

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL**

**Minutes for November 13, 2007**

(Approved as presented December 10, 2007)

- A. CALL TO ORDER:** The Chair called the meeting to order at 6:10 p.m. Council members present: Jeff Moore, Chair. Council members: Andy Frank, Dean Nielsen, Carol Sugimura and Sheila Cunha. Council members excused: Cheryl Miraglia and Dave Sadoff. Staff present: Tona Henninger, Jana Beatty, Bob Swanson and Maria Elena Marquez. There were approximately 25 people in the audience.

**B. Approval of Minutes of October 8 and 22, 2007**

Mr. Nielsen presented an amendment to the motion to approve Site Development Review, S-2129 heard at the October 8 meeting. Mr. Frank moved to approve the minutes of October 8 as amended. Mr. Nielsen seconded. Motion carried 4/1/2 with Ms. Sugimura abstaining and Ms. Miraglia and Mr. Sadoff excused.

For the minutes of October 22, Ms. Sugimura requested clarification on page 13, if it was a typo to move with a no recommendation from MAC. Ms. Henninger said it was not a typo, the Council can move forward with a no recommendation or a supplemental vote could happen or could be continued. Ms. Sugimura submitted minor changes. Mr. Nielsen seconded. Motion carried 5/0/2 with Ms. Miraglia and Mr. Sadoff excused.

- C. PUBLIC ANNOUNCEMENTS** – Frank Mellon, EBMUD, visited the property that Pacific Union bought from them and took a look at the plans for the sports field and he was very impressed. He wished we could have more developers like them.

**D. Consent Calendar**

- 1. CONDITIONAL USE PERMIT, C-8656 – KEVIN HINKLEY** – Application to allow the continued operation of a light auto repair facility, in a P-D (ZU-1914) (Planned Development 1914<sup>th</sup> Zoning Unit) District, located at 5269 Crow Canyon Road, south side term of Greenridge Road, in the unincorporated Castro Valley area of Alameda County, bearing County Assessor's Parcel Number: 085-5300-003-06.

**This item was moved from the Regular Calendar to the Consent Calendar. Mr. Frank moved to approve Conditional Use Permit, C-8656. Ms. Sugimura seconded. Motion carried 5/0/2 with Ms. Miraglia and Mr. Sadoff excused.**

**E. Regular Calendar**

- 1. TENTATIVE PARCEL MAP, PM-9236/BOUNDARY ADJUSTMENT – BA-15-07/VARIANCE, V-12071 – BRIAN LESEUR** - Application to subdivide one parcel containing 0.37 acres into two lots, with a Boundary Adjustment, and allow a 16' front yard setback where 20' is required on Parcel 1 and a 0' street side yard setback where 10' is required on Parcel 2, in a R-1-CSU-RV (Single Family Residence, conditional Secondary Unit, Recreational Vehicle) District, located at 19223 Carlton Avenue, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084B-0441-043-00. **(Continued from October 22, 2007).**

The Applicant not present again. Mr. Moore said that the Council can take public testimony.

Public testimony was called for.

Richard Martin, resident at 19411 Carlton Avenue, stated that he attended the previous meeting and gave testimony. He said that these applications will lead to another round of construction in the development of this property and also create a new property unique to the neighborhood which may create a new standard in the future development of lots in the area. He is concerned about the inconveniences to the immediate neighbors and the impact to the neighborhood. He cannot support passage of this proposal.

Dan Grimes, resident at 19221 Carlton Avenue, stated that he gave his comments at the previous meeting but he has 4 questions: 1) who requested this matter be placed before the board; also, they would submit new boundaries and record documents; 2) Brian Lesur's property is zoned for more than one dwelling and one secondary unit. All of a sudden it appears it will be two primary units

Mr. Moore said the Council is looking at the merits of the particular proposal being presented. This item was continued from the previous meeting. The Council suggested that the applicant considered the boundary adjustment. The property is being zoned for more than one unit.

Richard Uribe, resident at 5337 Willow Glen Place, gave testimony at the previous hearing. He said that the parcel that is planned to be subdivided has plenty of square footage to split between them. They are equal. This is an issue of not wanting to develop or cannot develop the property anymore. He is the original purchaser and developer of that property. Marilyn Lesur only wants to regain ownership of her property. That is the reason for the legal document. Some of the people that spoke here tonight that have properties if they were to submit them for approval under the conditions of the current requirements, they would not be allowed.

Hollis Lesur, resident at 19227 Carlton Avenue, requested continuance on this issue since Brian Lesur is not present. The Lesurs' (Brian and Marilyn) attorneys will have a conference call tomorrow. She mentioned that the staff report, page 8, says that approval of the variance does not appear to be a grant of special privileges compared to similarly situated properties in the vicinity and zone. The report also says that it appears that no detriment to adjacent properties or persons would result with the grant of the variances. Ms. Lesur said that her mother is limited without her property.

Todd Finlay, resident at 19953 Forest Avenue, also requested continuance so the issues could be resolved.

Public testimony was closed.

Ms. Sugimura asked if the Council could make a decision if the applicant was not present. Ms. Beatty said that Mr. Nielsen mentioned at the previous hearing that typically the MAC did not do this.

Mr. Nielsen said that part of the concern is that they are in the process of resolving this between attorneys. They are going to have a conference call and Ms. Lesur is asking for continuance to have enough time to finish this.

Mr. Moore said that the Council tries to understand the applicant. The last time he did not show up and he has no intention of adjusting the boundary. We gave him a courtesy continuance the last time. It is pretty clear what the message is.

Mr. Frank said that the applicant can have a continuance. They can come back to MAC, find out if that is going to evolve. Let them come back for discussion.

Mr. Moore said that the Council's concern is lot size consistency.

Mr. Nielsen said that the family understands the Council's position. We are trying to give them time to work out an accommodation so it makes sense for them. He moved that we continue the item to give them an opportunity to resolve this issue. Mr. Frank seconded.

Mr. Moore said that if it is continued again and the applicant does not come again, what would be the next step. Ms. Henninger said that it does not have to be continued to a certain date. Motion carried to continue the item. 5/0/2

**2. CONDITIONAL USE PERMIT, C-8562 – MARYANN MILLER NOVAK**

Application to allow operation of a telecommunications facility, in the R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 2301 Miramar Avenue, north side of west of Crest Avenue, unincorporated San Leandro area of Alameda County, bearing Assessor's Parcel Number: 080A-0191-034-04. **(Continued from October 8, 2007).**

Ms. Beatty presented the staff report. She said that the Council heard this item before. It was continued so staff could gather additional information on another antenna on the site. It was requested that Code Enforcement staff took a look at it. They stated that there are no current complaints.

Maryann Miller Novak, planning consultant to Metro PCS, said she wanted to reiterate that they have designed their facility to be architecturally integrated into the church sanctuary to minimize the visual impact. She wanted to call the Council's attention to the report that was prepared by the engineer.

Public testimony was called for.

Carl Jones, resident at 2241 Prosperity Way, said that he is concerned about where the permanent pole is going to go and how long the existing pole is going to be there. Also, he is concerned about the impact in the area.

Mr. Moore said that the applicant is proposing the antennas on top of the peak of the roof. The antennas are going to be there indefinitely.

Ms. Beatty said T-Mobile operates the existing monopole, they had applied for permits years ago to install a new facility which would be much better looking than the monopole. They had trouble to secure permits to construct that facility, that is why this monopole is still existing. They have received permit to operate this monopole for another 30 days and the old will have to be torn down while constructing a new monopole which was approved several years ago. It is a tall cross structure. There will

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be those antennas on that structure and this applicant, which is Metro PCS, is proposing to put the antenna on top of the roof of the church.

Mr. Jones said he is concerned about the view and also if the neighbors were notified. Mr. Moore told Mr. Jones that there was standard notification and a hearing on October 22<sup>nd</sup> which was open for public testimony. This is the second hearing time this Council have seen this. Mr. Moore said that the Council will make a decision tonight.

Ms. Miller said that actual envelope of the design is approximately 6 feet total on the existing building. It will be very low in terms of view impact.

Ms. Sugimura asked Ms. Miller how she would answer the questions made by Mr. Jones in terms of public safety. Ms. Miller said that public safety is not an issue. As she mentioned before, according to the report prepared by the engineer, they measured the background levels on the site projection level on what the applicant at the particular site is going to be in addition to what is existing.

Public testimony was closed.

Mr. Frank said that he has no reason why the Council can not move forward. Mr. Nielsen concurred with Mr. Frank. The fact that they are getting rid of that one is improving the view in the neighborhood, it is more attractive than the original.

**Mr. Nielsen moved to approve Conditional User Permit, C-8562. Mr. Frank seconded. Motion carried 5/0/2 with Ms. Miraglia and Mr. Sadoff excused.**

3. **VARIANCE, V-12084 – MAURICE DAWSON** – Application to allow a 2 foot side yard setback where 5 foot is required, in a R-1-RV (Single Family Residence, Recreational Vehicle) District, located at 16715 Rolando Avenue, south west side 280 feet north east of Winding Blvd., Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 080A-0212-021-00. **(Continued from October 22, 2007)**

This matter has been dropped due to the applicant revising the plans to meet the required setbacks.

4. **CONDITIONAL USE PERMIT, C-8656 – KEVIN HINKLEY** Application to allow the continued operation of a light auto repair facility, in a P-D (ZU-1914) (Planned Development 1914<sup>th</sup> Zoning Unit) District, located at 5269 Crow Canyon Road, south side term of Greenridge Road, in the unincorporated Castro Valley area of Alameda County, bearing County Assessor's Parcel Number: 085-5300-003-06. **This item was moved to the Consent Calendar.**
5. **VARIANCE, V-12087 – BEVERLY A. DIXON** Application to allow a 4 foot rear yard where 20 feet is required to retain an existing solarium in a R-1-BE-CSU-RV (Single Family Dwelling, 7,000 square feet MBSA, Secondary unit is permitted, Recreational parking is permitted) District located at 5953 Highwood Road, southeast side, 500 feet, north of Lomond Way, in the unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Numbers: 085-1605-012-00.

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Ms. Beatty presented the staff report. She said that staff was able to make the findings for approval based on the large open space it is an existing structure with no visible detriment to the surrounding area.

Mr. Nielsen asked Ms. Beatty if the County contacted the property owners to the rear of this structure. Ms. Beatty said yes.

Beverly Dixon, applicant, said that she purchased the property in October of 1992 and the solarium was existing at that time, she was told that it was permitted. 27 years later there are termites on the wooden floor and the windows need to be repaired, so she applied for a permit. She was told that at that time that the permit that was in existence was actually incorrect. She wants to repair, upgrade, fix it and be able to use it. The permit was issued to the people that owned it previously, an older couple in their 80's and they are not sure what happened with the building of that solarium.

Public testimony was called for.

Felix Elizalde, resident at 5942 Greenridge Road, said that it appears that Ms. Dixon is attempting to use the variance process to acquire the use of his property without compensating him for it. Last year, without his permission, she built a wooden garden planter on his land. She said she did not realize it was on his property. He and his wife agreed that Ms. Dixon used that portion of their land. It turned out to be a very complicated process. He said that Ms. Dixon is seeking a variance without telling him. He requested that the variance be denied until a survey is conducted.

Mr. Moore told Mr. Elizalde that this hearing is for a sunroom and not for a garden planter. The Council can not address items that the Council does not have documentation.

Mr. Elizalde said that the sunroom is in his property.

Mr. Nielsen asked if the property line has been verified by a survey. Mr. Moore asked Mr. Elizalde if his contention is if the actual sunroom encroaches over the property line. Mr. Nielsen told Mr. Elizalde that if a survey is recommended, if he would be willing to participate in the cost of the survey. Mr. Elizalde said yes.

Public testimony was closed.

Ms. Dixon said that she has a map that she received showing the property line. The sunroom is not on the property line, it is 4 or 5 feet setback from the property line. Mr. Moore told Ms. Dixon that that was not a proper survey. He asked Ms. Beatty if the County had concerns regarding the set backs. The Council does not require surveys for every project that we do. Ms. Beatty looked at the plans that were submitted and also at the plans that were submitted back in 1987. The sunroom is close to the property line. There were no surveys done in 1987 and no surveys with this application.

Mr. Moore asked Ms. Dixon who prepared the site plan.

Leonard Farrauto, resident at 5953 Highwood Road, said that he got the plans from the city and he copied over. They are available from their existing records.

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Mr. Moore said that there was an owner back in 1987, a plan prepared not by the applicant but a copy of and a contention by the neighbor that there is a potential encroachment for which we are issuing a variance.

Mr. Frank said that the issue is how do you correct a situation and make it right that is why they are applying for a variance. They will do it right by knowing where the boundary is.

Mr. Nielsen concurred with Mr. Frank. He said the Council can approve the variance with the condition of having the survey verified where the structure is and just move forward.

Ms. Dixon agreed. Mr. Farrauto asked if it was possible to make a judgment based on the survey, if a ruling could be made on that. Mr. Moore said that is the general consensus to potentially approve the variance.

Ms. Beatty said she would feel most comfortable if this was done before it goes to the WBZA hearing for the survey to be done.

Mr. Moore said that the motion would be approval but prior to being heard by the WBZA the issue be resolved.

**Mr. Nielsen moved to approve Variance, V-12087 subject to the survey showing that the boundaries are correct and that it be done prior to BZA for approval. Ms. Cunha seconded. Motion carried 5/0/2 with Ms. Miraglia and Mr. Sadoff excused.**

6. **TENTATIVE PARCEL MAP, PM-8570 – PARKINSON** - Application to subdivide one parcel into three parcels in an R-1-CSU-RV (Single Family Residential, Conditional Secondary Unit, Recreational Vehicle Restrictions) District located at 2757 Talbot Lane, southeast side, 300 feet northeast of Stanton Avenue, in the unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Number: 084B-0460-004-00.

Ms. Beatty presented the staff report. She said that the Council heard this a while ago. The original project was to subdivide the property into four parcels. The lot size consistency was a concern at the time. The applicant has modified the proposal so all of the proposed lots are now larger than average and the median lot size parcels within the radius. Currently, we have an application that shows three parcels.

Steven Hunn, representing Mr. Parkinson, said that at this point the tentative map is put together to basically subdivide the property, provide a foundation for the construction of the improvement to serve those three properties but there are no current plans to grade those properties. He understands that there are some written ordinances, that will be worked out as part of the development of those individual lots as a separate item from the tentative map. Part of the project would be basically cleaning up the neighborhood, improving the drainage, Alameda County Clean Water program, all surface water will be collected Talbot Lane or by underground dependent on the geologist soil report. Some information has not yet being completed. The plans that you have before you are finalized on how things will go. The exception is that the downhill corner of lot 3 would need the addition of a retaining wall in order to bring grade up such service water will be collected and directed towards Talbot Lane. Under Condition # 22, those comments from

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Public Works Grading Division further need to be discussed with Steven Hunt. In the way that the condition is worded right now those comments become part of the conditions to the satisfaction of the Public Works Department. Mr. Moore asked Mr. Hunn what was his proposed wording. Mr. Hunn said that it would be more appropriate just to add in there “for the satisfaction of the Public Works Grading Department. Public Works Grading Department should be OK with the conditions.

Mr. Frank referred to condition # 22 and told Mr. Hunn that what he was asking was to strike the language as follows: “as set forth the Development Services Department memorandum dated October 24, 2007”. The rest of the language of condition # 22 would stand in effect.

Public testimony was called for.

Robert P. Rumble, resident at 2720 Darlene Court, said that he was particularly happy to see the split in three. However, he is concerned that the entire hilltop is laced with springs that tend to show up in the spring and goes through people’s garages and dry up during the summer. Also, concerned about the hydrology water control. He does not know if Pacific Union has any plans to use Talbot Lane as any kind of access road. The problem with the easement is that is totally blocked off. If anybody wants to try and drive up that easement road it would be very difficult. This is nothing that you can solve tonight. He asked the Council to keep in mind his three concerns above as the Council goes forward.

Marc Niderosf, resident at 19060 Stanton Avenue, at the western side of the property, said that as far as the variances on the lot, he does not have a problem with that. His concerns are with some of the other issues like the springs and the water side of his property back up to the other property up above, there was an illegal retaining wall placed there one time. He spent \$ 40,000 to put drainage around his house just to keep his house from moving.

Mr. Moore told Mr. Niderosf that the applicant is not asking for a variance on this. The County has pretty strict guidelines regarding grading and storm drain requirements. They will absolutely be required to deal with that.

Public testimony was closed.

Mr. Hunn said that Mr. Rumbles has very valid concerns and the process of grading improvement plans are intended and basically alleviate any proper engineering in place especially the sub-drainage of the soils. Mr. Moore asked Mr. Hunn to address Mr. Rumble’s concerns about the easement. Mr. Hunn said to the best of his knowledge the EBMUD property uphill he does not know if that is included, he does not know anything about the other development that is going on up there, Talbot Lane is a private street owned in part by Mr. Parkinson and the other neighbors on the other side. He does not know the details of the easement that is granted, but he would find it hard to believe that would be called public access through another subdivision.

Mr. Parkinson said that easement contains 8 very large trees, it shows Talbot Lane L shape. EBMUD owns that property to get that easement removed and the agreement has not been finalized.

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Mr. Moore said that the bottom line is that there is a 20 foot access easement on the property. Mr. Parkinson said that the trees have been there for many years.

**Ms. Sugimura moved to approve Tentative Parcel Map, PM-8570 with conditions as noted, provision of # 22. Ms. Cunha seconded. Motion carried 5/0/2 with Ms. Miraglia and Mr. Sadoff excused.**

7. **TENTATIVE PARCEL MAP, PM-9538 – TRAN** - Application to subdivide one parcel containing 1.72 acres into four lots, in a R-1-BE-CSU-RV (Single Family Residence, 10,000 square foot Minimum Building Site Area, Conditional Secondary Unit, Recreational Vehicle) District, located at 4584 Ewing Court, north side, terminus north of Ewing Road, Castro Valley area of unincorporated Alameda County, bearing County Assessor's designation: 084D-1257-095-00.

Ms. Beatty presented the staff report. She said that this development does conform with the lot size consistency policy. The staff planner wanted to note that the private street that is proposed for the development currently is proposed using entirely straight lines between Ewing Road and the area. There are a few very mature trees that could be saved if the straight line were modified around just a few feet of difference. We are recommending that that be modified on the map. Based on the interpretation of the lot size consistency, the development is appropriate based on the larger lot size. Staff is recommending that the Council makes a recommendation to approve this parcel map.

Mr. Frank asked Ms. Beatty if the street configuration was different and one previous lot had two set of trees than the parking arrangements would be different. Mr. Frank said that only 4 houses are being served on the private road.

Council members ensued in a discussion regarding the different lot sizes based on the tables included in the staff report.

Hue Tran, applicant, said that he put much of the proposal by the Planning Department the private street from 18 feet to 20 feet. They also can rearrange the parking lot. Also, there is one parking in the proposal that he is suggesting to include some kind of crush stone sidewalk on the private street and he and his neighbor both share that private easement. They feel that is not needed we have stated that in the proposal. There is ample space on the 20 foot on the private road to be used.

Mr. Nielsen asked Mr. Tran about the 58,159 sq. ft. in front of the proposed split if he also owned that. Mr. Tran said no, it is owned by his neighbor.

Mr. Moore told Mr. Tran that if the modification is approved if he can adjust the configuration of the net lot sizes. Mr. Tran said that the existing proposal the front part on the easement of 40 feet back is 18 foot on the back of the property.

Ekundayo Sowunmi, engineer for the project, said that in terms of the recommendation by the Planning Department, he agreed to the majority of them, including the road width to make the private road for the proposed subdivision to save the mature trees. In addition to the recommendation that we reconfigure the subdivision parking, the 4 parking spaces are reconfigured, that is something that they can take a look at and adopt a favorable configuration. One alternative is to have those at the end of the private street



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and the other one is to consider widening the street to 28 feet in front of one of the parcels. At this point, it appears that at the end of the private street would make more sense. In general, as it relates to grading issues during the final design in conformance with other requirements of the County. At this point, it looks like the lots can be configured and the general idea of what the building foot prints would actually be. The blue prints would be consistent with the set back requirements.

Mr. Frank said that he is not against developing the property, but his concern is the lot size consistency.

Mr. Nielsen said that the Council tries to be consistent with lot size consistency, that is why 300 feet excluding larger lots. The only concern that he would have is this lot of 34,078 sq. ft. is to see that split again because we are right at the edge of the number of lots we are allowed as far as this type of development is concerned. Mr. Frank said he does not disagree with some of the practices in terms of community arrangement.

Public testimony was called for.

Tom Richardson, resident at 4572 Ewing Road, owner of the two lots, asked the Council to consider minimum damage to the trees that run up the lots in the front, there are quite a few trees up there. In his opinion, a crush stone sidewalk is not needed. Widen that street and move those trees

Bob Duey, resident at 4592 Ewing Road, next to the property. Supports Mr. Tran's project of putting 3 more homes there. It is a very large piece of property. He has no problem with the approval of the property. He is in full support.

Dan Oppenheimer, resident at 4516 Hillsborough Drive, expressed his concerns with the average height of the homes; also, he requested that the mature trees be preserved and protected, and that the construction workers avoid runoff and erosion.

Mr. Nielsen asked Mr. Oppenheimer what was the set back from his property. Mr. Oppenheimer said 30 feet.

Dale Carter, resident at 4508 Hillsborough Drive, said that he is concerned about drainage on his street down the hill and traffic.

Public testimony was closed.

Mr. Sowunmi said that he is aware of the draining issues. The County would not let them get a permit unless they comply with the requirements of the Clean Water program. In terms of the construction period, something will be addressed. Mr. Moore asked Mr. Sowunmi if he is going to develop the houses.

Mr. Tran said that this is a family project. They don't know what they are going to do regarding the design. Mr. Moore told Mr. Tran that there are height and set back restrictions if his intention was not to ask for variances. He consulted with other neighbors and explained to them what they wanted to do. They love trees and vegetation and will do whatever is needed to preserve the trees.

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Mr. Nielsen said that he is very familiar with the area. The applicant did a good job in contacting the neighbors and letting them know what is happening. He disagrees with putting a sidewalk there.

Mr. Frank, Ms. Sugimura and Mr. Moore concurred with Mr. Nielsen. They agreed that the lot size consistency is appropriate for the size. Mr. Frank's only objection was that it should be 2 lots instead of 3

**Mr. Nielsen moved to approve Parcel Map, PM-9538 with the exclusion of the crush rock sidewalk and the inclusion of Planning considerations including drainage, Ms. Sugimura seconded. Motion carried 4/1/2 with Mr. Frank opposed and Ms. Miraglia and Mr. Sadoff excused.**

8. **TENTATIVE TRACT MAP, TR-7842 – PETER LAU** – Application to subdivide one parcel containing approximately 40,755 square feet (0.93 acres) into five parcels in an R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District, located at 4269 Heyer Avenue, south side, 810 feet west of Forest Avenue, unincorporated Castro Valley, bearing County Assessor's designation: 084C-0745-001-00. **(Continued to a date to be determined).**
9. **TRACT MAP, TR-7918 – LANGON GROUP** - The proposed application is to build a 40 unit residential condominium project in Subarea-11, Landuse Group D, located at 21019 Baker Road, approximately 600 feet south of Castro Valley Boulevard and two blocks east of Lake Chabot Road. The site is part of the unincorporated Castro Valley area of Alameda County, bearing Assessor's Parcel Numbers, 084A-0016-008-02 and 084A-0016-009-02.

Ms. Beatty presented the staff report. She said that this is the initial part of the application. A CEQA review is going to be required mostly due to the fact that there is potentially historic structure on the site a survey is currently underway as well as a traffic study. The project complies with the condominium guidelines with the exception of floor area ratio with 1 to 1 ratio which is pretty high. The condo guidelines do make allowances for areas which are appropriate for higher density projects which could be areas easily accessible by public transportation. What is before the Council tonight is the project as is before the initial study is complete. The Council has a choice whether you feel comfortable enough with the project to move on to the next stage without seen the results of the initial study or come back by the time the initial study has been prepared.

David Langon, applicant, referred to the historical value of the existing property. He said that he spoke with Cindy Horvath and also with an attorney that has been doing the County historical preservation ordinance. He said that the subject property is not listed in any of the top 50 properties. There is no historical significance. He is getting further information from them and he would like to make this a condition of approval versus postponing. The current project is basically designed to the existing zoning and to the new general plan and also designed to meet the demands of future growth of Castro Valley. It is one of a few large vacant properties close to transit and downtown that is developable. The architecture will enhance the neighborhood and will set a new standard for architecture in Castro Valley. It will help the housing needs for small affordable units, residents will be able to walk to shops and support downtown businesses. It fills the needs for higher density housing which is consistent with the community small and

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regional growth. The project will be built to green standards, it will be environmentally friendly. The project also adds a half million dollars in revenues for school district and parks.

Mr. Nielsen asked Mr. Langon when the building was built. Mr. Langon said it was built in the 30's and it was used as a private growth for a church, it was not a public church.

Public testimony was called for.

Lynn Fields, resident at 1569 Knox Street, said that he is concerned about the creeks back there and the impact of the drainage on that. He asked how it works when it comes to approval since that is a field property.

Mr. Langon said that they came to Public Works and Planning overall six months and this was one of the issues that first came up. It started with a different product type and they got into the flood line issues. All of that would have to be built to the specifications and be water resistant.

Ms. Sugimura asked Mr. Langon about the back portion some of the visuals talks about exterior imagery and asked if they are just examples of some of the work that he has done. Mr. Langon said those are examples of the type of architecture that will be incorporated into the building. The color rendering that they have they tried to show examples of real stone that they will be using at the face of the building.

Mr. Moore asked Ms. Beatty if the Council is actually doing the site development review tonight or just looking at the action on the tract map. Ms. Beatty said that it was noticed as both.

Mr. Langon said that part of the conditions of approval was to make this a color board.

Mr. Nielsen congratulated Langon Group because of the very tasteful exterior, they are taking advantage of the site itself. In the general plan we have been looking at a higher density because the only way we are going to get the population in a modern priced homes is this type of development. You have not tried to budget any more than the site will take as far as number of units.

Mr. Frank said that everything meets the County requirements for that area and he supports approving both the tract map and the site development review.

**Mr. Frank moved to approve Tentative Tract Map, TR-7918 and Site Development Review, S-2134 with Planning considerations. Mr. Nielsen seconded. Motion carried 5/0/2 with Ms. Miraglia and Mr. Sadoff excused.**

10. **SITE DEVELOPMENT REVIEW, S-2138 – KHAN** Application to allow construction of a new single family dwelling on one parcel containing approximately 1.00 acre (approximately 43,560 square feet) in the P-D (Planned Development, 1489 Zoning Unit) District, located at 5904 Jensen Road, west side, approximately 150 feet north of Hunters Knoll, Castro Valley area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 085A-0001-003-04.

