

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
Minutes for April 11, 2005

(Approved as corrected April 25, 2005)

A. CALL TO ORDER: The Chair called the meeting to order at 6:30 p.m. Council members present: Andy Frank, Chair. Council members: Ken Carbone, Ineda Adesanya, Carol Sugimura, Jeff Moore. Council members excused: Dean Nielsen, Vice Chair and Karla Goodbody. Staff Present: Ron Gee, Sandi Rivera, Maria Elena Marquez. There were approximately 30 people in the audience.

B. APPROVAL OF MINUTES OF MARCH 28, 2005.

Ms. Sugimura moved with a second by Mr. Carbone that the Council approve the minutes of March 28, 2005 as corrected. Motion passed 5/0.

C. PUBLIC ANNOUNCEMENTS. Mr. Frank announced that the Castro Valley Library will have a book sale on April 14, 15, and 16. Volunteers are welcomed. Mr. Frank announced the Farmers Market on May 28. Mr. Frank announced that on May 7, Saturday morning, at the Rite-Aid site, there will be a community service for disposal of computers, computer screens. It is a disposing hazard waste materials event sponsored by Sunrise Rotary. This is not a recycling event.

Mr. Frank brought up the issue of the application of Ms. Lee on Lake Chabot Road and when this item will be heard. He asked that the applicant contact the Planning Department.

D. REGULAR CALENDAR.

1. HOUSING ELEMENT IMPLEMENTATION UPDATE – Informational item regarding implementation amendments to the County Zoning Ordinance and Specific Plans necessary to comply with provisions of the Alameda County Housing Element, adopted by the County Board of Supervisors in October of 2003 and conditionally certified by the State Department of Housing and Community Development in January of 2004. Said modifications are as follows:

1. Reclassify sites in the *Ashland-Cherryland Business District Specific Plan, Castro Valley Central Business District Specific Plan, Fairview Area Specific Plan*, and in areas currently designated for urban infill development in the Ashland, Cherryland, Hayward Acres, San Lorenzo, El Portal Ridge, and Castro Valley Communities to provide opportunity sites for higher density development.
2. Add a definition to the Zoning Ordinance for the term “emergency homeless shelter”.
3. Modify provisions of the R-3 and R-4 zoning districts to conditionally allow, with performance and development standards, emergency homeless shelters, as defined, in these districts.

Ms. Rivera presented the Staff Report. This item was heard at the March 14, 2005 meeting and since then there have been several community meetings in regards to modifying the housing element. In particular the rezoning specifically identified parcels and other infill development in the unincorporated areas. There was discussion on alternative sites other than the parcels originally identified in the plan. The Focus groups workshops that have occurred so far is Castro Valley workshop last Thursday, April 7. There was a discussion as to what the alternative rezoning sites could be, as opposed to what was identified in the adopted housing element which included the Mini Golf, and the lumbar yard. At the last meeting, the Council had recommended the BART station and it will be included. The other implementation action is the definition of emergency homeless shelters and the modification to the R-3 and R-4 zoning districts to accommodate these homeless shelters. The original proposal had the homeless shelters allowed in R-3 and R-4 which would mean they would be able to have a permit by right and there will not be a public process. The alternative implementation is to have the emergency homeless shelters conditionally approved in R-3 and R-4 zoning districts. Currently, there is no definition for the emergency homeless shelters; they are listed as group homes. Under the current ordinance, group homes are allowed in any district in the unincorporated area, it can be R-1, R-2. The definition has not changed since the last time that was presented but if you refer to the staff report, staff is modifying the adopted implementation measure to conditionally allow shelters, with performance and development standards as defined, in the currently zoned R-3 and R-4 districts.

Mr. Frank asked Ms. Rivera if she was looking for a formal motion on the part of the board and public comment. Ms. Rivera said she would like to hear comment from the MAC board and also public comment. The Board of Supervisors is expected to hear this item on May 26. This will give staff time to come back to this board for a final motion. The Planning Commission supported conditional rather than permitted uses and also development performance. They also requested that staff look at having these ¼ of a mile from schools and day care centers rather than the 500 feet. These conditions will have to be approved by the State HCD in order for the County to remain certified. San Lorenzo Homes Village Association expressed similar concerns with regards to the homeless shelters being conditionally permitted. The Board of Supervisors supported the communities and their recommendations. They supported placing these facilities in the R-3 and R-4 Districts with a conditional use permit and supported the performance and development standards.

Mr. Frank asked Ms. Rivera in regards to performance and development standards if she was tying these to licensing requirements. He said in certain cases there will be licensing requirements such as if they need to give out medications, etc. Ms. Rivera replied that it is a function of the Social Services Agency. Mr. Carbone asked what is the actual definition for emergency homeless shelter. He said that Castro Valley already has a mental care facility in place and will this type of housing be for the mentally ill as well. Ms. Rivera said this would be through the conditional use process and if it is a benefit to the community. Mr. Carbone asked if it could be denied through the application process. Ms. Rivera said yes. Mr. Gee stated that during the

review permitting process other agencies will be involved in the process and made part of the conditions of approval.

Ms. Adesanya said that the definition of these shelters could provide additional mental health services and require a conditional use permit. Ms. Rivera stated that these shelters will require a conditional use permit in R-3 and R-4 District. Originally the recommendation was to have these be a permitted use but since then staff has found that the State has certified other housing elements based on having these shelters be conditionally approved. We will have to have a general plan amendment in order to make that change.

Mr. Carbone asked if there will be a caretaker in the shelter. He also wanted to know if the residents will be occupying single rooms, and how will the facilities be laid out. Ms. Rivera said usually emergency homeless shelters are like a dormitory-like setting as opposed to a transitional homeless shelter. There are no emergency homeless shelters in the unincorporated County. Mr. Carbone asked if the residents of these homeless shelters are in fact people that eat on the premises and how do they limit additional transients to come along to the facility. Ms. Rivera stated that as part of the definition, the office will not be located on the premises, so people do not wander to the facility for referrals. The office will assist people in the community for drop-ins and other services. Ms. Sugimura asked if this includes staffing 24/7. Ms. Rivera stated that the condition will say adequately staffed. At this time, we do not know what kind of staffing is needed at this type of shelter. Ms. Adesanya said that looking at the map, the implementation sites are very few. She asked if these are implementation or opportunity sites. Ms. Rivera said that R-3 and R-4 are showing in the map, and they are all currently zoned R-3 and R-4. There are no plans to rezone any additional sites. Ms. Rivera said that there are 361 locations.

Public testimony was called for.

Bonnie Dettmer, C.V. Chamber of Commerce, said that because there are so many different maps, everything she could see still shows the west end of Castro Valley Blvd. as if they will be rezoned. Mr. Carbone said that the updated housing element is not on this map, but the correct zoning for the homeless shelters is. Ms. Dettmer emphasized that Castro Valley is one of the few communities that has a viable downtown as opposed to a number of scattering malls. Many of the present businesses have been here for many years, they are family owned, and well known to everyone. We must retain, particularly Castro Valley Blvd, as commercial District, and not give it up for any other use. If mixed use has to be done, then on the second floor or to the rear of the properties, would be more appropriate and not replace the existing business and adhere to the Castro Valley Specific Plan area.

Nancy Van Huffel, San Lorenzo Village Homeowners Association, said that apparently there was an addendum given to the Council. Ms. Rivera said there was not an addendum. She said it was the Transportation Planning staff report from a previous meeting. Ms. Van Huffel said that she went to speak at the Board meeting last week, and one of the comments is that it seems that there is not adequate information to the public to be able to comment on this. She would like to see any

relevant information on the web site. She stated that it is essential that the community or this council receive all of the appropriate information before making a final recommendation on this issue. She wanted to comment on location standards. She stated that the association feels stronger about the terms of the locations for these facilities. The 500 feet distance from schools, day care centers, are not sufficient. It should be at least 1,000 feet. If there are going to be only two or three in the County, why have them so close to each other? She commended the County for having these hearings. She asked if the number of people in a homeless shelter has been defined. Ms. Rivera said no. Ms. Rivera stated that this type of condition is not required from any other type of housing, and could only be a part of the condition if it is related to requirements for this type of service. Ms. Van Huffel stated that a license should be required. Ms. Sugimura asked Ms. Van Huffel if she had a suggestion on the distance on the other emergency shelters. Ms. Van Huffel stated that the association is currently surveying other jurisdictions to see what they have done. Once the survey is finalized, they will advise the Council on their opinion.

Diana Engel, resident at 2639 Miramar Avenue, stated that she attended the last meeting. She asked where the El Portal Ridge is located and if it is targeted for high density. Ms. Rivera said no. She said that she is an alumni from San Lorenzo High and used to walk to Ashland school and saw what the high density low income did to the area - it reduced the property value immensely. Her main concern is the drug dealer activity just behind the Castro Valley Blvd where the Valley Java is located. She requested to staff at the last meeting to speak to the Sheriff's Office and would like to know about the drug impact and mentioned the drug increase at the Castro Valley High School.

Mr. Carbone requested Ms. Rivera to explain the different types of housing. Ms. Rivera explained that the type housing Ms. Engel is talking about is the subsidizing housing, Section 8 type. Higher density means more housing at the current housing rate. For instance, in Hayward, units that are by the BART station, are selling for \$500,000 or \$600,000; those units are not subsidize housing. Ms. Engel asked if these would be units that people can purchase and not rent. Ms. Rivera said it could be, depending on the application process, and whoever is developing the property. Ms. Engel said that she is concerned about the huge diversity in income levels, whether it is rented or purchased.

Mr. Frank said for clarification purposes that tonight staff is discussing the high density and the homeless shelter facilities to be located in the R-3 and R-4 Districts. Ms. Rivera said there were opportunity sites that were selected when the housing element was adopted in 2003. From the public meetings the main point for certification for the housing element was to meet certain housing numbers provided by the State and in order for us to be certified we need to keep these numbers. We are working with the focus community group to address some of these high density parcels so that they would not take away from the commercial area in Castro Valley Boulevard.

Ms. Engel said that it was her understanding from the last meeting that the proposed sites included the Golf land and the Castro Valley lumber area for high density. Ms.

Rivera said it would be a site that would have higher density allowed. Ms. Engel asked if she was proposing 45 feet high instead of 32 or 35 feet. Ms. Rivera said currently the height is allowed and the County is not looking at changing any development standards with regards to height. Ms. Engel said it is not in the best interest of Castro Valley to put a high density in that location. Castro Valley is limited with places for children to go to, and if the golf facility is taken away, it will be detrimental to our environment.

Ms. Rivera said that she would like to hear from the Council with regards to some of the locations that were put forth in the emergency homeless shelter, whether or not that is reasonable or if the Council would like staff to look further.

Mr. Carbone said that he agreed with Ms. Van Huffel's comments regarding the location and distance of the homeless shelters. He would not like to see these congregated in one area. The quarter mile requirement might be a minimum and reasonable distance for these facilities, so that they are not located next to each other.

Ms. Rivera said that the unincorporated western area is small, and that the requirement to have the quarter mile distance between the emergency shelters might eliminate some of them. These homeless shelters are subsidized and there are none in the unincorporated community; there are 32 throughout the county. According to HCD, there is no funding available. The quarter of a mile could be a question with regards to the certification process with the state.

Ms. Sugimura said that she agreed with the previous suggestions, in terms of the quarter of a mile, she would not want two any closer within the same area. In terms of schools and day care centers, a quarter of a mile versus 500 feet is a better alternative. The standards are a good suggestion.

Ms. Rivera said that there will be a focus group meeting on Thursday, April 14, at 7 p.m. at the Public Hearing Room, 224 W. Winton Avenue.

Mr. Carbone said he wanted to reiterate that the group's goal is to preserve Castro Valley's downtown corridor for business, not for housing. He said the group has been moving forward with staff to prevent any type of housing development that will impact Castro Valley's business district.

Public testimony and discussion were closed.

2. CONDITIONAL USE PERMIT, C-8380, PAMELA ZELL RIGG,

Application to allow continued operation of a community facility (Montessori School) for up to 120 children in an "R-S-D-20" (Suburban Residence, 2,000 square feet MBSA/DU) District, located at 16492 Foothill Boulevard, east side, 160' south of the intersection with Miramonte Avenue, unincorporated Alameda County, San Leandro area, designated Assessor's Parcel Number: 80A-204-4-6. **(Continued from March 28, 2005).**

Mr. Gee presented the staff report. He stated that the site has been previously used as a recreation facility. It has been operating the last 10 years without any problems. Staff recommended that the conditional use permit be extended for another 10 years, without change in the operation.

Pamela Rigg stated that she is the owner and director of the facility. They have been there for 10 years and there have been no substantial changes. This is a renewal of their existing use permit, and as the report states, there have been no complaints.

Public testimony was called for. No public testimony submitted.

Ms. Adesanya asked who are the neighbors of the facility. Mr. Gee explained that to the south there is a motel, to the southeast, family homes, to the east is more hillside, and to the north, multifamily homes.

Mr. Moore moved to approve Conditional Use Permit C-8380, for a ten year period with a 5 year review. Mr. Carbone seconded. Motion passed. 5/0.

- 3. TENTATIVE MAP, PARCEL MAP-8573, WONG,** Application to subdivide one site into three parcels, containing approximately 0.46 acre in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit with Recreational Vehicle) District, located at 20646 Center Street, east side, 197 feet south of David Street, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084C-1053-012-00.

Mr. Gee presented the staff report. The proposal is to create three lots with frontage on Center Street, with one flag lot with an 18 foot wide driveway to the rear. The house on the lot will be removed. These lots will be larger than what is present in the surrounding area. Staff recommends approval.

Ken Wong, owner of the property, said he did not have any comments.

Public testimony was called for.

Tom Padia stated that he lives across the street from this property, and said that these houses are going to be two story high and they will block the view. He asked why are they building three houses on that small piece of property. He stated that the property is currently a mess. They have a dog that barks day and night and disturbs the neighborhood. He has another house that was built a few years ago and it is only five feet from his property line and obstruct the view from his front yard. It blocks the light and ruined his trees. He is opposed to the project.

Danny Gleone lives at the corner of Center and David, and as the previous speaker said, it was supposed to be purchased as a single home. They are using it as a business, as a landscaping material construction site. He understands that the zoning has changed over the years, where you can put a larger house on a small lot. The current house is under 1200 square feet and it does not say how big the homes will be. Mr. Frank said that the issue is not the size or quality of homes, but the parcel and its

subdivision. Mr. Gleone stated that this subdivision will add traffic and add to the parking problems in the area. He supports the subdivision of the lot into two parcels, not three.

Public testimony was closed.

Ms. Adesanya asked staff if photographs were available. Mr. Carbone asked if the slope is to the rear. The impact will be minimal to homes across the street because of the slope and even if the homes are two stories. Mr. Moore said there will be some challenges in regards to the development of the site but nothing that can't be resolved. Mr. Carbone said that these lots are generally larger than most of the parcels in the neighborhood. Mr. Moore said that Ravenwood is very high density. He also asked if there is any consideration done to combine driveways because of the speed of that street, to minimize the amount of cars coming in and out of there. Was there the possibility of one entrance for both driveways between parcel 2 and parcel 3. Mr. Gee said that it was proposed at one point, but there are two existing driveways.

Mr. Carbone asked what works better as far as recommendations from Traffic. What is the better scenario. Mr. Gee said Traffic generally recommends for all projects that the less driveway openings there are, the less opportunity there is for an accident. When this application first came in, we looked at different alternatives, trying to create a single driveway entrance for all the three properties. There is an option for the first two - we can reduce the total number of driveways. Mr. Carbone said that because recommendation from staff on streets that have less traffic are forced into that type of an arrangement and in this case you are allowing three entrances, and it does not make sense in this project. Mr. Gee said that Traffic Engineering recommends a single common driveway. Ms. Adesanya said that Parcel 2 and 3 would make more sense to combine, not parcels 1 and 2. The flag lot and the center lot. It would require an easement and they have enough square footage to do that. Mr. Carbone said we can make that part of the recommendation.

Mr. Frank asked if there was any feed back from Ravenwood regarding the landscape? Mr. Gee said no. Red line along the right hand side where the planting strip is located to avoid parking on that side. Mr. Gee answered yes.

Ms. Adesanya moved approval of Parcel Map, PM-8573 with staff recommending conditions of approval and with the MAC recommendation that only two driveways be allowed to serve the three lots. Mr. Carbone seconded. Motion passed 5/0.

4. **TENTATIVE MAP, PARCEL MAP-8605, WONG/TANG** – Application to subdivide one site into two parcels, containing approximately 0.47 acres in a R-1-B-E-CSU-RV (Single Family Residence, 10,000 MBSA, 80' MAW, Conditional Secondary Unit with Recreational Vehicle) District, located at 17472 Almond Road, north side, 600 feet south west of Vineyard Road, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation" 084D-1250-031-01.

Mr. Gee presented the staff report. The project complies with the minimum lot size for the area but these lots are narrower than most lots in the area. As proposed, the lots are 58 and 50 feet width where most lots in the area are 75 feet to 100 feet wide. Staff is recommending approval of the two lots subdivision. Mr. Frank asked what typically would the county be looking at when looking at this type of subdivision and the setback requirements. Mr. Gee said that the width of the required yard is based on the width of the lot, basically is 10% with a minimum of 5 feet up to a maximum of 10 feet.

Raymond Wong, architect for the project, stated that he is helping the owner to subdivide this lot into two. No problem putting two houses here, in terms of the architectural point of view.

Public testimony was called for.

Tom Hines, resident at 4538 Grenadier Place, stated that he lives next door to the property and if this project is approved it will impact the value of his home. When he first purchased this home, he was told by the realtor and previous owner that the chance of a subdivision being approved for this parcel was not probable. They purchased this house for a couple of reasons. One of them was the lot size and the quiet neighborhood and the distance between the homes. The wall of their bedroom is separated from this property by very mature trees. If the property was subdivided with the current setbacks, this proposed two story home will be 12 feet from his bedroom. This neighborhood will fall apart because of the proposed subdivisions of the existing large lots which are being done for profit. He said that his wife works in the home, and during the day is very quiet. If this project is approved, all trees will be gone. During construction time, the wind will be blowing up that hill through their house. Their house will be a mess for a long time. The pole of the front fence was put on their property by the previous owner, but if this property is subdivided it will have to be moved to their property. The side variances on the home, he understood were supposed to be 6 foot. The proposed project will have a northeastern exposure where he can see the trees and Almond Road. All of this will disappear and the value of his property will decrease. If for any reason you don't go with the common driveway, and they decide to put a driveway against the fence on his property, then the driveway will literally be six feet from his bedroom windows. He hopes the Council takes into consideration all of these facts and see that this subdivision is only being done for money.

Ms. Adesanya asked Mr. Hines what was his address and if it was on the corner. Mr. Hines said yes, and that his property will have the most impact of this subdivision. Discussion ensued amongst council members and Mr. Hines on the impact to his property.

Alfred Alires, resident at 17495 Almond Road, stated that he lives directly across this property. He built his house 47 years ago. His lot is 12,000 square feet. He was under the impression that the lots are 5000 square feet. Mr. Frank explained that the lots are 10,000 square feet lots and that the issue with this subdivision is the frontage. Mr. Alires stated that he still opposes the project.

John Berk, resident at 4558 Grenadier Place, stated that he is Tom Hines neighbor. Mr. Hines expressed a lot of his concerns. He said it seems that when the home was built on this lot, it was not envisioned to be subdivided. He lives directly behind this property and is concerned with the view. He always envisioned that they would build a mother-in-law unit and not subdivide the property, that way they can keep the existing driveway. To shoehorn these lots and build tall narrow homes to maximize these lots seems to be unreasonable. Among other things, they are not going to have access at the back of this long property because there is no room for a driveway. The way the subdivision was drawn with these irregular shaped lots to accomplish the subdivision is not the best of ideas.

Stephen Steiner, resident at 17485 Almond Road, lives across the street from the subject's lot. The staff report states that they are in compliance with the 10,000 square feet minimum lot size but not in compliance with 80 foot median average width for the lots in the area. The median lot width requirement is not precluded from the proposal if it meets the requirements by the Council. What is reasonable judgment in determining a 52 and 58 frontage respectively for the two lots and could possibly be an affirmative vote for this kind of proposal? The guidelines themselves state that within this low suburban low density area that the average width has to be approximately the same as the surrounding residences. The average width size 85 and 90 foot frontage is for surrounding residences. Furthermore, the plan, even if it meets the frontage, should not be nearer the next property. Mr. Steiner referred to the considerations under Lot Size Consistency, page 4 of the report. It can only mean that a proposal of 58 frontage is completely and clearly contrary to any contemplation of the Plan and the overall contemplation of this lot. The technical aspects all speak of the overall aesthetic of this neighborhood. No one, including himself, ever contemplated that someone can build a frontage of 58 feet. To re-butt the recommendation by staff, he was surprised that the recommendation was to approve the proposal. The Nielsen plan that was referred to, that was subdivided into five lots, that subdivision comparing the two...the frontage is 93 foot frontage and it goes up and it can be used to argue to approve this proposal. He thinks it is in violation of non-compliance. He strongly opposes to the project.

Rick Jones, resident at 17462 Almond Road, stated that he lives next door to the property. He said that his lot originally was one acre lot that was also subdivided. Most of the lots on that street have been subdivided and he does not know of other examples on Almond Road where a lot was split with exceptions. As you can see in one of the photos, there is a picture of the ironwork that was completed by the seller of the home. It was handmade and is 110 feet wide and it will be gone because of the construction. The point is that that gate added a great deal of beauty to Almond Road. Almost all of the lots on Almond Road have a very wide frontage with long wide fences that creates a unique atmosphere on Almond Road. There are no example of row houses, town houses or condominiums of any sort in this area. The entrance to this street begins with a large park and a nice sprawling beautifully proportioned subdivision of custom homes. The rest of all existing homes are nice, wide country feel, and that is why people pay \$925,000 for their homes. His understanding from the seller (whom he knew well) and the real state agent, is that buyers were told they

were not going to be able to subdivide that lot because it was too small. The numbers in the staff report that talk about the average lot width within the neighborhood is 90 feet. Many of the homes on Almond Road that are listed on the staff report are not 74 foot wide but 90 foot wide. The numbers used to calculate the average do not include the easements. The average width should be calculated with the easements and most are at least 100 feet wide. Mr. Tang's proposal to split his lot will create the only two parcels that are barely half the width of the rest of the neighborhood. Mr. Tang referred to the term "flag lot" but this is not a flag lot. He believes staff called it a jog, a box or a pop out and it seems a very odd situation to have a property almost like a puzzled piece. His concern is that by dividing the lot you are creating two separate legal entities of real estate which means any person can buy one, and any other person can buy the other one, but they almost have a symbiotic relationship. They do not have clearly defined identity, there are always going to be tied together. If this board will uphold the consistency policy for lot size consistency that was adopted by the Board of Supervisors, this Council should also uphold the rest of the policy that states "subdivisions may not create lots substantially smaller or narrower than the prevailing lots in the neighborhood." If the proposed project was within 5% of the norm but they are barely within 50% of the norm for the neighborhood. He requested that the Council recommend a no vote to the Planning Commission.

Public testimony was closed.

Mr. Wong, the Architect, commented on the subdivision. Elevations of other lots surrounding this property are much higher, seems to be two story. Generally, the lot is probably the second largest in the neighborhood, that is the reason why they want to take the opportunity to subdivide it. Comparing to the rest of the neighborhood, there are lots that are even 7,000 square feet. The way we divided it, which is in conformance with zoning, more than 10,000 sq. feet, in terms of the lot size in the neighborhood, it conforms to the general neighborhood in that respect. He chose a fence in a way, he would say that the original seller intentions of having also driveway there, zoning requirements in the area other than just going by the average, general widths. Also, one lot is a flag shape subdivision, north side of the neighborhood fronting Almond Road. Mr. Carbone said that the width is substandard to the other lots in the area. Council members pointed out that the proposed project is still narrower than any of the lots in the area.

Mr. Moore said that the board can't ignore the width issue on this proposed project. Although the lot size is consistent with others in the area, the width of the lots are so grossly substandard. The configuration for a flag shape lot is not feasible for the area. Ms. Adesanya asked clarification on the easement requirement for the two lots. She asked if the applicant had considered an L-shaped lot. Mr. Gee said that the lot size does not administratively require a variance. Why is an access easement required? A discussion ensued amongst council members regarding lot size and width of the lots in the surrounding areas. Ms. Adesanya referred to staff report page 6 second bullet, the lot has just enough space because of the position of the existing house not necessarily in the driveway but in the shape to create an "L" shape lot. Ms Adesanya and Ms. Sugimura agreed that the lot is too narrow.

Mr. Carbone said that the integrity of the neighborhood is at stake if the Council recommends approval of the proposed project, and this is one of the last areas that has not been totally dismantled. The width is too narrow.

Mr. Carbone moved to deny Tentative Parcel Map PM-8605 regarding the consistency of the road way width does not meet surrounding parcels or consistency within the neighborhood property frontage width, does not conform with the existing neighborhood and the 80 foot median width. Mr. Moore seconded. Motion denied 5/0.

5. **VARIANCE, V-11882, GREVES**, Application to construct a detached garage located in the front half of the lot and within the future width line adopted by ordinance where not otherwise permitted, in a R-1-L-BE (Single Family Residence, Limited Agriculture, 5-acre minimum building site area) District located at 6270 Crow Canyon Road, west side, 0.71 miles north of Cold Water Drive, in the unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 0085-1600-003-03. **(Continued from February 28, 2005)**

Mr. Gee presented the staff report.

Mark Greves, the Applicant, stated that he withdrew the original design after being reviewed by County Planner Andy Young. They pretty much tackled the issue, of sideyard line of the property which they moved from 3 to 6 feet. Mr. Greves explained to the council the setback requirements from the creek. He had a surveyor calculate the setback and the corner of the garage was clipped to comply with the 20 foot setback. Mr. Young suggested that the garage be placed over on the other side of the property which actually was Mr. Greves first choice, but it would sit on the well location and it did not work. This property is the first one located past the lights on Cold Water. Mr. Greves expanded on the set back requirements for the creek.

Mr. Frank asked Mr. Greves where the property is located. Mr. Greves answered that the property is located one mile north of Cold Water. Mr. Moore asked Mr. Greves since his variance is for set back, he noticed that he reduced the building size significantly but he can still achieve a bigger building. Mr. Greves said there were some concerns about future leach field on the site, that is why the building size was reduced.

Mr. Carbone asked Mr. Gee that because of the constraints of the lot could the owner have some kind of agreement with Public Works that he could build the garage encroaching on the right of way with the understanding that at a later date if Public Works needs it that it has to be torn down. At least he can get the use of the land for the next 20 to 30 years. Mr. Gee answered that it is a possibility.

Discussion ensued among council members about the right of way and the possibility of widening of the road.

Public testimony was called for. No public testimony submitted.

Ms. Sugimura said that as long as it is understood by the applicant, that potentially he will have to take it down, the applicant should have to have the right to do that.

Ms. Sugimura moved to approve Variance V-11882 with conditions as identified by staff, along with irrevocable offer of right of way dedication. Ms. Adesanya seconded. Motion passed. 5/0.

E. Open Forum – None

F. Chair's Report – None.

G. Committee Reports

Mr. Carbone said that 8 individuals (including council members, Mr. Nielsen, Ms. Goodbody and himself), reassessed the housing element locations for their business district, and looked at parcels that were more useful. The three trailer parks were identified.

Ms. Adesanya informed council members that her father passed away last month to explain her absence.

H. Staff Announcements, Comments and Reports – None.

I. Council Announcements, Comments and Reports – None.

J. Adjourn

The meeting was adjourned at 8:40 p.m.

Next Hearing Date: Monday, April 25, 2005