

SUMMARY MINUTES OF MEETING
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
MAY 10, 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 and Jazmin Sanchez

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 – No update.

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.

Kelly Abreu said Castro Valley is the fifth largest census place that is not incorporated. There are very few places that are bigger than Castro Valley and still not incorporated. In effect Castro Valley is its own city and most people think that it is run by the Chair of this committee, but it is run by the Board of Supervisors. Redistricting will have a huge impact on Castro Valley. Supervisor Haggerty was talking about this ten years ago, he said: “Supervisor Miley and I are probably the ones that need to change the district boundaries the most and in ten years the supervisors will be looking at a very radical change in the ways the lines are drawn today. I do not think that the Tri-Valley supports enough population to have its own district but I believe this will happen in ten years”. He could see the importance of this redistricting coming up. The state law that came into effect a year ago it says a district shall be geographically contiguous and that the geographic integrity of local community’s interest shall be respected and districts shall be drawn to encourage geographical compactness such that nearby areas of population are not by bypassed in favor of more distant populations. Castro Valley is part of a very extended district that is not geographically compact and everyone should pay attention to redistricting.

Public comment was closed.

The Chair said he received a letter from Hera Alikian who expressed concern with damaged streets and medians that need to be addressed by Public Works. The Chair said he would like to have this on a future agenda and have Public Works attend the meeting to talk about these issues. The other item is the parking of large trucks and motorhomes on the Center Street overpass. The Chair asked staff about sending a notice to the Sheriff’s office. He said he will forward the letter to Nisha Chauhan.

APPROVAL OF MINUTES – *April 26, 2021. Member Mulgrew asked that the name Peter Lawson on the third page be changed to Peter Rosen. Member Killebrew moved to approve the minutes of April 26th with the change on page three to the name Peter Lawson to Peter Rosen. Member Padro seconded. Nisha conducted the roll call. Yeas: Members Carbone, Padro, Moore, Prokopoff, Thomas, Killebrew and Mulgrew. Motion passed 7/0*

CONSENT CALENDAR - No items.

REGULAR CALENDAR

PLN2020-00292, CONDITIONAL USE PERMIT, FIRST PRESBYTERIAN CHURCH OF HAYWARD/TINY HOMES - CHIZU BUCKALEW – Application for the Mandatory Review of Conditional Use Permit (PLN2018-00061) for the existing six tiny homes providing innovative or unconventional housing to alleviate homelessness located within a church parking lot, in an “CC” (Community Commercial) District, located at 2490 Grove Way, north side, 200 feet, east of Redwood Road, unincorporated Castro Valley area of Alameda County, designated Assessor’s Parcel Number: 416-0030-014-03. The project is Categorically Exempt from the California Environmental Quality Act, Article 19, Section 15301, Class 1, Existing Facilities. **Staff Planner: Christine Greene – Action Item**

Christine Greene presented the staff report. Staff said the purpose of this permit is to conduct a mandatory review as required by the original conditional use permit. Based on public input and comments received by the Sheriff’s Office this matter was scheduled for a public hearing. The input from the public included a lack of landscaping maintenance on church site, increase in burglaries to the adjacent commercial/residential properties, and increase in the amount of homeless in the area and numerous RVs parking on Grove Way. The applicant responded to the comments and said that the calls to the Sheriff’s is not related to the tiny homes project. The parking of RVs on Grove Way is not on the church parking and is on the right of way. The applicant met with the Sheriff’s Office to discuss the parking issues on Grove Way. The solution would be to limit parking to a 2-hour time limit or prohibit overnight parking. The Sheriff’s Office reported that the area has experienced a significant increase in the number of calls. It is essential that the church staff and security personnel of the tiny homes project adhere to the security protocols proposed in the security plan, including following all local laws and regulations, maintenance of security camera system, parking lot maintenance and adherence to the noise ordinance after 10:00 p.m. If this application is to continue to operate then the use cannot have dramatic impact to parking, traffic noise or access to adjacent homes or business sharing and operating in the same area. The tiny home project cannot impede the ability to law enforcement, medical or fire personnel to access the property. Planning staff visited the site and noticed that there were three storage containers on site. Staff has added a condition #6 of approval that the church remove the storage containers within thirty days of approval. And condition #7 requires that within 60 days of approval, a detailed security plan, including the pathway the patrol travels the property and number of times the pathway is completed, approximate time schedule of when the patrols occur, and to maintain the current 24-hour security personnel. Staff’s recommendation to the Council is to approve the conditional use permit to allow continued use of the existing six tiny homes providing unconventional housing to alleviate homelessness located within church parking lot, based on drawings marked “Exhibit A” on file and additional conditions #6 and #7.

The Chair asked if there have been any discussions on an additional mandatory review. Staff said in the condition of approvals, there is a condition for a mandatory review within one year. Member Thomas asked about the Sheriff’s calls for service. He asked what is in the container. Member Killebrew said the storage containers belong to the church and not related to the tiny home project. Member Moore asked about reducing the programs at the church. Staff said she is not aware that the church is willing to reduce any of the programs. Member Padro spoke on the number of calls to the site, it seems that it has escalated due to the tiny homes project. The security program needs to be more specific and have detail. There is a lot of RV parking on Grove Way and there is no parking limitation. It seems that this project is a magnet for pedestrian activity with dogs, bicycles, sleeping bags lined up on Grove Way. It needs to be mitigated so it does not become an eyesore. Member Mulgrew asked staff if she received any feedback from the Chamber or the businesses regarding the project. Staff said she spoke to some of the business owners and they spoke on some of the burglaries. Member Prokopoff asked if the applicant is present and what their thinking is about security protocols.

Public comment was open.

The applicant, Jake Medcalf, said they are operating in partnership and funded by Alameda County Housing Community Development for an overnight winter shelter and resource center for the unhoused. They are also in communication with the Sheriff's office. If anyone is having a physical or mental issue, the Sheriff's Office is contacted. There is a pre-school on site. Everyone who is on the tiny home project is checked. Overall it has been successful, have been able to rotate people thru and put them in permanent housing. The issue on Grove was already there, the homeless situation is a significant issue that needs to be addressed and need creative programs like the current one. The containers belong to the church.

The Chair asked how long the containers have been there. The applicant said they have been there a while. The Chair asked when did the partnership with Alameda County came into play. The project is not a problem but with the additional services is an issue. These programs or partnerships are new. The applicant said providing shelter for the unhoused started three years ago. The thought was to provide shelter for people to sleep on site. The Chair said the bottom line is there is a responsibility to the community and need to find a balance. The tiny homes portion is a small part of what is going on. Member Killebrew said she is always there every Friday and she has not seen a mess on site. The Chair said it is in the alleyway. Member Killebrew asked the Chair about the increase in activity. The Chair said there are a lot of factors, people sleeping on sidewalks, the RV parking, etc. There needs to be a fair balance. It can't impact the surrounding community. The Chair said there should be a list of calls for service. Member Killebrew said the increase in need for social services is really the problem, and not to hold the church responsible. There is a homeless crisis. She said the council should be concentrating on the tiny homes project. The Chair said there have been things added and is affecting the project.

Matt Turner lives on Grove Way, has lived in the neighborhood for 20 years but things are getting worse. It is the reality of living in this neighborhood. They are providing a lot of services and the need will not go away. The two-hour parking is a good idea. Getting enforcement would be a good idea. The neighborhood is suffering.

Member Mulgrew asked if the church or the project have done any kind of coordinated outreach to the adjacent neighbors or community. The applicant said the neighbors have his phone number and sleeping in front of the church is not allowed. The applicant said they are doing their best but can't control everything. Have not had a call from the neighbor in the last six months and if there is one, it is addressed. Member Mulgrew asked if the ancillary programs are bringing problems to the area. The applicant said at one point they thought about stopping the resource center and the Sheriff's Office said they need the service. The applicant said they provide a lot of service including Covid tests, vaccines, and shelter. This shelter has saved five to six lives.

Kelly Abreu said having the direction of causality reversed. These projects are located in troubled areas, none of these are put in Piedmont or Los Altos Hills, then we blame the project on everything else that was already going on before the project. Staff concentrated on the shipping containers and there are so many everywhere. The overpass on Center Street is a Caltrans or Ca Highway Patrol problem. This is happening everywhere. The City of Fremont takes them out and puts giant boulders so they do not come back. There is a growing number everywhere. This is scapegoating the tiny homes project.

Public comment was closed.

The Chair asked about the security for the site. Member Moore said the tiny homes project is not a problem, but the problem is the loitering, hanging out, and the sleeping bags. This is what happens as a result of the project. Support the program but concerned with the combination of issues and need to do a better job of identifying the problems coming out of these programs.

Member Killebrew asked that the tiny homes project be kept separate from all these other programs. There is an increase in homeless and society needs to address on a bigger scale. Member Prokopoff asked the applicant if

he is clear on the security plan. The applicant said he agrees with the condition for security. The Sheriff's department is a partner. The applicant said he has no problems with fixing the security cameras.

