

SUMMARY MINUTES OF MEETING
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
MAY 24, 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: 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. – There were no speakers for Open Forum.

APPROVAL OF MINUTES – *May 10, 2021. Member Padro moved to approve the minutes of May 10th. Member Thomas seconded the motion. 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

PLN2021-00076 SITE DEVELOPMENT REVIEW, CRAIG SEMMELMEYER, VICTOR

AMPORNDANAI, FLYING A SERVICE LLC - Application to allow the rehabilitation and remodeling of an existing building for possible retail/restaurant use at 3341-3359 Castro Valley Blvd., at the intersection of Wilbeam Ave. in unincorporated Castro Valley Area of Alameda County, designated Assessor's Parcel Number: 084A-0040-021-02. This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), and State and County CEQA Guidelines (Section 15303-Class 3, consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.) **Staff Planner: Michael Flemming - Action Item**

The Chair excused himself from this item. Member Moore took over as Chair during this item.

Michael Flemming presented the staff report. Staff recommendation is that the Council recommend approval of PLN2021-00076 for the rehabilitation and remodeling of the existing building for a possible retail/restaurant as described in the staff report.

Member Killebrew questioned the number of required parking. Staff said the calculation included the outdoor and inside area according to the parking study that was done for Castro Valley. The requirement is 25 parking spaces. The future business will lease 15 spaces from the Unity Church for employee parking, which brings the total

parking requirement to 10 spaces. The future businesses will have to join the shared parking agreement. Member Prokopoff asked if the agreement already exists. Staff said this location is not part of the agreement, they will have to join the parking agreement with an existing shared parking agreement. Member Padro asked about parking and the 15 spaces to be leased from the church. He asked what prevents the employees from parking on the street. Staff said the employees will be instructed to park at the church, but not sure how the Planning Department can enforce that rule. Member Padro said not sure how council is supposed to evaluate the parking requirement when there is no control over the parking situation. This could create a problem and jeopardize open street parking for the public. Rodrigo Orduna said there is not a condition right now that the property owner has to tell the tenants to abide by the parking agreement. This condition may be added to the conditions of approval to instruct their employees to use the church parking lot. Member Padro said it is important to ensure adequate open parking for the general public.

Member Mulgrew asked if there are other applications that have been able to use public street parking to meet the required parking. Rodrigo Orduna said the parking requirement is in the Castro Valley Business District Plan. Street parking is allowed for residential parking use, not commercial. In this case the street parking is for the public to use for this business or any of the other local businesses. The parking study says that required parking does not have to be on site.

Member Moore asked about bicycle racks and if the outdoor dining area shown on the exhibit used to be a parking area. Michael Flemming said yes, it used to be a parking area and the bike racks could be added to the conditions of approval. Rodrigo Orduna said there is plenty of space, the developer is the same developer that worked on the market place and he is proposing more bike racks in the area.

Public comment was open.

Craig Semmelmeier, the developer, said adding the bike racks is a great idea. He is proposing to add 20 bike racks on the street. This would help encourage employees and customers to ride instead of driving. The enforcement of parking is very important. Due to the proximity to BART, parking on Wilbeam is limited to two or three hours, but it needs to be enforced. The majority of spaces are taken by BART riders or employees. As Castro Valley becomes more vibrant, the parking enforcement would improve sales performance. This building was built in the 1950s. The retro look is very appealing to businesses today. Outdoor seating is critical for the future of businesses. The removal of the parking spaces in the front for outdoor seating is a benefit. He estimates that the site will have 15 employees. He expanded on the proposed project and the shared parking agreement for local businesses. He asked the council to approve the project without a shared parking agreement. Rodrigo Orduna said that the conditions of approval does not include the parking spaces to be located in the shared parking lot. Basically prior to occupancy, the developer needs to provide the Planning Director a shared parking agreement. The expectation is that there will be an arrangement for the parking spaces.

Member Thomas asked if the five parking spaces, if taken out, will outdoor dining take its place. The developer said yes. He expects that this corner will be a favorite place for patrons in Castro Valley. Member Thomas asked if parking is shared in the area in the back, how does that affect the approved parking ratio for the Castro Valley Market Place.

Eileen Dalton, Director of Economic Development, said the shared parking agreement will take a while to go thru and she said they are in favor of the agreement. This place was excluded from the shared parking in the past due of the type of business. The goal for downtown was always to have shared parking. The Castro Valley Market Place is a testament to this development team and to bring high quality restaurants and retail to the area. She said the addition of this member, and the precedent to have employees park offsite has created a better ratio for

parking. The developer said the parking calculation was based upon the existing users on the lot. The parking philosophy is to prioritize customer parking and have employees park off site. It is good policy. It is often not the number of parking spaces but the way it is managed. There is room to bring another business to the shared parking agreement. At the existing parking area, customers from other businesses use the parking, we do not have signs prohibiting anyone from using the parking lot.

Public comment was closed.

Member Killebrew said most of the comments from residents of Castro Valley is that they want a more walkable downtown area. Member Prokopoff spoke on making downtown welcoming to residents and a place where people want to hang out. Member Mulgrove said he supports a walkable, bikable downtown for future generations. He supports the project.