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Ms. Beatty presented the staff report. The staff analysis shows that no variances will be required for the construction of the home. Staff recommends approval for the demolition of the existing structure.

Bruce Lyon, project architect, said that he designed a custom home on their (Khan's) parcel, it is not a subdivision, it is a single family dwelling. The existing house was built in 1961. It is approximately 1,300 square feet, they are planning on incorporating best management practices during construction, one of the more legitimate issues that neighbors have on a project is construction noise and dust. Contractors are limited in terms of when they can build the project. They anticipate construction to take from 6 to 8 month period, with 2 to 3 months for closing the building with windows and roofing. The house is located on the site of a flat area leaving the original slope in its original condition so the development does not appear to be any bigger than it is now, that way we can provide slope stability. They are not removing trees on the site itself. The intent is to provide a landscape plan as part of the conditions of approval. He noted a correction on page 2 at the bottom at the last paragraph, under Planning Considerations refers to the height of the house at 29.7 inches, is actually 29.7 feet. Also, they have a favorable soils report. They are proposing a gate at the front property line. According to the staff report, there is a 10 feet potential road widening. He is not sure if they are asking for an actual dedication. They are showing the gate at the property line and the County is requesting that the gate be 35 feet back and that would put it away from the front of the house and to him is not attractive, it is not a marginal development, it is a nice custom home. He did some research and found 8 houses at that end of Jensen Road that have 10 foot set back from the edge of the pavement to their gate. Many of the property gates are approximately 10 feet away. Also, 2 houses where the gate was set back 35 feet, it was obvious that the gate was pushed back. Part of the discussion about the gate had to do with the Fire Department because in some cases in some projects the Fire Department needs access to that long driveway. In that case, the Fire Department wants a particular dimension 35 feet to park the truck off the site. The property is located in between fire hydrants.

A discussion ensued among council members regarding the set backs for the gate to satisfy the Traffic Department requirements.

Public testimony was called for. No public testimony submitted.

**Mr. Nielsen moved to approve Site Development Review, S-2138, with Planning considerations and make sure that the approach to the driveway meets the safety Engineering Department. Mr. Frank seconded. Motion carried 5/0/2 with Ms. Miraglia and Mr. Sadoff excused.**

**F. Open Forum –**

Sabrina Linden, representing Pacific Homes, said that she attended the HARD committee meeting two weeks ago. They were looking at the site and how it can be developed. They have a 24 acre site and because it is on a hill they have to look at how it can be graded and actually developed. She said that 13 acres are developable included a soccer and baseball field, a viewing area, also included acres of open space. The feedback from the HARD committee was positive. They are going back at the end of the month.

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Mr. Moore asked Ms. Linden if she has discussed density yet. She said no but that is the next step.

Ms. Henninger suggested to Ms. Linden to be on the agenda for a future meeting, so she can periodically attend these meetings and update the Council on density and other issues.

**G. Chair's Report - None**

**H. Committee Reports**

- **Eden Area Alcohol Policy Committee**
- **Redevelopment Citizens Advisory committee**
- **Ordinance Review committee – meeting tomorrow night after several months.**
- **Eden Area Livability Initiative**

Ms. Sugimura said that Alice Lai-Bitker and Nate Miley, supervisors for the unincorporated areas, have been looking what we can do in order to improve our vision of the kind of community we want to live in. As part of the Livability Initiative, at the October 27 meeting, we divided up the issues into 6 Task Forces. Each of the Task Forces is meeting at different times to allow participation in more than one task force, if desired. Let her know if you will be participating in any of the Task Forces. Castro Valley is your community.

**I. Staff Announcements, Comments and Reports**

**J. Council Announcements, Comments and Reports**

**K. Adjourn**

The meeting was adjourned at 8:37 p.m.

**Next Hearing Date: Monday, November 26, 2007**