Member Mulgrew said he does not see the issues tied to the tiny homes project. The Chair agreed. The issues are separate. He asked staff to have Public Works come to the next meeting and have the item on RV parking on the agenda. Member Thomas asked the applicant if he is okay with the 60 days for the security plan. The applicant said yes. Discussion ensued on condition #6 and the consensus was that the condition should be removed.

Member Padro moved to approve PLN2020-00292 subject to the new conditions of approval, removing number 6 and adding number 7. Member Moore seconded the motion as amended.

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

PLN2017-00206, SITE DEVELOPMENT REVIEW, ABELINO ESPINOZA / APPLE CREEK FARMS

Application to allow the continued operation of a horse boarding facility for up to 80 horses and the continued occupancy of three agricultural caretaker dwelling units, in an "A" (Agricultural) District, located at 7324 Crow Canyon Road, west side, 0.30 miles, south of Norris Canyon road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 085-1700-001. The project is Categorically Exempt from the California Environmental Quality Act, Article 19, Section 15301, Class 1, Existing Facilities. **Staff Planner: Christine Greene – Action Item**

Christine Greene presented the staff report. There are no events proposed. This horse facility has been in operation since 1976. The new owners took over this facility in 2020. There is one outstanding issue with the Environmental Health regarding the wastewater treatment, but the applicant is working with Environmental Health. Staff recommends that the Council recommend approval of the application with the enclosed conditions to allow continued operation of a horse boarding facility for up to 80 horses and the continued occupancy of three agricultural caretaker dwelling units, based on plans filed with the Planning Department. This type of permit will not expire and need a review every five year.

Member Moore said he knows the history of the property. This has been around a long time. There is a lot of work being done by the new owners. A horse facility is not considered ag and that is why the applicant has to meet all these permit requirements.

Public comment was open.

Bruce King, Friends of San Lorenzo Creek, said he reviewed the application today. He was disappointed that the site map showed a lot of development by the creek area. The site development review did not require the applicant to meet the set-back requirement from the creek according to the Water Course Protection Ordinance. It is possible that many of these structures are within the minimum creek setback. He asked council not to approve this application until these issues are addressed.

Ms. Espinoza, the applicant, informed the council that they are available for questions from the council.

The Chair asked staff about the creek comments. Staff said that this is a Public Works ordinance. There are no new structures and the existing ones have been on the site for a while. Could possibly add a new condition for a revised plan to make sure that they meet the creek set back.

Dr. Anne Maris spoke on the San Lorenzo Creek. This is measure D land. The San Lorenzo creek is the most polluted creek in the area. There are ag sources of pollution and there is a need to pay attention to that. There

should be a method for San Lorenzo Creek committee to survey the plans and follow the Water Course Protection ordinance. County employees do not pay attention to this ordinance. This is critical, have to take care of the creek. At a minimum have the site plans defining where the creek is located. Need to take care of the creek and Mr. King was not notified of this project. There is no mention about the creek, support the business but need to protect the creek.

Jenny, a resident of Crow Canyon, said the waste smells during summertime. The new owner needs to find a better way to manage the waste to prevent the air pollution.

Public comment was closed.

Member Killebrew said on the site map shows the cars and trailers parked at that location. The Chair said it is a matter of clean up and keeping those away from the creek. Member Moore said he visits these horse facilities from time to time. People park along the creek, more worried about the runoff from the road. The creek is dry and it has been dry for months. There is no new buildings. Need more ag and need more folks that care about the open space in the area. Do not need to overburden them with expensive review. He said he understands Bruce's position.

Member Thomas asked staff about the waste. Staff said she is complaining about the manure pile. The Chair said this is an ag area, but that comes with being in an ag area. Member Prokopoff said there are abuses of the creek setback. He asked about creek inspection by other agencies. Staff said the council may include a condition.

Member Moore moved to approve PLN2017-00206 as presented by staff and recommendations. Member Thomas asked if a condition can be added to address the creek setback. The Chair asked if that is possible. Staff said could reiterate the water course ordinance and that it needs to be maintained. Member Thomas seconded the motion.

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

PLN2020-00281, CONDITIONAL USE PERMIT - CASTRO VALLEY PARENT NURSERY SCHOOL INC / THORNBERRY, ALISON – Application to allow continued operation of a nursery school for 28 pupils, with 2 sessions per day, 5 days per week, in the "R1-CSU-RV" (Single Family Residential, Secondary Unit, Recreational Vehicle Parking) District, located at 3657 Christensen Lane, south side, 50 feet west from the southern terminus of Almond Road, Castro Valley area of unincorporated Alameda County, designated Assessor's Parcel Number: 084B -0531-006-00. This project is categorically exempt under CEQA pursuant to section 15301 (Existing Facilities). **Staff Planner: Damien Curry-Action Item**

Damien Curry presented the staff report. Staff recommends approval of the application, subject to the proposed conditions.

Public comment is open.

The applicant said this is not a day-care but a cooperative day school and parents work at the school during school hours. Have been in operation before the 80s and have been a school for approximately 71 years and at this location for sixty years. There are very strict parking rules in place and a red zone surrounds the school area. There is no parking at nighttime and in front of the school there is a loading zone for three cars. There is an area to park by the loading zone. No u-turns are allowed. There are enforcement officers that give citations if

go against the parking requirements. It is an amazing school. During Covid was quiet, but hoping to go full time next year.

The Chair asked about the operating hours of the school. The applicant said they are allowed to have 28 students per session and there are two sessions. The younger children come in the morning and older ones come in the afternoon. The vast majority of children are from Castro Valley. There are some families from Hayward. Per session there's always a director and in general there are five parents working during the day. Member Killebrew asked about parking for working parents. The applicant said there is no parking for workers. Most parents park down the street. Tried to be respectable of the neighbors. Member Padro asked about the non-parking around the school. Is it painted red or is it arbitrary. The applicant said they are not painted red and they are just red zones for the parents information. The maps are given to parents so they are aware of the parking requirements. The parking requirements was a condition of the past conditional use permit to address any issues by neighbors. Have added no parking areas since the last permit.

A resident in the area said that school has an excellent level of cooperation with the neighbors. It is somewhat difficult for parents to park far away. He mentioned the parking close to the school and how he thinks it is a bad policy to have these parking restrictions when there is parking available. The parking plan should be fluid. A neighbor that needs parking this year, might not need it next year. Hoping the parking restrictions stay out of the permit requirement and have parking based on basic need of neighbors.

A neighbor said his daughter graduated from this school thirty years ago. This school provides a higher level quality of pre-school and the reason is because the parents are directly involved. Urged the council to approve and keep what is great for the community.

Public comment was closed.

The Chair asked if the neighbors complained about the current parking. The Chair said maybe there was an issue in the past but maybe there is not an issue now. Damien Curry said the parking plan was approved in 1963 for a loading zone and establishment of the school policy regarding making turns. The restriction on parking in front of homes in the vicinity might have been added later.

Member Mulgrew said every morning there are signs prohibiting parking. Have spoken to the neighbors and it is no different than people with handicap parking. The school does everything they can and the neighbors are copasetic with what the school does.

The Chair asked the applicant if she has contacted the neighbors regarding parking. She has contacted certain neighbors about specific issues. Have taken those neighbors into consideration and added the restriction. Have had neighbors that have yelled at the parents. Have told parents to avoid certain areas. The Chair asked if anyone parks on the street all day. The applicant said no, there is only one car that stays all day. The parents have a 2 1/2 hours parking time. The vast majority of the people are walking their children to school

The Chair and Member Moore commented on the zoning and parking. Member Thomas asked how many parking spaces is needed for the school. The applicant commented that there is not a crosswalk which makes it very dangerous to the parents and children. The Chair said to have the flexibility to work with the neighbors would be great. He asked staff to contact Public Works about a crosswalk by the school.

Member Thomas moved to approve PLN2020-00281 with the added condition that they may work with the neighbors regarding parking. Member Mulgrew seconded the motion.

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

The applicant asked if the parking condition is gone. The Chair said no and that she has the ability to work with the neighbors for more parking spaces. Damien said it could be submitted as a piece information to the Planning Director to go in the file. The Chair said a written permission.

PLN2020-00295, CONDITIONAL USE PERMIT, ANDREW MOFFATT- Application to allow the legalization and addition pet crematorium (1230 sf total), remodel of the existing single-story, 3,632 sq. ft. vet. hospital building in a C-1 (Retail Business) District, located on 2423 Grove Way, 200 feet east of Redwood Road, unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Numbers: 416-0030-0026-04. This project is categorically exempt under CEQA pursuant to section 15301 (Existing Facilities). **Per the applicant's request, the item is being continued.**

CHAIR'S REPORT: None

COUNCIL ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Moore said he sent a letter to the Governor regarding AB43 which will help the community in areas close to schools. He will keep the council updated.

STAFF COMMENTS & CORRESPONDENCE: None

ADJOURNMENT: There being no further business, the hearing adjourned at 8:29 p.m.

ALBERT LOPEZ - SECRETARY
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL