

SUMMARY MINUTES OF MEETING
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
JANUARY 11, 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: Killebrew, Moore, Padro, Prokopoff and Thomas.

MEMBERS EXCUSED: None

OTHERS PRESENT: Nisha Chauhan, Senior Planner;

CALL TO ORDER: The meeting was called to order by Chair Carbone at 6:00 p.m.

ROLL CALL: Chair Carbone, Members: Adams, Killebrew, Moore, Thomas, Padro and Prokopoff.

SUBCOMMITTEE UPDATE: The Chair called for updates.

SAFE PATHWAYS TO SCHOOL – Member Moore said he spoke with Dolly Adams and she is willing to participate in the meetings.

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.

APPROVAL OF MINUTES – *December 14, 2020. Member Padro moved to approve the minutes as submitted. Member Prokopoff seconded. Motion passed 6/0. Nisha conducted the roll call. Yeas: Members Carbone, Padro, Moore, Killebrew, Prokopoff and Thomas.*

CONSENT CALENDAR - No items.

REGULAR CALENDAR

- 1. ZONING VERIFICATON LETTER, PLN2020-00307, HALE, 4G Consulting, Inc.-** Preliminary review of zoning interpretation to construct a 5,116 sq. ft. fast food restaurant with 98 seats, and double drive thru lanes on a 59,773 square foot parcel s in a "Sub-area 2", Central Business District, Castro Central Business District Specific Plan located at 2495 Castro Valley Blvd. , south side, corner, SE, intersection of Norbridge Ave., designated Assessor's Parcel Number: 84A-0007-016-00. General Plan Designation: Castro Valley General Plan, "CBD" Central Business District, Regional Retail and Entertainment. CEQA designation: Categorically Exempt under CEQA, Section 15303.c , Class III, New Construction or Conversion of Small Structures - **Staff Planner: Carole Kajita – Informational item only**

Chair Carbone said he knows the owner of this property and is excusing himself. He turned the meeting over to Vice-Chair Moore. The Vice-Chair spoke on the issue of the application which has to do with land use and planning issues. There were a lot of e-mails referring to the religious preference and issues which are not related to planning and property rights. The Council will be discussing only planning issues.

Carole Kajita presented the staff report. Staff recommends that Council review the staff analysis and accompanying materials, receive public and applicant comments, deliberate regarding the proposal and make a recommendation to the Planning Director. Carole Kajita spoke on correspondence from local residents who expressed concern with traffic congestion, back-ups onto local streets, blocking bike lanes, high traffic volume, history and reputation of the business being anti LBGTO, and the need for an environmental review.

Public comment was open.

Ed Hale, 4G Development and Consulting Inc., spoke on the proposed project. This project will serve a need in the area. There are other locations Pleasanton, Walnut Creek, and Fremont. The applicant is aware of the issues related to this application. The area already has the same type of businesses in the area. He spoke on the orientation of the building and the concern with traffic. He spoke on parking availability for the project. The cars will not be backing up into Castro Valley Boulevard. He spoke on shared parking with the business next door and in the future hoping to have an entrance on the back side by the historic home. Keith Gilbert, with Chick-Fil-A, spoke on the ownership of the business and ranking of the business. The restaurant will employ approximately 100 local residents. He spoke on the type of food they serve.

Ed Hale spoke on the commitment to the community, willingness to work with council, and being the gateway to Castro Valley with the possibility of placing a welcoming sign at this location. The applicant is committed to having a building and signage of high quality.

Member Prokopoff asked about the percentage of business that is done thru drive thru instead of walk thru. The applicant responded that it is 60%. Member Thomas spoke on the traffic issue for the restaurant in Pleasanton and the traffic issue at this location. Ed Hale said a traffic study is not done during this phase of the project as it is very expensive. Based on the market analysis in this area, the applicant is confident that all the cars will fit on the site and not cause an impact on the street. This is a 36-car drive thru, and the company is very efficient in traffic management at their locations. Keith Gilbert spoke on the business model and the organization.

Member Padro stated that Castro Valley could use this type of project but the location is problematic. This corner has a few businesses and the added traffic would be a safety concern. He would entertain the idea at another site. Member Prokopoff said this is a high traffic area and close to the freeway exit and entrance. Ed Hale said they have not done a traffic study but do not expect to be a significant impact on traffic since most people are already driving by this location.

Nisha Chauhan instructed the public on how to participate in the zoom meeting. The Vice-Chair said everyone will have two minutes to speak and asked that speakers address planning issues.

There were a total of 26 speakers of which five were in favor of the project due to their food product, employment opportunities for young people and benefits. The following were some of the concerns expressed by the speakers:

- Need for a traffic analysis, doing one after the project is approved would be too late
- There is a moratorium on drive-thru businesses
- This location is not adequate and not right for this business
- This location is already problematic with traffic using this route when freeway is backed up
- Emergency route for ambulances going to Sutter
- Safety concern for pedestrians and bicycle riders
- Castro Valley does not need another fast food restaurant
- No guarantee that all the cars will fit into the parking lot and not back up onto the street
- Where will employees park
- Disappointed that council is considering this application due to the company's beliefs related to the LGBTQ community
- People will be coming from other locations such as Oakland and Berkeley and adding to traffic congestion
- Location is difficult for egress and ingress onto Castro Valley Boulevard
- Values do matter with regards to land use, this is not the vision for the community
- Council should be ashamed of considering this project
- Not appropriate to have these people put up a welcome sign to Castro Valley

- This project does not represent this community, will never frequent this business
- Should consider the Rite-Aid location as an alternative site
- This is a catalyst site for housing
- Traffic jams at this location makes it hard to get to homes in the vicinity
- They say they have a good product, they should try serving antidiscrimination with some tolerance
- Should be looking at walkability for downtown
- This business does not represent or reflect Castro Valley's progressive values

Ed Hale said he would like to address the land use issues. The issue of parking and moving in and out of the parking lot, will be addressed by the workers. The company is very good at managing traffic. The company is willing to work with Public Works on traffic issues. The county guidelines dictates that this is the first step to present the project to the council. Understand the comments and concern related to traffic and those are issues that can be addressed by engineers. This is a preliminary plan and is not in stone. Optimistic that in the future the drive thru will be closed. The business is closed on Sundays. Chick-Fil-A is a model business and will be operated by a local owner. This is not a major deviation from what other businesses are located at this corner. Keith Gilbert said this meeting was to find out the community's concerns and mitigate the concerns. This is the first step the site plan and hopefully come up with a solution to benefit everyone.

Public comment was closed.

Member Prokopoff thanked everyone for their comments. It seems that most of the comments were related to this being the wrong site for this type of business. Member Killebrew said the most compelling argument is the traffic congestion. A traffic study should be required. This project would need a general plan amendment. Member Padro said at the present time, unless the general plan changes, he is not in support of it. Member Thomas said this is not an appropriate location. He listened to all the comments and there is a lot of diversity in this community.

Vice Chair Moore thanked everyone for the comments. He expressed his concern with traffic, ambulance route and people trying to get thru this corner. He welcomes Chick-Fil-A, and it is a quality product and hope that if this location does not work out that they look for an alternative site. He is supportive of staff's recommendation.

CHAIR'S REPORT: None

COUNCIL ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Padro indicated that the agenda states that the next meeting is February 8th. Tona Henninger explained that this is a land use agenda and the date reflects the next land use meeting. Member Padro noted that on Stanton Avenue there is a significant amount of road work which is causing some traffic issues. He also noted that at 3786 Somerset there were some excavation done and it is covered but causing some hazard to cars and believes the contractor needs to come back and correct it. The Vice-Chair asked Tona when the Castro Valley Business Plan update will take place. Tona said it will be in the beginning of summer.

STAFF COMMENTS & CORRESPONDENCE: None

ADJOURNMENT: There being no further business, the hearing adjourned at 8:15 p.m.

ALBERT LOPEZ - SECRETARY
CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL