

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for March 27, 2006

(Approved as presented April 10, 2006)

A. CALL TO ORDER: The Chair called the meeting to order at 6:35 p.m. Council members present: Dean Nielsen, Chair; Jeff Moore, Vice Chair. Council members: Andy Frank, Karla Goodbody and Ineda Adesanya. Council members excused: Carol Sugimura and Cheryl Miraglia. Staff present: Steve Buckley, Tona Henninger, Bob Swanson and Maria Elena Marquez. There were approximately 15 people in the audience.

B. Approval of Minutes of February 27, 2006 and March 13, 2006.

Ms. Goodbody motioned to approve the minutes of February 27, 2006 and March 13, 2006 as presented with a second by Mr. Moore. Motion carried 4/0. Council member Adesanya arrived after the motion was made.

C. PUBLIC ANNOUNCEMENTS – None.

D. Consent Calendar

The purpose of the Consent Calendar is to group routine items that may be approved by one motion, unless a request for removal for discussion or explanation is received from a member of the Council or a member of the public. If discussion is desired, that item will be removed and considered separately before Regular Calendar items on the agenda.

1. SITE DEVELOPMENT REVIEW, S-2049 – BRUCE BAXTER

Mr. Nielsen asked the council members if they wanted to discuss this item. No discussion forthcoming, Mr. Moore motioned to approve Site Development Review, S-2049 as submitted with a second by Ms. Goodbody. Motion carried 5/0.

E. Regular Calendar

1. VARIANCE, V-11982, PATRICK LOVE - Application to allow a garage conversion with on-site parking in the side yard, in a R-1-CSU-RV (Single family Residence, Secondary Unit, Recreational Vehicle) District, located at 3773 Cottage Court, north side 284 feet west of Parsons Avenue, Castro Valley area of unincorporated Alameda County, bearing County's Assessor's designation: 084D-1329 -017-00. (Continued from March 13, 2006).

Mr. Buckley presented the staff report. He stated that the fundamental goal of this ordinance is to retain existing garage parking spaces to the maximum because replacing parking often results in changes to the use of the site in a way that the County has deemed to be problematic in many cases. In order to obtain a site development review, the findings A through G for this ordinance need to be met

regarding compatibility with the architecture replacement storage and other conforming parking being available. One of the main considerations, Item A, is that there is no place on the property for other conforming development and therefore the garage conversion is really the only option available for the applicant that has to be demonstrated that the garage is the last space available to be converted to living space and therefore is necessary. In this case, the variance is being applied for to vary from this first requirement because in fact this property does have another area in the rear yard or as a second story to have an addition that would provide the additional living space that is being sought and could retain this garage as the legal parking space. This variance is in essence asking that we and ultimately the Board of Zoning Adjustments grant this variance and allow this conversion with this provision of the alternative parking. This conversion was begun without the benefit of building permits, therefore we don't find that it meets the requirements of the ordinance.

Mr. Nielsen said that essentially they gain space by looking at the drawing, there is no set back. Mr. Buckley said that is correct.

Patrick Love, applicant, stated that this is the first time that he hears anything about other available building space. The question that has been asked by the County is the parking issue and he can see they go hand in hand but nothing has ever been mentioned about other available space on the property for what they have done. They converted it into a dining room, and he said it was not reasonable to put a dining room upstairs or behind their bedroom. The issue has always been about available parking. He came tonight to speak about this. This is the second time that he applied for this variance. The first time was in November, 2004 and at that time they were told that it would take a while for the County to hear his application because the law was being changed and they were not allowing anymore garage conversions variances because they were changing the law. The planner at that time told him that the law was going to change in March, 2005. They applied for the first time before that. They went several times to the County meetings in Hayward and he asked if the MAC had to hear this and they said "no, we take care of all of this". It was continued, just like it was two weeks ago. Every time it was continued, except for one time, it was because it was his issue. The person that was advising him at that time could not be there, so he asked for a continuance, which they granted it. Every other time it was because of the County was not ready. When he withdrew the application the last time, the County kind of made him believe that the person that was advising him was not a good person to be advising him, that he had drawn the plan incorrectly and that he should step back and look at what he had presented already. When he went back to the County himself, he asked if an easement would provide the necessary parking that he had lost. The planner that he was working with said that would at least be a good faith effort to provide that parking. He said he understands that he can build back and build up, but he could not afford to do that and because there was available parking, he came tonight with several pictures to show the parking that is available. He showed several pictures and described each one of them. He said

he does not like to park in his driveway, he has two big cars, they live on a slope and he does not like to park the cars up there because he is concerned about the brakes failing. He made this into a dining room, right next to the kitchen. Technically it is a living space; it is not a bedroom or a rental area.

Mr. Moore asked Mr. Love when he built this. Mr. Love said that when they moved in about 20 years ago, it was already done and the person that did it did not do a good job, paneling over the walls and there was no wall there. When he got the furniture that he inherited from his family, he fixed it up.

Mr. Moore asked him when he bought the house if it was not a garage. Mr. Love said that was correct.

Mr. Nielsen told him that the County red tagged the structure. Mr. Love said they pulled off the garage door and replaced it with a stucco wall, they put a window and the garage door was on the driveway. Mr. Nielsen asked Mr. Love if there was anyone to tell him that there was a room behind the garage. Mr. Love and his wife think that the original owners put it there.

Mr. Nielsen asked Mr. Love if he applied for a building permit to do that. Mr. Love said no. Mr. Nielsen asked him why. Mr. Love said that he never looked into it. He realized he made a mistake in not doing that. Mr. Nielsen asked Mr. Love about the easement that he has with the neighbor, if it is permanent. Mr. Love said no, they do not want to make it permanent because if he ever sold his house or if his house needed to be sold for some reason, if it impedes the sale of either house, then it would dissolve the easement and convert it back. Mr. Frank asked Mr. Love if it is unrecorded. Mr. Love said it is recorded, it is 5 feet on his property and he has 5 feet on his neighbor's property. Mr. Frank asked Mr. Love if the language on the easement is such that it can call it to either party and be dissolved. Mr. Love said they both have to agree.

Mr. Moore told Mr. Love if the neighbor wants to sell his property and he wants you to convert your garage and you do not want to do it, then you don't have to do it. Mr. Love said no, if he wants to sell his property and it is going to impede the sale of his property because of his property to be devalued, they discussed it (he, his wife and his neighbor) and if it has to be converted, they will have to convert it back. He and his neighbor had a good relationship and they want to keep it that way.

Mr. Nielsen asked Mr. Love with the number of cars that he owns and he is using the parking across the street, where do guests park. Mr. Love said across the street. Mr. Nielsen asked Mr. Love about the guests at the house across the street. Mr. Nielsen said that generally guest parking or parking in front of the property, the property owner across the street has the same right as he does. Mr. Love said that if he needs parking for a guest he would go to his neighbor.

Public testimony was called for.

Jason Hummer, resident at 3765 Cottage Court and Patrick Love's neighbor, stated that he is the one that provided the easement to make the space available. He addressed some of the concerns from the County in regards to additional space. As you can see by the pictures, they actually live on a hill, if expanding to the rear there will be no available rear yard because of the slope. The other issue in regards to going up, this home was built in 1952; the foundation would not support an additional story and would require an extensive renovation. Addressing the issue of guest parking, a fourth of his house is set further back from where the Love's is, his available driveway space is approximately 53 feet, allowing additional guest parking onto his driveway will have available space in front of his home for two available parking spaces. If he felt that this was going to affect his property value, he would have not done it. He considers his home a strong investment and plan to live there for a long time, he has lived there for six years now and they have developed a strong relationship with all the members of the neighborhood.

Mr. Moore said that this is kind of unusual, the fact that they worked out an easement arrangement his biggest concern is that is being done after the fact without a request for a building permit, it creates a bad precedent, whenever being asked to deal with this. Looking at the findings, he finds it difficult to support the technical requirements

Mr. Frank said that in that area the issue has always been parking and the question is how it can be mitigated. When you look at the easement regardless of its validity, it does provide for off street parking, does not mitigate the impact of the general neighborhood which is a different problem. He asked staff you have a situation property is not conforming prior to this arrangement here, engage in the process of discovery findings with the County and the County was straight forward. Initially MAC did not review variances, but that changed last year. He understands it is well intended, well designed but there was not anything done by this man to circumvent this arrangement because he had pre-existing condition. The benefit of what he has is that he is actually providing a relief to the neighborhood with off street parking. He is trying to do things right, he could have never converted it and still they are disclosing to the general public at large. Not many properties have that kind of set back, not many properties sit back 35 feet or 53 feet, that is out of the norm of what we normally see or anticipate in terms of garage conversion where they normally have 20 foot set back. They cannot park more than one car. He said that the County tried very hard with this, time and effort put behind for public comment. Occasionally there is a case where we should re-consider it and say go for this arrangement, because it does mitigate the problem that exist in the general neighborhood and there is a merit to that.

Ms. Goodbody said that she agrees with Mr. Frank's comments. Mr. Moore said that this would set a precedent. Each application should be treated separately on its own variance. This Council spends so much time discussing and trying to mitigate streets and turnaround. This is a need in Castro Valley.

Ms. Adesanya said she agreed with Mr. Frank and Ms. Goodbody's comments. However, she is concerned with the issue of the easement and the findings discussed in the staff report. She would like to recommend approval

Mr. Nielsen said if we were talking about automobiles it would be a problem, what happens when somebody puts a motor-home in the driveway, nobody objects to a car a variance on this basis, what is going to prevent the next person to putting a motor-home in the driveway in this particular case. He realized that the construction pre-existed and he did not apply for a building permit, the easement is temporary and parking is definitely a problem. The County needs to be very careful in crafting the regulations because of other people have done it. It is a problem to resolve when people do not bother to find out if it is legal and they know there is a garage door there and suddenly a window appears. When you look at neighborhoods that park RV's and trailers, he just cannot see voting for an application like this.

Mr. Moore said he is concerned that they are not following the process and now the Council is allowing something that had not been brought through the normal process and no money would had been spent before the conversion was done, that is why he asked when was this done. A pre-existing non-conforming condition is very important. However, we found out that the garage door was still there and it was not really an illegal room. The Council spends so much time asking people to follow the rules. He has a problem granting approval. Normally they do not typically allow required parking in side yard set backs, just the location of it. Crossing the property line is a technical way of solving the problem. He just thinks it is a bad precedent.

Mr. Frank moved to approve Variance, V-11982, with the County provisions and some type of arrangement between the parties with respect to the easement. Secondly, that the applicant move forward to bring the garage conversion as it is existing. This is an exception, not a precedent that off street parking be limited to two cars, no trucks, no motor-homes, no boats. The intent is to relief the applicant strictly for one car, and such are the restrictions on that basis. Ms. Goodbody seconded. Motion carried 3/1/1 with Members Moore and Nielsen opposing and Ms. Sugimura and Miraglia excused.

Ms. Adesanya told Mr. Frank that the applicant should come back before the Council can act on this if it is going to be conditioned. Mr. Moore said both the applicant and his neighbor are here to ask them and solve the problem

Mr. Buckley offered some input and said that the variance had to run with the land. The variance that you are considering in your recommendation to the BZA could include the points in the motion and in fact for the variance to be connected to the easement essentially needs to be permanent and irrevocable. The assumption into the variance is that this easement will be part of the approval that will be considered by the BZA. You may want to check with the applicant if they agree to make it permanent and then including the maintenance and other issues.

Mr. Nielsen asked Mr. Love if he agreed to a permanent easement. Mr. Love said he would like to discuss it with his neighbor. Mr. Nielsen asked Mr. Love if he wanted to continue the issue to see if it can be resolved. Mr. Nielsen said the matter will be continued for 3 weeks, to April 24, 2006.

2. **CONDITIONAL USE PERMIT, C-8441 – KOOPMAN** – Application to allow continued operation of a horse boarding facility for 50 horses (35 boarded horses plus the 15 horses owned by the applicant) in an A (Agricultural) district, located at 10330 Crow Canyon Road, west side 1.8 m north of Norris Canyon road, Castro Valley area of unincorporated Alameda County, bearing County's Assessor's designation: 085-1901-002-01 -

Mr. Buckley presented the staff report. He stated that several of the conditions of approval from prior approvals have not been fully complied with; in particular the Fire Department has expressed some concerns about clearances on some of the facilities. The site plan also points out an area for future development for expansion and under Measure D General Plan this property is already fully developed with buildings that would be allowed under the floor area ratio. One of the conditions would be that no further buildings be based on the property, although grazing or manure management or that kind of activities would be permitted on the land. The manure management has not been fully specified in the plan that was required originally. Another condition of approval that would need to be met, in general this is an on-going operation. The sense is that if you are comfortable with the basic operation, than these conditions be further inspected, before the BZA is ready to take a recommendation and action.

Mr. Nielsen called the applicant to the podium.

Charles Koopman stated that he and his wife Donna have been running the academy since they built it in 1983. Basically, the operation has not changed since that time. Unfortunately, in December he took a fall, it has been until last week that he worked around it. Work has kind of slowed down. They are complying with the Fire Department request. It has been that way since the building permit was issued. They are in the process of re-doing a two story structure with steel IV. What he is doing now is boxing that in with sheet rock and wood over the top. He is behind schedule. He got the new 5,000 gallon water tank up there; he got the pipes there but not in place because of his ability. It will be completed within the next month. That is the main thing that the Fire Department was concerned about. They want a survey, they spent \$5,000 in the water tank. They have the

original site survey. They agreed he can show the locations of the buildings, the slope of the driveways for the Fire Department. He thinks they are right on top of everything.

Mr. Nielsen asked Mr. Koopman what improvements remain to be done. Mr. Koopman said he has to get the pipe from the tank down 5 feet from the roadway. That is no big problem. The main problem they have is finishing the sheet rock on the steel bins. He got to show this degree 12 degrees slope, and then 5 degrees site map.

Mr. Nielsen asked staff if the County agrees that is what remains. Mr. Buckley said that he has not spoken with the Fire Department, but it sounds reasonable. The referral response from the Fire Department was in December. Since then, it seems that there has been some progress. The final clearance is the condition and the recommendation is that it would not go to the BZA until we got that clearance.

Mr. Moore said that one of the conditions of approval (page 5 of the staff report) there is a whole list of agencies and if all of them were required for this particular project and if he needed all of that. Mr. Buckley said it addresses the presence appropriate for the property and the general sense that if these agencies wanted to conduct an inspection to verify compliance, they can do so. Mr. Moore asked if the environmental assessment by the County can tell them whether or not there is a concern that would require, if the need to deal with it, deal with it now. Mr. Buckley said that this is a carry over from the original approval which did include in the environmental review, actually one of the renewals in 2002. It is really alerting both the applicant and anyone else that might get involved in the project that there are requirements. For instance, they changed the location of the manure pile, and started to have an effect that comes into play here.

Mr. Nielsen said if there were other sites on the edge of Crow Creek with the same type of operation that would require this type of approval also. Mr. Buckley said yes.

Public testimony was called for.

Ms. Donna Koopman spoke about the manure and said that it used to be free, now they have to pay. They did everything, they had the State and everybody after and they OK this. She said she does not know what the problem is, because they do not have it anywhere near the creeks, they come every year.

Public testimony closed.

Ms. Adesanya asked Ms. Koopman about the conditions of manure management removal and if there was a manure management on file. Mr. Koopman said it is the same type and basis. Ms. Adesanya asked Mr. Koopman if he was still OK with that. Mr. Koppman said yes.

Mr. Moore made a motion to approve Conditional Use Permit, C-8441 all conditions of approval set forth in the staff report. Ms. Adesanya seconded. Motion carried 5/0.

PARCEL MAP, PM-8958 – JASON KADO - Application to subdivide one site containing 0.42 acres into two lots, in the R-S-D-20 (Suburban Residential, 2,000 square feet Minimum Building Site Area per Dwelling Unit) District, located at 2516-28 Grove Way, north west, 671 feet southwest of Vergil Street, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 416-0040-041-02.

Mr. Buckley presented the staff report. He stated that there were no objections raised from the referral agencies. The one issue is the fence in the front of one of the units that is 6 feet high where 4 feet is required; therefore staff recommends that that fence be replaced whether or not this parcel map is approved.

Mr. Moore asked if in both lots it would be fully conforming the set back requirements. Mr. Buckley said not exactly. The R-S-D District currently stands requires 10 foot side yards and 10 foot separation between the driveway and the dwelling wall and the 20 foot driveway to serve these parking spaces, also requiring two parking spaces per unit, and the parking on this site occupy some of the required yards including the front yard and the separation between buildings in one of the lots, so it is not actually fully conforming in terms of the development. Mr. Moore asked if they were requesting a variance as part of this and if it was possible to do this as subdivision pre-existing non-conforming and just let them stay without a variance. Mr. Buckley said there is an element of variance allowed under the subdivision ordinance in terms of allowing variances from the lot width and net lot area and some of those factors and because it is pre-existing legal non-conforming development, so, yes, this would be legal non-conforming

Mr. Nielsen said that in the back of the property there is a two car garage and asked if that was separated by a fire wall.

The engineer in charge of the project said that since the garage will be across the property, we were proposing that a fire wall being built at the property line.

Mr. Nielsen said it will be separate. The engineer said it will be a one car garage there is no need over the garage portion.

Jason Kado, applicant and partial owner of Kado Investments, stated that basically he is planning in splitting the units and selling all individually, it will be better for the city and the property values. Because it is pre-existing, he does not see how it would be negative in any way.

Mr. Moore asked Mr. Kado what the conditions of this are building and if he was planning on upgrading it. Mr. Kado said that it was upgraded very recently. The units were re-done. They have new counter, new sheet rock, new carpet, and new exterior paint.

Mr. Nielsen said that they did a magnificent job, but he is concerned about splitting them and create additional parcels. As far as the workmanship is concerned, it is beautiful. Mr. Kado said that it is redesigned for owner occupancy. He lives in one of the units. It is a nice place to live but is also helping him out. The only thing about owner occupancy is that he will keep the property better than it is, this is an investment for him and he wants to make sure it is nice.

Mr. Frank told Mr. Kado that he shifted finances from commercial three units going through a different type of finance. Ms. Adesanya asked Mr. Kado if he had considered condominiums

Mr. Nielsen said if it was a condo conversion requirements both open space and parking using open space for parking front yard, condo conversion would not allow it.

Mr. Frank said that parking was always an issue.

Mr. Buckley said that the drawing shows 12 parking spaces including the ones in the rear garage in the space between a couple of the buildings and the front yard so actually there are six parking spaces that are legal under the R-S District. They do have 12 in total.

Mr. Frank said to look at the other parking that would be legal from the County aspect, everything else remaining legal or not. Mr. Buckley said it is legal non-conforming, they are also showing the fire turn around that could also be used as parking, except that in this case they would have to designate it. Mr. Frank asked if they were proposing any maintenance arrangement. Mr. Buckley said that they would need to share maintenance of the driveway. Mr. Frank asked if there were any alternatives for parking in the rear. Mr. Buckley said no. They are creating new lots that have some deficiencies, so there is room in the subdivision ordinance for us to grant variances as part of the parcel map for certain situations because this is legal non-conforming.

Mr. Frank told Mr. Buckley and he keeps saying granting variances but if you look at what is being brought before us, Parcel Map PM-8958, no discussion on variances and yet we get a discussion about parcel maps. We are talking about variances and this is something that requires a variance. We are trying to be consistent with the single issue on developments, we turn them down because they have no parking, we go back to people telling them they have to reduce what they have on the lot.

Mr. Moore asked Mr. Kado if he discussed the possibility of eliminating the fire turn around and putting two parking spaces up front in this turn around. The Fire Department routinely will offer alternatives for turnarounds. Mr. Kado said that there is parking available on the street. He told Mr. Kado that he has an opportunity here to move these two parking spaces up front into the turn around, possibly see if the Fire Department can give him some relief. He does not have a conceptual problem. He can put sprinklers, if they are not needed them, that is great.

Mr. Nielsen said ff the Fire Department can turn around in that space, then we got another problem. Mr. Nielsen told Mr. Kado that he might want to consider continuing the issue in order to solve these issues or he can ask for a decision tonight if he wants.

Mr. Moore said that he can support it if they do a condition such that it fully comply with the parking, put landscaping in the front, and make it nice for the neighborhood.

Mr. Nielsen told Mr. Kado that even if we continue this in order for him to consider what has been discussed if he cannot meet the requirements.

Mr. Buckley said that if the Council is inclined to continue the issue, he also see in the file that is reference to an earlier variance, the V-11765, he does not have that file here to refer to, but there is history on this property.

Mr. Nielsen said that should have been mentioned because there are many deficiencies and he would not be surprised that that variance was not requested. Mr. Moore told Mr. Buckley that he was not aware of that he had let it without a rezone a few years to grant a variance without an actual variance. Mr. Buckley said it is limited. Planning usually requires a variance for new construction.

Mr. Nielsen said because the side yard set backs ordinance does not address that and that is an issue considering that the County is being concerned about condominium conversion considering variance. Mr. Buckley said he will be happy to bring it back with more information.

Mr. Kado said he would like to continue it. Mr. Nielsen continued this item to April 10, 2006.

E. Open Forum - None

F. Chairs Report – None

G. Committee reports –

- **Eden Area Alcohol Policy Committee**

Mr. Nielsen made a comment on Tony and Ted's and said that one of the things that he did (at the last MAC meeting) after the decision was made to grant CUP, he was bothered by several answers that were given at the time, so he went to the Eden Area Alcohol Policy Committee meeting. He apologized to the rest of the MAC Board because one of the things that became very clear was that the District Attorney does not prosecute sales violations to minors. He also found out that the ABC as a matter of course, when a license is suspended they renew it, the revocation of liquor license is very rare. He talked to the Sheriff's office and some times they understand exactly what they are saying, but we don't. Also, when the question was asked to the owner's attorney whether these offenses were documented, the answer that was given at the Board of Zoning Adjustments hearing was that yes, he could sell liquor to minors. He (Mr. Hoang) was cited and arrested for liquor sales out of his premises when his license was suspended.

Ms. Henninger told Mr. Nielsen that if he wanted to be specific, this item should be brought back.

Mr. Moore asked Mr. Nielsen if he spoke at the BZA and gave an opinion as a recommendation of what he thought should happen. Mr. Nielsen said that he was concerned about the clarity of the report that was given.

Mr. Frank said that just for clarification, if the Chair wants to bring something as an informational item for future references on future items taken into consideration more like an illustration to the general members of the MAC, something that requires the Brown Act. County is looking at and there should be more discussion.

Mr. Nielsen said that was the reason he brought it up. Mr. Moore asked Mr. Nielsen what was the action from the BZA. Mr. Nielsen said that the BZA denied it. The point is to make sure an understanding with the Sheriff's Department as far as making it clear when an arrest is made that we know exactly what that means.

Ms. Adesanya said that her advice to the MAC come to be pulling information out of those presented reports and not make a recommendation based on limited

- **Redevelopment Citizens Advisory Committee** – No report.
- **Castro Valley Parkland Committee**

Mr. Nielsen said that there was a meeting with HARD concerning the progress on the EBMUD Park. The primary purpose of the meeting was to discuss questions in the telephone survey and to make sure that everything was covered as far as the steering committee is concerned. It was a great meeting. They emphasized that they want to make sure that the partial survey will serve to know exactly what the committee has in mind as far as the park is concerned. The other thing that was discussed was to make sure that the people voting on this live in the same area

because it will be very important and it will have an effect. They asked County Counsel to verify what areas should be covered; they did not have an exact map. We all know the various bond methods to cover the expense of the park. Marc Crawford is able to contact the company that handles bonds actions of this type. We are looking at verifying what the bond calculation would be voting on this issue. One of the things that was further emphasized was the delay determining a recommendation as far as the parcel expense. The information that we have is not complete. The steering committee will meet again this coming Friday at 3 p.m. to continue the discussion as far as the corporation bond consideration. The final questions will be available. It is a public meeting.

Mr. Frank asked if a recommendation for action placed in the ballot will be forthcoming from the committee.

Mr. Nielsen said yes, it will be brought to MAC as part of the hearing process. We are making sure that the questions are appropriate so we do not misunderstand who is interested and who is not. He said he was very pleased with the response from members of the committee and the representatives from all the major areas in Castro Valley. There is one area that is not represented yet.

Ms. Goodbody asked if HARD bond has been secured.

Mr. Nielsen said that they made a recommendation to use the pollster that was successful with them before. The questions that came up are not leading, they are asking for whether what people is interested in, for instance, what should be included in the park.

Carolee Perrich, resident at 1207 Richard Place, Hayward, stated that the property belonged to her father and grandmother. She indicated that she had a letter that her brother had written to the Daily Review about the park and the way he felt about it. When EBMUD bought the property, they said it was only for a filter plant and they have never done that. The Diaz family was sued, her father was sued by EBMUD and they claim in their court documents that the only reason they took or needed the property was for the filter plant. She wanted to let you now what EBMUD has done with the property and how they acquired the property and now the fortune that they are trying to make out of it. She would like to see a park there and she thinks that we should do something. EBMUD should give it back to the people that they took it from, not necessarily her family but to the Castro Valley citizens. She said that EBMUD lied, and the people who are familiar with EBMUD said that EBMUD did not have intention to use it as filter plant. The letter by the way did not get published by the newspaper. A copy of the letter was entered into the record. She would like to see children go there and learn about where we came from.

Mr. Nielsen asked Ms. Perrich if she has approached EBMUD. She said she does not know how to. Mr. Nielsen told her that there is going to be a meeting next Friday at 3 p.m. She said that she is a teacher and is unable to be there at that time.

Mr. Nielsen told her that she can write a letter either to the MAC or Eric Willyard at HARD. You can also contact EBMUD Real Estate Department. Mr. Nielsen told her that this is the first time that he hears about this. Mr. Nielsen told her that if EBMUD sold the property to a developer it would bring considerably more than what they are offering.

H. Staff announcements, Comments and Reports:

Ms. Henninger said that the General Purpose meeting, April 17, there will be a work session as part of the scheduled agenda related to alcohol outlets and it will cover policies and procedures in the County.

I. Council Announcements, Comments and Reports

Ms. Adesanya informed she will not be in at the next meeting.

Mr. Swanson stated that the Farmer's Market is being negotiated. Redevelopment is working with BART and they are very cooperative. BART said that the Farmer's Market did a great job in maintaining the property, cleaning up. They did offer a 2 year contract, but we will sign for one year because we may want to make some changes, we may want to go year round. We will do another one year to see how the market is. We feel we will be able to go year round but we are still concerned that the products that are available in the winter crop are significantly less enticing. It will be opening the first Saturday in May. We want to make sure that the public will support it. The intention is to keep the public and the vendors happy.

Ms. Adesanya said that she received two referrals in the mail recently for hearing, for two variances. Hers was one of the referral agencies. Ms. Henninger told her that she is not supposed to get those referrals.

Mr. Buckley told her that we will clarify on the distribution list, but she should not get the referral early but she should be seen all of them at least those on the consent calendar.

J. Adjourn

The meeting was adjourned at 8:05 p.m.

NEXT HEARING DATE: MONDAY, April 10, 2006