

**MINUTES OF MEETING**  
**EAST COUNTY BOARD OF ZONING ADJUSTMENTS**  
**MARCH 22, 2007**  
**(APPROVED MAY 24, 2007)**

The meeting was held at the hour of 1:30 pm in the City of Pleasanton Council Chambers, 200 Old Bernal Avenue, Pleasanton.

**FIELD TRIP: 9:00 a.m.**

**MEMBERS PRESENT:** Members Jon Harvey, Chair; Larry Gosselin and Jim Goff

**FIELD TRIP:** The Board visited the following properties on their own:

1. **METRO PCS, CONDITIONAL USE PERMIT, C-8517** ~ Application to allow installation and operation of a ground mounted wireless communication facility, in an "A" (Agricultural) District, located at 2980 East Vallecitos Road, east side, approximately one mile southwest of Vineyard Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 950-0007-005-06.
2. **CINGULAR WIRELESS, CONDITIONAL USE PERMIT, C-8528** ~ Application to allow a wireless communications facility in an "A" (Agricultural) District, located on Niles Canyon Road, southwest side of Assessor's Parcel Number 085A-5500-001-07, Fremont area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085A-5500.
3. **SPRINT/NEXTEL COMMUNICATIONS, CONDITIONAL USE PERMIT PERMIT, C-8564** ~ Application to allow continued operation of a cell site (Sprint) in an "A" (Agricultural) District, located at 10007 Dublin Canyon Road, south side, approximately 1.6 miles west of Foothill Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 941-2750-001-12.

**REGULAR MEETING: 2:00 p.m.**

**MEMBERS PRESENT:** Members Jon Harvey, Chair; Larry Gosselin and Jim Goff.

**OTHERS PRESENT:** Jana Beatty, Senior Planner; Brian Washington, County Counsel's office; Buzz Sorensen, Agency Director and Nilma Singh, Recording Secretary.

There were approximately sixty-eight people in the audience.

**CALL TO ORDER:** The meeting was called to order by the Chair at 2:00 p.m.

**OPEN FORUM:** Open forum is provided for any members of the public wishing to speak on an item not listed on the agenda. Each speaker is limited to three (3) minutes. *No one requested to be heard under open forum.*

**ANNOUNCEMENTS BY THE CHAIR:** *None.*

**CONSENT CALENDAR:**

1. **BOSCO and GERARDA STOCKING, WILLIAM SPEER, JR. and CLAUDE HENSLEY, VARIANCE, V-11924** – Application to modify a nonconforming use (commercial use in an area designated by the General Plan as WM) so as to operate an event center with on-site alcohol sales, in a Water Management (ECAP) District, located at 11984 and 11986 Main Street, south side, end of Kilkare Road, unincorporated Sunol area of Alameda County, bearing Assessor's Parcel Number: 0096-0140-002-07. (Continued from June 23, July 28, September 29 and December 15, 2005, May 25, August 24 and October 26, 2006, and January 25, 2007; to be continued to June 28, 2007).
2. **NICA METALS, CONDITIONAL USE PERMIT, C-8398** ~ Application to allow continued operation of a metal recycling facility, in a M-2 (Heavy Industrial) District, located at 101 N. Greenville Road, east side, approximately 712 feet south of Front Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099B-5100-001-33. (Continued from March 30, April 27, May 25, June 29, July 27, September 28, October 26 and December 14, 2006, and January 25, 2007; to be continued to April 26, 2007).
3. **ALTAMONT MOTORSPORTS PARK LLC., CONDITIONAL USE PERMIT, C-8471** ~ Application to continue operation of an existing outdoor recreation facility (motor vehicle raceway), and to allow: a) construction of required safety and general facility upgrades; b) construction of a 50,000 square foot previously approved grandstand cover; c) construction of the previously approved facility identification sign; and d) reconfiguration of the track to accommodate general racing operations in an 'A' (Agricultural) District, located at 101 Midway Road, east side, approximately 0.5 mile south of I-580, Tracy area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099B-7675-005-07. (Continued from March 30, April 27, May 25, August 24, October 26 and December 14, 2006; and January 25, 2007). **Dropped.**

*Member Gosselin made the motion to approve the Consent Calendar per staff recommendations and Member Goff seconded. Motion carried unanimously.*

**REGULAR CALENDAR:**

1. **METRO PCS, CONDITIONAL USE PERMIT, C-8517** ~ Application to allow installation and operation of a ground mounted wireless communication facility, in an "A" (Agricultural) District, located at 2980 East Vallecitos Road, east side, approximately one mile southwest of Vineyard Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 950-0007-005-06.

Ms. Beatty presented the staff report.

Public testimony was called for. Dan Burke, representing Metro PCS, explained that since all existing facilities are ground-mounted with no co-location possibilities, their proposal includes two 14-foot tree-like poles with an antenna on each, integrated into the existing landscape. In response to the Chair, he indicated that the new poles do not have co-location possibilities as it would result in a height increase.

*Public testimony was closed. Member Goff made the motion to approve the application subject to the recommended conditions and Member Gosselin seconded. Motion carried 3/0.*

2. **CINGULAR WIRELESS, CONDITIONAL USE PERMIT, C-8528** ~ Application to allow a wireless communications facility in an "A" (Agricultural) District, located on Niles Canyon Road, southwest side of Assessor's Parcel Number 085A-5500-001-07, Fremont area of unincorporated Alameda County, bearing Assessor's Parcel Number: 085A-5500. **Withdrawn.**
3. **SPRINT/NEXTEL COMMUNICATIONS, CONDITIONAL USE PERMIT, C-8564** ~ Application to allow continued operation of a cell site (Sprint site (Sprint) in an "A" (Agricultural) District, located at 10007 Dublin Canyon Road, south side, approximately 1.6 miles west of Foothill Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 941-2750-001-12.

Ms. Beatty presented the staff report. The Applicant was not available and no other public testimony was submitted. *Member Gosselin made the motion to approve the application subject to the recommended conditions and Member Goff seconded. Motion carried unanimously.*

4. **ALTAMONT MOTORSPORTS PARK** ~ Request for overnight recreational vehicle parking at an existing outdoor recreation facility (motor vehicle raceway) per Condition No. 34 of Resolution No. Z-8382 and request for clarification of compliance with Resolution No. Z-8382 on the matter of "drifting" as a raceway activity, in an "A" (Agricultural) District, located at 17001 Midway Road, east side, approximately 2,200 feet south of Highway I-580, Unincorporated Midway area, Assessor's Parcel Number: 099B-7675-005-07.

At the request of the Chair, Ms. Beatty presented the staff reports on both the request for overnight recreational vehicle parking and the request for clarification on the matter of 'drifting'. The Chair requested clarification on the overnight RV parking condition under the prior Conditional Use Permit. Staff read the previous related resolution from 1996.

Public testimony was called for. John Condren submitted a package. He noted the second page of his letter dated March 9<sup>th</sup> which indicates that not all activities are for the weekends but reflects dates for single night activities. Their website will be up-dated to reflect the photograph on the last page of the package. He further described the self-contained RV corral in detail and discussed the inclusions of his package. Member Gosselin asked if the racing vehicles leaving the facility will be inspected and the setback of the RV corral from the artificial wetlands. Mr. Condren replied yes, before and after every event which is also an insurance requirement, and the corral has a 50-foot setback. In response to Member Goff, he clarified that Thursday drift practice sessions are open both to street cars and professional race cars.

Kurt Kummer, 4456 Clovewood Lane, Pleasanton, urged an approval.

Leo Paulo Valmores said he has been involved with 'drifting' for the last four years as a hobby and read his written comments. In 2005, Norcal Drift Academy held drifting events twice a week and in 2006, Drift Battle held similar events with no complaints. He asked why complaints were being made now. In reference to noise, Mr. Valmores noted that most cars participating in these events are street-driven cars and, as such, would create less noise than professional cars.

Al Lagura, representing Drift Battle, read his written testimony in support. Their events, held at the subject site, will provide a safe environment for amateur drifters. He further outlined his involvement with drifting events. Closing this facility will result in street racing and illegal drifting.

Tomasi Olech, representing ClubFreemode.com, stressed the need for such a facility to keep illegal drifting off the street and provide a safe environment.

Jeff Macey said he is a new resident and General Manager, and agreed to follow all the rules. His phone number is posted on their website and he is available to discuss any issues/concerns.

Jim Becker read his written testimony in support. Drifters are normal people, not to cause problems but in need of a legal place.

Joshua Taburaza also read his written testimony in support. He hoped that the mistakes of a few will not jeopardize the opportunity for many in a safe, legal and controlled venue. Drifting has been given a bad image.

William Orbase, representing Project Ride, a non-profit organization funded by the State Health Department, and Santa Clara, Alameda and San Jose Health Departments. He also felt that the 'drifting community' has been given a bad image. An approval will provide a safe legal alternative; increase business in the County; and change the current image.

Jayson Pizarro, representing Drift Battle, stated that this is also a non-profit organization and an advocate for safety on the roads. Drifting is legal in Southern California and there is a misconception of drifting in the community.

Roberto Valencio, property owner on 16777 Midway Road, pointed out that none of the speakers in support live on Midway Road. In the past, drifting has been associated with drugs and alcohol. This area has families and animals. The problems have been increasing at this facility.

Sarah Valencio spoke in support of her father. There is a lot of disregard and disrespect to the neighbors in order to fulfill the need of others that do not live there. She urged the Board to see from the neighbors' perspective.

Glafina Valencio also spoke in opposition. Her concerns included noise, drug and drinking concerns.

Victoria Corona, a Midway Road resident for over 20 years, said she opposed both the RV overnight parking and drifting events. The entire community is against the proposal.

Norman Phillips, 16950 Midway Road, said he is a racer and he was the Competition Director of Altamont Raceway for seven years. He is also a resident of Midway Road. His biggest concern was the increase from 23 events in 2001 and 117 events scheduled for 2007, starting from Thursday night to all day and night on Sunday. The applicants have not been in compliance since they opened under an expired permit.

Rob Gould, 16903 Midway Road, also pointed out that the speakers in support do not live in this neighborhood. He had been informed by Mr. Shepherd, a prior Altamont employee, that Supervisor Haggerty was in favor of the facility. If, as the supporters indicate, this is a good project, Mr. Gould suggested that events could be held at Cal Expo or the Fairgrounds and not in the neighbor's backyards. Noise is another concern which disrupts the peace and upsets the animals. Three similar camping events occurred last year with loud stereo and helicopter noises, and drifters had used the street. The community has chosen the Rivards to talk on their behalf and he urged that the neighbors be considered.

Jim Tanner stated that he had been aware of the existence of the racetrack when he had bought his property, 16866 Midway Road, in 1980 based on the assurance from the County that the tracks would not re-open, the rural community and the opportunity to raise animals. The nuisances have increased tremendously and if an approval is granted for overnight camping and drifting, the situation will worsen. His other concerns included the emergency service response in this area and, distraction and disruption to their life-style. Mr. Tanner urged a denial and recommended an alternative location.

Keith Mendia, representing Western State Corvette Council and prior President Santa Clara Corvettes, spoke in support. Altamont Raceway offers a tremendous service to many.

Gordon Mead stated that he runs an on-line automotive community. Although he supports drifting and safety, he felt that both sides should be looked at. An approval will get illegal drifting off the streets.

Betsy Guillaume, 1159 Aberdeen Avenue, Livermore, stated that she owns a race 'spin' car and uses the facility. Last year she had attended the weekly meeting at the racetrack. The tracks have existed at this location since 1966. She had not experienced any problems, supported drifting and overnight RV parking, and acknowledged that it is growing. Ms. Guillaume suggested perhaps a sound wall on the neighboring properties.

Leticia Gonzalez, 17017 Midway Road, in opposition, stated that she had been aware of the existence of the racetracks and had purchased her property because she wanted nature, animals, clean air with less noise. She thought that even with an approval, drifting will occur on the streets.

Mark Cohen, representing the Rivard family and Citizens for Better Altamont, asked if his memo submitted yesterday has been entered into the records. He pointed out that the purpose of this hearing is to consider if drifting is allowed or was contemplated under the previous expired permit. Neither drifting nor overnight RV parking is allowed under the previous CUP. So far, drifting has not been described as racing either. He urged that the Board take the right action.

Marie Frates said she has lived in this area since 1969 and at 485 Midway Road since 1979 and read her written testimony. She did not have any concerns with the overnight RV parking but raised concerns with the condition of cars after the drifting events and loose car parts on the street.

Nick Nicora, representing Ovations FanFare, a food and beverage company, pointed out that such events create employment and stressed the importance of local communities supporting the local assets.

Farid Ghassemian said that although he does not like drifting nor does he live in the neighborhood, an approval will provide a legal place instead of the streets.

Jim McNeely, property owner at 499 Midway Road for the last seven years which is approximately  $\frac{3}{4}$  mile from the racetrack. He has been involved in the process of trying to control or stop some of the

racetrack activities. Prior to last year, he did not have any complaints. Last year, it had been a disaster with very extremely high noise levels, annoyed, harassed and lacked respect for the neighbors. The facility has been operating without a permit. Although he supported the racing, he did not support RV camping and drifting events as it had no bounds/control and noisy. No building permits have been obtained. Mr. McNeely felt that the County has no control and asked what the County is doing to support the neighbors and who is accountable. Other concerns

Jim Butler said that his property, 444 N. Midway Road, is approximately ¼ mile from the facility and he was also informed that the racetracks will not open again. The road is narrow with a blind spot and a sharp left turn and the same problems are re-occurring, such as, speeding, noise, loud motorcycles and safety. The sign is also a concern and an approval will result in an increase in the number of speeding cars, motorcycles and the drifters.

Jaime McNeely, 499 Midway Road, said she was speaking against overnight camping and drifting. She is a member of Community for Better Altamont which was formed a year ago to provide an 'umbrella' for the neighbors against the new management. Although most of the neighbors are opposed to the proposal, they are afraid to speak out because of retaliation except for the Rivards. She asked how or why the facility could operate under an expired license and apply for an expansion. Complaints have been made every year regarding damages to properties and fences. Midway Road does not have a shoulder and, as a result, last year there were broken down cars in her driveway and she had taken photographs. Her other concerns included lack of supporting infrastructure, lack of sheriff/police services, no traffic controls, and the impact on the endangered species. Ms. McNeely agreed that a racing facility is needed and prior to this ownership, they had not had major problems.

Mark Rivard submitted a letter of opposition on behalf of Dan Burnett, property owner at 660 Midway Road since 1972, who is concerned with the proposed expansion and is urging a denial. Speaking for himself, Mr. Rivard said an approval will result in more lights at night, accommodations for an additional 150 people, noise and movement increases both day and night. If approved, he requested phone numbers for the Boardmembers as there is no code enforcement service. There are 34 scheduled drifting events this year and last week's event had resulted in a continuous 10-hour loud screeching noise. He requested clarification on the noticing requirement. Due to the late noticing of this hearing, Mr. Rivard indicated that he did not have sufficient time to put together additional noise information. He felt that this is diminishing the rights of the property owners and urged the Board to take the correct action and exhibit that the neighbors do count.

Kristen Castanos, Attorney representing Altamont Motorsports Park, stated that the prior CUP does authorize drifting, since drifting is a racing event and further read paragraph 8 of the CUP. Only mudbog and drag racing are specifically prohibited. Drifting does not create as much noise as drag racing. Overnight RV parking is also allowed under the CUP if the applicant presents a plan indicating the time and how the waste will be addressed. Such a plan has been submitted in compliance.

Mark Cohen, in rebuttal, disagreed with Ms. Castanos and noted that her reference to Condition 8 has been made out of context. He reiterated that drifting is not allowed under the expired CUP.