Member Padro moved to approve PLN2021-00076 subject to the conditions of approval. Member Thomas seconded the motion. Member Killebrew wanted to clarify that the applicant is asking to move the project forward and delay the parking agreement. Staff said the project still requires the ten parking spaces. Member Moore said the applicant is asking to have the project move ahead and prior to occupancy have the ten parking spaces secured or join the shared parking agreement.

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

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. Staff recommends that the Council recommend approval to the Planning Director for tentative parcel map, (PM-11122) 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.

Member Padro asked about the entrance for the project. He asked why the reluctance of using Edwards Lane as the entrance for the site. Rodrigo Orduna explained that if the driveway was from Edwards to serve all three lots, it would become a private street and it would need to be 20 feet wide to meet the Fire Department’s requirements. This would reduce the size of the parcels and the parcels would not meet the minimum lot width requirement. Member Thomas noted that about twenty residents of Gregory Street have signed a petition that they do not want the entrance/access from Gregory St.

Public comment was open.

A few residents from Jaydine Street spoke on the additional traffic, cars and need for parking on the street. They expressed their concern with safety due to the bad condition of the road, narrow road, safety for children and

that the entrance from Edwards should be considered. A resident that lives adjacent to the proposed project, spoke on the additional traffic and need for parking.

Nancy, a resident on the lower side of Gregory Street, expressed concern with construction traffic and debris. She urged the Council to deny the project. It is not good for Gregory or Jaydine.

Matt Turner said an increase in density is happening everywhere, but one thing that needs to be considered is the current infrastructure. Additional traffic and parking will be an impact to the neighbors. Six more cars on Gregory is a lot for what is already there.

Mr. Johnson said the access to these lots as proposed is a dead end. This is not a cul-de-sac. This street is very narrow and service trucks back into the street. The fire department already cleared the entrances from Gregory Street. He asked that the applicant look at the east side which would be more consistent with the adjacent neighbors.

Public comment was closed.

The Chair said the property owner has development rights. Consideration has to be given to the issues of concern to the neighbors. The driveway on Edwards for access will make three substandard lots. The entrance on Gregory will provide more parking. In the past we have added conditions of approval to make sure all parking places will be available for parking. Member Killebrew asked for more information on these types of lots. The Chair said these flag lots bring some issues, but a 65' width lot is pretty narrow. Rodrigo Orduna said the driveway off of Edwards will come with CCRs or a neighborhood association. Ideally everyone will pay for maintenance of the street. Public Works has received requests for them to take over some of these private streets for maintenance. They are substandard and have not been kept up and Public Works is not willing to take them over. There is no real enforcement for people who violate parking on private streets. Staff agrees that Gregory Street is a better option.

The Chair said he agrees with the speaker that had concern regarding the construction impact on the street. Developer needs to deal with impacts and it should be handled from Edwards Lane, so that there is a very limited impact to residents on Gregory during construction. As for children in the neighborhood, no matter where, everyone needs to be concerned with the safety of children. Member Prokopoff said two more homes does not seem like a lot for Gregory but there is a lot of concern regarding the traffic and how it will affect Jaydine.

Larry Johmann, the engineer for the project, said Edwards was considered, basically, it is not practical, due to zoning requirements. It would not allow more than two parcels. The lot is only 65-foot wide and that is why the access thru Gregory meets the development standards for three lots.

Member Moore said he listened to the presentation and looked at the staff report. As a property owner, they have the right to develop their property. There is a need for housing. The council will be faced with this kind of conversation more often in the future. Still going to have the homes and traffic. Do not see any other solutions other than what was presented. Member Padro has also looked at the staff report, but looking at Castro Valley, there is a hodge-podge of different size parcels. This will set a precedent to others that own these types of properties and would like to develop. Fearful that if the council entertains this type of development, it will make our streets not friendly, why not subdivide into two instead of three. In the past, this area was all chicken

ranches and now they are cutting parcels to maximize the use and it is self-defeating for the quality of life. Why not use Edwards Lane for access and why is Gregory in the condition that is in. The Chair said the subdivision into two parcels is option three, which was not proposed. Member Mulgrew said there is a big housing crisis. Concern with the safety of residents on Gregory and wonder if there is a way to have speed bumps installed. The Chair said that it can be part of the motion.

Larry Johmann the subdivision into two lots is not his to make. It would have to be the applicant and he does not think the applicant would consider it. The flag lot proposal would not work and part of the existing home would have to be tore down. The condition about having the trucks access from Edwards during construction, is not possible because due to the narrow driveway.

Public comment was closed.

Member Moore moved to deny PLN2020-00246 but would support a two-lot subdivision. Member Padro said the recommendation should be approve or deny. The Chair asked Member Moore to re-state the motion. Member Moore moved to deny PLN2020-00246 as submitted. Member Mulgrew seconded the motion.

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

CHAIR'S REPORT: The Chair spoke on the discussion about Grove Way and Christensen at the last meeting. The Public Works department has Christensen on the list for sidewalks. There will be further discussion on the parking of RVs and cars on Grove Way.

COUNCIL ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

STAFF COMMENTS & CORRESPONDENCE: None

ADJOURNMENT: There being no further business, the hearing adjourned at 7:50 p.m.

ALBERT LOPEZ - SECRETARY
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL