

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

Minutes for April 10, 2006

(Approved as corrected April 24, 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 and Carol Sugimura. Council members excused: Cheryl Miraglia, Karla Goodbody and Ineda Adesanya. Staff present: Sonia Urzua, Tona Henninger, Bob Swanson and Maria Elena Marquez. There were approximately 15 people in the audience.

B. Approval of Minutes of March 27, 2006.

Mr. Frank made a motion to approve the minutes of March 27, 2006 as presented with a second by Mr. Moore. Motion carried 4/0.

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.

The Chair asked the council members if they wanted to discuss the items on the Consent Calendar. Mr. Frank requested that Variance, V-11986, Variance, V-11989 and Variance, V-11994 be moved to the Regular Calendar.

E. Regular Calendar

1. VARIANCE, V-11986 – WILLIAM & MILDRED NULL – Application to retain an existing attached carport providing a 2 – foot side yard where 5 feet is minimum, located at 3979 Westbury Road, south side 159 feet west of Thornbury Avenue, unincorporated Castro Valley area of Alameda County, bearing County's Assessor designation: 084D-1342-048-00.

Ms. Urzua presented the staff report. Mr. Moore asked how long the car port has been there. Ms. Urzua said approximately 10 years. Mr. Nielsen asked if there was a building permit obtained for this car port. Ms. Urzua said no. Mr. Nielsen asked staff how this item came to MAC. Ms. Urzua said through Code Enforcement. The Code Enforcement Department brought it to the land owners' attention and the land owners came to the Planning Department to explore ways to make it legal by way of a variance. Mr. Nielsen asked staff if it was not a complaint from a neighbor, if it was someone who was aware of the set back

violation. Ms. Urzua said that it was an anonymous complaint. Mr. Nielsen called the applicant to the podium.

Mrs. Null stated that she and her husband applied for a variance for their carport. It will be 11 years since it was built. She stated that everything that she wanted to say is in the written statement and letter included in the staff report.

Mr. Moore asked Mrs. Null if she had a contractor install the carport. Mrs. Null said no. Her husband and three of her sons built it. Mr. Nielsen asked Mrs. Null if they did not obtain a building permit. She said no because she thought it was not needed. She read the written statement included in the staff report.

Public testimony was called for.

Linda Wickwire, resident at 3982 Westbury Road, stated that she lives across the street from Mr. and Mrs. Null. They have been neighbors for 42 years. The carport does not impede her view and is not in her way. She supports her neighbors and has no objection at all.

Bill Welte stated that he is a friend of the Nulls. They have been friends for many years. He is a contractor and he was called upon by Mr. Null. He has given him advice and counsel and feels guilty for not letting them know about the permit. The consensus is that it is a simple structure, pretty minimal, to shade the kitchen and keep sun out. He said that Mr. and Mrs. Null's house is nicely maintained by them.

Jason Carmichael, stated that he and his family recently moved next to the Nulls. He said that the carport definitely suits the area well and the carport quality is very nice. It should be allowed to stay.

Angelina Morrow, resident at 18969 Thornbury Avenue, stated that she is a neighbor of the Nulls. She said that the carport is not a nuisance and it is very nice to look at, it adds a little taste to the area. It does provide shade. She is in support of the carport.

Public testimony was closed.

Mr. Moore made a motion for approval of Variance, V-11986 with a second by Mr. Frank. Motion carried 4/0.

2. **VARIANCE, V-11989 – ANTHONY WRIGHT/ALFREDO GONZALEZ**
Application to allow construction of a 7-1/2 foot high fence where 4 feet is the maximum allowed in an "A" (Agricultural) District, located at 22469 Eden Canyon Road, northwest side 0.65 miles northeast of Hollis Canyon Road, Castro Valley area of unincorporated Alameda County, designated Assessor's Parcel Number: 085A-0100-003.

Ms. Urzua presented the staff report. The Planning Department recommendation is that it should be denied as the portion of the fence in front of the caretaker's unit should be at least 20 feet away from the property line. This is supported by the Fire Department's recommendations as well.

Ms. Urzua said it is stucco and brick the lower portion and the top is steel.

Mr. Moore asked why the Planning Department is recommending denial.

Mr. Nielsen said he noticed there are two other fences of adjacent neighbors that are at the edge of the road. They are high wood solid fences, not on this particular piece of property. They are recommending denial on the distance.

Ms. Urzua said that she is not familiar with the particulars of those two properties, but as the staff report mentions, there are two other mechanisms by which one can have a fence higher than what they are allowed to have. One is to make it a condition of CUP. Perhaps that would be the case on the two properties that he is citing. Perhaps it was a CUP that was issued and they conditioned it upon a higher fence. She said she would have to look into it.

Mr. Nielsen said that he can understand up and down the canyon, not only Eden Canyon or Palomares Canyon, you can put up fences that are 6 foot high, they are open and they are to prevent deer and coyotes from entering the property. He knows there is regulation against having solid 6 foot fences right at the property line. The only objection would be the caretaker's gate. If it were set back, it would not pose a problem as far as that is concerned. Ms. Urzua said yes.

Mr. Anthony Wright, architect for the project, stated that they could make this condition of approval to ensure that this set back is 35 feet on the caretakers house. The question is the assumption that there will be two addresses on the same property, come to the address of the caretaker's house and they could park the vehicle in the main gate and still have 5. They could certainly change it to 35 foot set back from the property line on the caretaker's access entry. They would like to maintain as much parking at the caretaker's in front of the garage, but they can make that condition of approval to ensure 20 foot set back. On the fence, he would say that is already 5 feet high on the property and is the original wood fence. The property falls down rapidly down the slope, so it should get a 6 foot high column. The reason for putting these columns is basically way the columns go up, it is like a swale shape stucco wall goes down. The owner wants to ensure that there is some measure of security on this property because the owner has valuable horses. That is the reason why the fence is 6 feet or 7 feet.

No Public testimony submitted.

Mr. Nielsen said to see the property and look at other neighbors. The fact that they have 6 foot high fences is for protection of animals. Owners put up steel work in order to protect properties from animals. The Council needs to make sure that he understands that if he builds in the fence to the 7.5 foot high level, someone will be out to let him know that that is not acceptable.

Mr. Moore made a motion for approval of Variance, V-11989 with the provision that the condition of approval be set for the gate from the caretaker's house at a minimum of 20 feet from the front property line. Mr. Frank seconded. Motion carried 4/0.

3. **VARIANCE, V-11994 – AARON RUNOLFSON** - Application to allow a 10 foot front yard where 20 feet is required, and retention of a 2-foot side yard where 5 feet is required with the construction of front and rear additions, in a R-1-SU-RV (Single Family Residence, Secondary Unit, Recreational Vehicle), located at 1636 Crescent Avenue, north side 150' feet west of 5th Street, unincorporated Castro Valley area of Alameda County, bearing County's Assessor designation: 415-0220-030-00.

Ms. Urzua presented the staff report. The Planning department is recommending denial and suggesting two site plans noted as exhibits B and C. The denial is for the 10 foot front yard as staff noted that there is adequate room on this property, which is a good size property for the addition, so the recommendation would be to retain the 20 foot required front yard set back and the recommended approval would be for the retention of the side yard set back provided that the 5 feet minimum is retained on the addition. Mr. Nielsen called the applicant to the podium.

Aaron Runolfson, applicant, stated that the reason he applied for the variance is because that area basically are side access driveways. The County staff may agree or disagree with the plans. He went to the neighborhood and took pictures of residences that are already standing. He is requesting 10 feet from his front property line, 21 feet from the street. As you can see, these residences are 13 and 17 feet, there are 6 or 7 of them in his neighborhood. He has lived on that street all of his life. This is one of the smallest zones in the neighborhood. If he goes 150 feet to the rear wall, he will have to install sprinklers which run a higher cost. Every vehicle in his yard has registration and insurance. He stated that he did not have a chance to review the staff report. He is not asking for something that does not exist in his neighborhood. This will be the newest one, it is a very old neighborhood and he is adding value to it by doing this. He will put a family room in the back of the residence. He just wants to make the neighborhood better. He is asking for 21 feet and his second recommendation was to be of 10 foot set back, have a 15 foot set back. He was pushing for the first one. His family has owned this property since 1951. His parents reside next to him. Mr. Runolfson was told to make a second choice, he chooses the second one.

Mr. Moore asked Mr. Runolfson what are the set backs on the houses on either side. Mr. Runolfson said probably 10 foot difference on the east side, on the west side probably 18 to 20 foot difference. He is a little bit further back.

Mr. Nielsen asked staff if the legal front yard set back is 20 feet. Ms. Urzua said that is correct.

Public testimony was called for.

Lynette Journeay, resident at 1672 Crescent Avenue, stated that she supports the variance, anything that can improve the neighborhood would be wonderful. She compared her neighborhood to San Lorenzo Village where all the houses are built the same with the same builder, they range anywhere from the 40's to current. Her neighborhood is not consistent at all. She supports the variance. Improvement would make it more fitting with the rest of the other houses which were upgraded recently.

Public testimony was closed.

Mr. Frank asked staff what is the goal behind the County in terms of view point of the neighborhood. Ms. Urzua said that the County still guides its decisions based on the ordinance and the ordinances that apply at the time. Planning Department's only guide is to keep things more regular, even though through time there is some other construction or different pattern, but the idea is that we want to encourage more consistency.

Mr. Frank asked how the county considers it if a person gets a variance, consistent with the neighborhood? Would it be legal non-conforming? Ms. Urzua said that if a petition is granted, it would be legal non-conforming. In order for the variance to be granted, findings regarding the special circumstance, privilege, and non detrimental impact need to be made. If those findings can be made, that would still be in line with our goal of supporting the ordinance as it stands.

Mr. Nielsen asked what is creating the problem, if the existing building is 2 feet from the property line. Ms. Urzua said there are two parts to the petition: the front yard set back and the side yard set back. Staff has concluded that the front yard set back still be respected while findings could be made to support that variance of the side yard set back.

Mr. Nielsen said to be consistent with Castro Valley in this area the 20 foot front yard set back is being observed. Ms. Urzua said currently yes and we are recommending that the 20 foot yard set back continue to be observed.

Mr. Moore said that this is always tough in neighborhoods where there are mixed set backs. He recalled the last one that the Council saw, where the proposal was in line with adjacent buildings to the houses on the side. You are able to keep the

front yard set back completely open and still have plenty of room and not encroach. Ten feet is close. He wants to know what other council members feel about that.

Mr. Nielsen said that one of the things the Council tries to do is to be consistent not only with this neighborhood but also in other neighborhoods. He does not see justification for reducing the 20 foot yard set back. He recommends 20 feet.

Mr. Moore said he can probably support an increase in the front in line with the neighbor, but he can not support a variance for 10 feet.

Ms. Urzua said that the Fire Department is requiring a sprinkler system for the rear addition. They enforce their own rules.

Mr. Moore asked about the technicality for a motion when the applicant is asking for 10 feet. Mr. Nielsen said that if the Council approves it for 20 feet in the front yard, it will be a problem and give him the variance for the side yard.

Mr. Frank told Mr. Runolfson it would be much more economical if he continues it and look in terms of the 20 foot. This is a doable situation for him. He can actually ask for a similar variance and bring it back to the MAC. If he goes into a denial situation, he needs to consider the County waiting period. Ms. Urzua said that once staff recommends denial there is a one year waiting period before the applicant can return for the petition.

Mr. Frank told Mr. Runolfson if he would rather think about it for two weeks. Mr. Nielsen told Mr. Runolfson that he can make a decision tonight if he agrees to the 2 foot then the Council can condition the approval. Ms. Urzua said that we can deny one part and approve the other part.

Mr. Nielsen told Mr. Runolfson that the Council can approve the 2 foot side yard set back as existing. The Council thinks that the 20 foot side yard set back works for the neighborhood and for consistency. The Council can vote on a motion for that. Mr. Runolfson asked if that would be Exhibit C. Mr. Nielsen said it will be approval of Exhibit B. Ms. Urzua said there are two exhibits that the applicant may want to consider, B and C; both of them observe the 20 foot set back and asked the Council if they want to leave it open for one of those.

Mr. Frank made a motion to approve Variance, V-11994 for retention of 2 foot side yard set back and deny the petition for a 10 foot front yard setback. Ms. Sugimura seconded. The motion carried 4/0.

4. **VARIANCE, V-12000 – DANIEL L. DEL RIO** – Application to allow construction of an attached addition (Garage) providing a 6 foot side yard where 15 is the minimum, in a R-1-L-B-E-CSU-RV (Single Family Residence, Limited Agricultural, 5-Acre Minimum Building Site Area, 100 foot Median Lot Width,

30 foot Front Yard, Conditional Secondary Unit, recreational Vehicle Parking), located at 8216 Crow Canyon Road, west side, ¼ mile north of Norris Canyon Road, unincorporated Castro Valley area of Alameda County, bearing County's Assessor designation: 085-1750-005-22. **(Continued to April 24, 2006)**

5. **VARIANCE, V-11998 – DONOVAN McKEEVER** – Application to construct an attached garage and a secondary dwelling unit 3 feet, 2 inches from the side lot line where a six-foot setback is required, and to permit two independently accessible parking spaces where three are required, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 19349 Santa Maria Avenue, west side 300 feet south of Lux Avenue, unincorporated Castro Valley area of Alameda County, bearing County's Assessor designation: 84C-0570-125-03.

Ms. Urzua said that the Applicant requested continuance due to a death in the household, to April 24 or May 8, 2006.

6. **TENTATIVE PARCEL MAP, PM-8991 – RAMESH KUMAR** – Application to subdivide two parcels containing 0.69 acres into three lots, in a R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle Parking) District, located at 18782 and 18810 Stanton Avenue, east side, approximately 400 feet west of Sidney Way, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084B-0415-002-06 and 004-07.

Ms. Urzua presented the staff report. Mr. Nielsen asked staff if parcel one only has parking could it to be on Stanton itself and not have to be on the property. Ms. Urzua said that is correct. Ms. Sugimura asked if parcels 2 and 3 have guest parking. Ms. Urzua said they do and one of them is located on the easement of the boundary adjustment parcel. Staff is recommending potentially placing a third space there as well because there is room to accommodate it.

Mr. Nielsen asked if having one guest parking space for parcel 1 is sufficient. Ms. Urzua said that is correct. Mr. Nielsen asked staff if parcels 2 and 3 are a party to that easement. Ms. Urzua said that the actual easement document is not in the file but she understands that is the case. She said it can be clarified with the applicant. Mr. Nielsen called the applicant to the podium.

Bruce Starr, representing the applicant, stated that he is not familiar with MAC. Mr. Nielsen asked him what was his relationship with Mr. Kumar. Mr. Starr said that he is the surveyor and he prepared the parcel map. Mr. Nielsen asked Mr. Starr if there was additional information that he could provide. He said he could not think of any. Mr. Nielsen asked Mr. Starr that one of the things that he is curious about is the proposed private street easement: are these parcels a party to that easement, is it a recorded easement or will it be a recorded easement if this lot is split. Mr. Starr said that would be a requirement; Mr. Kumar owns the

boundary adjustment parcel to the left as well as the 3 parcels that are proposed for the tentative map. Mr. Nielsen asked Mr. Starr how does Mr. Kumar have access to the easement from the street. Mr. Starr said that the boundary adjustment parcel owns the 32 foot wide strip to Stanton Avenue, so since he owns it, he will be controlling the granting of the easement. Mr. Nielsen said that he wanted to make sure that it is a permanent easement and not a temporary one.

Mr. Frank asked Mr. Starr if he is asking for a road maintenance agreement. Mr. Starr said yes, that is pretty standard procedure for the tentative map requirements.

Public testimony was called for.

Robert Johnson, resident at 18800 Stanton Avenue, stated that his property is located between the two parcels. He said it was his understanding that the gentlemen that used to own this piece of property, when he (Mr. Johnson) bought it, 25 or 30 years ago, has an easement up there. When the previous owner died, they put a lock on there and the previous owner's granddaughter would not let Mr. Johnson in. His lawyer said there is some question about the legality of who technically owns that piece of property. All he knows is he always had access to the back of his property. He also knows that when the school was up back there, it was torn down. The old man that used to own the property gave them easement. They had problems with water because it is not maintained. The gentleman that used to own the parcel next to him never maintained it, never did the fence, he did not do anything to that piece of property. The only reason he (Mr. Johnson) did not do anything as far as suing him is because he did not want to cause any problems to the old man. He is concerned about the water problem, traffic, and what kind of problems will be created for him and his property, water and people wise.

Mr. Nielsen asked Mr. Johnson if he had always access to the back of his property. Mr. Johnson said yes, he has access now. Mr. Nielsen asked Mr. Johnson if there is an easement that was carried with his deed. Mr. Johnson said all he knows is that it has been established. The old man was there, the gentleman that built the house worked for the Fire Department. After that, he sold it to him (Mr. Johnson) and his family. Mr. Nielsen asked Mr. Johnson if several people used that easement. Mr. Johnson said he has been using it for years. The old man used to live up there and used to drive up there. Mr. Nielsen asked Mr. Johnson if there are other property owners. Mr. Johnson said no, only the old man and himself.

Mr. Moore asked Mr. Johnson if he has talked with the applicant, who is in attendance. Mr. Johnson said yes, he just wants to make sure that he knows exactly where he is. He does not want to create any problems for him, but all he knows that over the years he has dealt with those people up there. He had a little water problem when the school was there compared to what it is now.

Mr. Nielsen asked Mr. Johnson that if he can reach an agreement with the current owner, is he willing to participate in the maintenance agreement for that street. Mr. Johnson said yes, as long as he gets parking.

Mr. Moore told staff that parking is a legal issue and that these two parking spaces that are proposed by the street and asked for which parcel they are associated. Ms. Urzua said for parcels 2 and 3. Mr. Moore said the required parking is on Stanton Avenue. Mr. Johnson said he has parking behind his house. Mr. Johnson said that technically that property is his, than he has right to that.

Mr. Nielsen asked Mr. Johnson if he has easement for access to the rear whether anyone would be given parking rights as far as the street is concerned. He is concerned that if he parks a car and another car parked on the other side, an emergency vehicle would not be able to get up there. The width is 20 feet.

Mr. Johnson said there is parking on one side. He said there is parking on one side. Mr. Nielsen told Mr. Johnson that if his expectation is within the 20 feet that remains, he will not be able to park cars along the side of his property with emergency vehicles going up there. Mr. Johnson said he is going to be able to park there, technically he should be able to get some of it himself.

Mr. Moore asked staff if that this is a legal issue. The only question is if he turns right he has access to other parking. Technically it would be insufficient parking on this map.

Ms. Urzua said that there is some space slightly open in that staff identified a potential third parking space on that easement portion of the boundary adjustment parcel. We can condition it before the building permits get issued. The actual lots have adequate parking, at least as proposed right now they have adequate parking, if some legal issue arises and that implicates the minimum requirements.

Mr. Nielsen said that they would have to provide an additional guest parking spot on the property itself, the point is what does that do to the lot size consistency if they have to do that. Ms. Urzua said it would potentially affect their net square footage. Mr. Nielsen said that would bring them down below the average for the neighborhood. Ms. Urzua said yes, below the median lot size.

Mr. Nielsen said that one of the things that can be done is ask them to continue this until they reach an agreement as far as the easement is concerned and make sure that the 20 foot width is maintained so we do not have to cut back on the net of the two parcels. If the three of them get together and agree that there is no parking on the street, then there will be no problem. If they can not do that, then it is going to reduce the size of the two parcels below the average in the neighborhood and that poses a problem. If we continue it until the next meeting and all come up with an agreement as far as the easement is concerned so the only

impact in the size of these lots then the problem is solved. He asked the applicant if he thinks he can do that. He asked the owner if he is willing to continue it.

Mrs. Kumar, Applicant, stated that he (Mr. Johnson) has only access driveway to park behind his property.

Mr. Nielsen told Mrs. Kumar that he (Mr. Johnson) understands that but if his lawyer interprets it differently than her attorney, he is not allowed to park in these easements, and you will have to provide additional parking on each of these parcels, it will reduce the net size of the parcels and it will not conform to the neighborhood. His suggestion is that you get together with your neighbor, come up with an agreement as far as access that will not impact the size of these two parcels because the County is recommending an additional parking place at least given one of those parking places, then it will not impact the net size of any of these parcels. If you can take a week, come up with an agreement to do that, than we do not have a problem.

Mrs. Kumar said yes but she is surprised that they do not have that easement whereas they do. They know exactly when they purchased the property what the easement says. If he needs clarification, they can present his lawyer the copy of that agreement, basically is very cut and dry, he just have driveway access to go behind the property and just park his car.

Mr. Nielsen suggested that all get together and come up with an agreement and come back before this Council.

Mr. Moore asked if the Council could take action on it and bring it back. Ms. Henninger said that there is a change in the parking. Mr. Nielsen said that an agreement could be worked out and reduce the net of the two parcels.

Mrs. Kumar said that there is enough space even for the third parking. It should not be a problem.

Mr. Johnson said he and his neighbor can work it out. He said that he is also concerned about the sanitary drain that comes out of this house and is in his property in parcel 1. When this all comes together he would like to see that rectified.

Randall Hilton, resident at 18764 Stanton Avenue, stated that he lives right below the boundary adjustment parcel. This proposed private street goes up the right side of his house. He has lived there for 21 years so he was very well acquainted with the gentleman that owned the property previously. He was the Castro Valley Fire Chief for many years. He is very proud to know him. With this proposed work, they do have water drainage problem. He just wants some guarantee that this is going to be taken care of. With the proposed parking on the road, is 5 feet away from his house. He has tenants in the back house, in the boundary

adjustment parcel and he has installed a light there because it is a dark area. After 21 years of living there, he and his wife have to close the drapes of their bedroom window because the lights are very bright, and the owner says it is for his tenants' safety. They are not going to complain about that. But if there it is going to be parking 5 feet way from his house, what kind of lighting will he install? Is he going to light all three sites of his house? Mr. Hilton said that lighting is a big issue and he is also concerned about parking and water drainage.

Bruce Starr asked about the possible additional parking and how that reduces the median lot size. Mr. Moore said that if for some reason the gentleman says that he thinks he should have access for four parking stalls alongside this proposed easement and if the attorneys agree the required parking now has to be moved on to the parcels itself which theoretically reduce the net area. If it can be worked out, there will be no issues.

Mr. Nielsen said if the clear roadway is maintained at 20 feet and you can work out 8 parking spots on the left hand side of the street so emergency vehicles can come and go without a problem. If they can not work out an agreement, the parking will have to go on site. That will reduce the 6,035 square feet parcel to below the median in the neighborhood.

Bruce Starr said they can add an additional parking space very easily because they have got a 30 foot wide existing easement there.

Mr. Moore said that if he says that he feels that he has rights on all three parking spaces he gets all three of those. Mr. Starr said they will just either agree or it will be a legal thing that will go on forever.

Public testimony was closed.

Mr. Moore made a motion for approval of Parcel Map, PM-8991 with staff considerations and the following modifications:

1) Any proposed modifications to the site plan that would impact the net lot size and/or the number of parking spaces on the private street, if it impacts the lot size, be brought back before MAC for review. The concern being that it will reduce the net lot area if parking can be arranged and not reduce the net lot area then wonderful. He also added the conditions that the drainage from the boundary adjustment parcel, review and designed in accordance to County standards to minimize water filtration to the adjacent parcel and also existing and new lighting be installed to eliminates glaring. Sanitary sewer for parcel one be reviewed and have its own lateral. Mr. Frank seconded the motion with a consideration that Mr. Hilton and Mr. Johnson both are being affected by drainage so it is more than a parcel, any parcels that are affected by drainage be so corrected. Mr. Moore accepted the amendment with a second by Mr. Frank.

Ms. Henninger said that on the sanitary obviously they have district jurisdiction over them. The boundary adjustment is a question that we are looking right now, you will notice it is noticed as a parcel map and the boundary adjustment is not separate you are making conditions against the boundary adjustment. We are checking to see if in fact you can do that or if we need to bring it back, you will notice if you go through your site plan and your exhibits describe the boundary adjustment but include the agenda does not. Ms. Urzua said that it appears to be a concurrent application but the way it was noticed only the parcel map is described. We are conditioning the proper parcels

Mr. Moore asked if it would be possible to amend the way we are saying the applicant is here if he would agree as part of the conditions of approval just for the subdivision only. Mr. Nielsen said it would be better to continue it.

Ms. Henninger said maybe we have to bring it back for next meeting.

Mr. Moore made a revised motion for approval of Parcel Map, PM-8991 with staff considerations and a condition stating that any modification or changes to parking configuration that would reduce the net area of the parcel map would require the map brought before MAC and intention that by reference the project would deal with drainage and lighting issues and sanitary sewer issues on adjacent parcels. Mr. Frank agreed to second with one condition that the original motion seconding the first motion be withdrawn. Mr. Frank seconded. Motion carried 4/0.

7. **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. **(Continued from March 27, 2006, continued to May 8, 2006).**
- F. **Open Forum** – None.
- G. **Chair's Report** – None.
- H. **Staff Announcements, Comments and Reports** – None.
- I. **Committee Reports**
 - **Redevelopment Citizens Advisory Committee**
 - **Castro Valley Parkland Committee**

Mr. Nielsen gave a brief report on the park issue and said that the questionnaire had been reviewed and finalized. Also, the committee is defining the parcels that will be involved in a vote in November.. It has to be verified exactly the area

what will be included so the parcel tax amount can be determined. The County is working on that.

Ms. Henninger said that next Monday the only item will be the General Purpose Meeting work session and no action will be taken.

J. Council Announcements, Comments and Reports – None.

K. Adjourn

The meeting was adjourned at 8:00 p.m.

Next Hearing Date: April 24, 2006