not consistent with the general plan designation, which is the resource management district, the two parcels that are zoned C-1 and R-1 are not consistent and need to be rezoned to Ag.

The Chair said that this project will put a heavy burden on the water use for the canyon. Some of the comments heard were related to the combining of parcels and the applicant said that there are future plans for the parcels. The applicant needs to be a good neighbor.

**PLN2021-00073, CONDITIONAL USE PERMIT, VALLEY GOSPEL HALLS/NEELU YADAV -**

Application to convert an existing pre-school/day care building to a church with minimal proposed site improvements. The lot is designated under the *Castro Valley General Plan* (part of the Alameda County General Plan) as RMX (Residential Mixed Density) land use classification, and within the RMX (Residential Mixed Density) Zoning District, located at 20166 Wisteria St., east side, north of Ganic St., unincorporated Castro Valley area of Alameda County, with Assessor's Parcel Number: 084A-0130-066-00. This project is Categorically Exempt from the requirements of the California Environmental Quality Act; Article 19, Section 15301, Class 1, Existing facilities. **Staff Planner: William Chin, Action Item**

William Chin presented the staff report. The church will be used for gatherings Sunday, Monday and Friday for 30 to 48 people. All activities will be held inside the building. No additional activities are planned. The required parking is 12 parking spaces. Any additional parking may be provided at the One School Global owned by the church located on Lake Chabot Road. Staff is recommending approval of the conditional use permit to the WBZA allowing the conversion of an existing pre-school/childcare to a church.

The Chair asked about the access to this particular property and the lack of street parking. Adding a facility like this will impact the neighbors. Rodrigo Orduna said the off site parking is being met by the parking spaces on site. Staff read the e-mail from a neighbor with concerns related to parking and traffic impact in the neighborhood.

Member Padro spoke on the needed parking spaces. Two of them have to be ADA, and maybe two will be used by staff. He doubts that people will be enamored with the idea of walking 1 ½ mile to the church from Lake

Chabot to this site. Parking is a concern. Rodrigo Orduna said ADA parking is shown on the exhibit. Member Prokopoff looks like that the building could accommodate a lot more people. Staff said that the applicant envisions 30 to 48 people. Member Thomas said the play structure is being removed for parking spaces. The concern is with parking and doubts that anyone will take the walk from Lake Chabot Road to this site. Rodrigo said the onsite parking is 12 spaces and on-site parking is being met.

Public comment was open.

The architect for the project, Raj Yadav, said he has no concern regarding parking. The applicant is providing maximum parking. He updated the building for ADA access. It is a big improvement to the site. The other thing to consider about parking, the proposal is for four hours a week. There will not be much traffic during the week. If the additional parking is too far, the applicant is willing to provide a shuttle system.

The Chair asked if the applicant has considered other church sites. The applicant said the traffic will be reduced by having a church instead of a day care.

Public comment was closed.

Member Killebrew expressed concern with the change of use and the parking. The Chair said the impacts are too great to support this project. This is not a good site. Member Moore and Prokopoff expressed their concern with parking. Member Mulgrew said he is not concerned with parking. If parking is a concern then the zoning requirements should be changed.

Member Killebrew moved to deny PLN2021-00073. Member Padro seconded the motion.

*Nisha conducted the roll call. Yeas: Members Carbone, Padro, Moore, Prokopoff, Thomas, and Killebrew. Nays: Member Mulgrew. Motion passed 6/1*

**PLN2021-00034, SITE DEVELOPMENT REVIEW, SINGH/MARKEL** - Application to allow for the remodel/reuse of a previous bar into a restaurant to include outdoor seating and new ADA parking, Beer Baron Bar and Kitchen, in the *Castro Valley Central Business District Specific Plan*, Subarea 5 Zoning District, located at 20812 Baker Road. east side, 156 feet north of Castro Valley Blvd., unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084A-0017-030-09. The subject property is 4,550 square feet (0.1 acres). The project is Categorically Exempt from the requirements of the California Environmental Quality Act; Section 15301, Class 1, Existing Facilities. **Staff Planner: William Chin, Action Item**

William Chin presented the staff report. Staff recommends that the council approve the project allowing the reuse of an existing bar with interior and exterior modifications to allow a restaurant with a bar per the exhibits on file and the proposed conditions of approval.

Member Killebrew asked if this is a franchise, one single owner. Staff said yes, and the applicant may reply regarding the question about ownership.

The applicant, said this is not a franchise, it is family owned. The Chair said because of the location the proposal could be very successful. He asked if there is any mitigation to the residential complex adjacent to this site. The applicant said currently he is in communication with the property owner of the office building for a parking agreement.

Public comment was open.

Todd Anglin, Castro Valley Chamber of Commerce, said he is excited about this business. The building was built in 1959. This is number 5 restaurant for this family. He said he likes the business and the renovation. Understands that they are working on the parking with the adjacent neighbor. They have been doing a lot of community outreach and hope for a yes vote from the council.

Victor, a resident living across the street from the proposed project, asked about the hours of operation. He said he currently deals with garbage trucks at 4:00a.m. The applicant said during the week the business will be open until 10:00pm. and during the weekend, until midnight. He said he could consider shutting down the outdoor dining earlier.

The Chair stated that this was an operating bar until recently. Member Thomas asked about security. The applicant said he is hoping not to draw such a crowd. It is more about socializing and a different environment. Member Mulgrew asked about the combined, inside and outside, sitting capacity. Staff responded 100. The Chair spoke on addressing the neighbor's concern. The applicant said should be able to operate the business as planned and if there is an issue in the future, then it can be addressed.

Staff read a letter from a concerned citizen regarding parking. He said the adjacent commercial building closes at 5:30p.m. If the proposal needs more parking then remove the outdoor sitting. Staff said the negotiations of the applicant with the neighbor regarding parking is being addressed.

Public comment was closed.

Discussion ensued amongst councilmembers and staff on how to address parking, potential noise from outdoor dining, and making consistent decisions regarding parking. Rodrigo Orduna reminded the council that the motion should include removing the pole sign.

Member Moore moved to approve PLN2021-000034 with an added condition to remove the pole sign and no outdoor music after 10:00 p.m. Member Thomas seconded the motion.

The applicant said regarding the music, he asked about having a condition regarding the noise decimal, otherwise he is happy as it reads.

*Nisha conducted the roll call. Yeas: Members Carbone, Padro, Moore, Prokopoff, Killebrew, Mulgrew and Thomas. Motion passed 7/0.*

**CHAIR'S REPORT:** None.

**COUNCIL ANNOUNCEMENTS, COMMENTS AND REPORTS:** None.

**STAFF COMMENTS & CORRESPONDENCE:** Chuck Moore spoke on the horse race at the Fairgrounds. Member Padro asked if there is any concern from other members regarding street vendors at street corners. Rodrigo Orduna said California has approved and adopted laws allowing people to sell their wares and move around in

residential areas but in a commercial area, they may stay in one corner. If selling food they need to get a permit from the health department.

**ADJOURNMENT:** There being no further business, the hearing adjourned at 8:16 p.m.

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**ALBERT LOPEZ - SECRETARY**  
**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**