Mr. Condren, in response to Mr. Cohen and the neighbors, pointed out the following: the CUP is intentionally vague to allow a multitude of auto racing to occur; the closer proximity of the two motorcross and quad tracks to the Valencio property compared to the motorsports park; all related documentation has been provided to the County, such as a list of scheduled events, programs, lists for the last ten years; 84 event days are scheduled for this year with only 34 actual events and 50 practice events; helicopters, under the FAA regulations, cannot fly lower than 1,000 feet above any structure; and

competitors bring/change racing wheels/tires on site and re-change after events. He further read the first Finding of the CUP noting that no other similar facility exists in Alameda County or in the Bay area. Speeding motorcycles on Midway Road are not associated with the racetracks as the only type of motorcycle events held on site are for super motor bikes that run specifically on tracks and not streets. They are good neighbors and he urged to allow drifting as it has for the last six years.

Public testimony was closed. The Chair announced a break.

Hearing reconvened. Regarding over-night parking, Member Gosselin noted that the increased activities require overnight accommodation either on or off-site. Although it will impact the immediate neighbor the most, providing on-site accommodation would have less impact on the community. His biggest issue was the artificial wetlands/seasonal pond and, as such, felt that a Conservation Management Plan would be appropriate as a condition, in coordination with the Resource Conservation District. He thought that the RV over-night parking is an appropriate use. Member Goff said his concerns were lights and noise and suggested a condition to limit the activities, perhaps 11 pm and a maximum number of stay days. Member Gosselin said he was in support of limiting generator use and no exterior lights, open fires or amplified music. The Chair said that he was inclined not to allow more to occur until the long-term plan is clarified. However, he supported the Board's recommendation of adding conditions to protect the neighbors from noise, traffic and light concerns. Mr. Condren, in response to Member Gosselin, explained that a driver will spend about two hours on his car after an event and concurred with the Board's recommendation of adding conditions. The Chair said he also had enforcement concerns and asked if there can be a probationary period. County Counsel replied that the Board could request a report back or set a cut-off time to match the operational hours. Member Gosselin added that he will visit both neighbors and the facility and report back and the Chair requested a report before or at the June Board meeting.

Member Gosselin made the motion to approve over-night RV parking on site and on the dates as reflected in the Applicant's letter dated March 9, 2007; limited no more than 30 RVs; no open flames (except for barbecue equipment); no amplified external music/sound; all lighting (localized) and generators to be turned off either an hour following 'checkered flag' or 11:00 p.m., whichever occurs first. Member Goff seconded. Motion carried unanimously.

Regarding drifting, County Counsel explained that if the Board determines that drifting is not allowed, then the Board will identify the characteristics and types of racing outside the scope of the 1996 CUP. Member Goff said that drifting is not similar to mud-bog or drag racing and thought that drifting fits the guidelines. Member Gosselin concurred adding that he considered Conditions 7 and 8 as guidelines. The Chair indicated that although he thought the drifting was a racing activity, he was not inclined to add additional uses until all issues/concerns are resolved. *Member Goff made a motion to clarify that drifting is a racing activity under the 1996 Resolution and Member Gosselin seconded. Motion carried 2/1 with the Chair dissenting.*

**APPROVAL OF MINUTES** – January 25 and February 8, 2007 ~ *The Chair made the motion to approve both January 25 and February 8 Minutes as submitted. Member Gosselin seconded and the motion carried unanimously.*

**STAFF COMMENTS & CORRESPONDENCE:** *None.*

**CHAIR'S REPORT:** The Chair reminded the Board that Economic Interest Forms are due by April 1<sup>st</sup>.

**BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS:** Member Gosselin requested an update on Consent Calendar item #1 and the Sunol downtown issue. This item has been continued for a very long time and he noted that this is a Measure D issue which was passed many years ago. He had also brought up the issue of a large canvas covered arena northwest on Dagnino Road. Staff replied that although a complaint has been received for a concrete business, there has not been any enforcement action. Member Gosselin requested an up-date. He had also referred a property owner on Greenville Road who was interested in opening a gas station, to staff and had suggested a workshop on commercial properties. The Board agreed on such a workshop in future.

**ADJOURNMENT:** There being no further business, the hearing was adjourned at 5:15 p.m.

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**CHRIS BAZAR - SECRETARY**  
**EAST COUNTY BOARD OF ZONING ADJUSTMENTS**