

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
MARCH 30, 2005
(APPROVED MAY 25, 2006)

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

FIELD TRIP: 9:00 a.m.

MEMBERS PRESENT: Members Jon Harvey, Chair; Larry Gosselin and Sblend Sblendorio.

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director.

FIELD TRIP: The meeting adjourned to the field and the following property was visited:

1. **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.
2. **ALTAMONT RACEWAY, LLC., CONDITIONAL USE PERMIT, C-8471** ~ Application to allow continued operation, and reconfiguration of the track and accessory upgrades to an existing outdoor recreational facility (raceway) 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.
3. **CINDA MAHORNEY/SCHOONMAKER, CONDITIONAL USE PERMIT, C-8482** ~ Application to allow a boarding kennel for up to 30 dogs, in an 'A-B-E' (Agricultural, 160 acres Minimum Building Site Area) District, located at 5868 Mines Road, east side, approximately two miles south of Tesla Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-2400-012-02. **Withdrawn.**
4. **LIVERMORE PLAYSCHOOL, CONDITIONAL USE PERMIT, C-8486** ~ Application to allow continued operation and expansion of an existing day care and pre-school facility by installation of a 24 feet x 40 feet modular classroom and increase from 45 to 88 students, in a R-1 (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site Area) District, located at 5261 East Avenue, south side, approximately 400 feet east of Buena Vista Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-1200-041-00.

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Members Jon Harvey, Chair; Larry Gosselin and Sblend Sblendorio.

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director, Nilma Singh, Recording Secretary

There were approximately forty-two people in the audience.

CALL TO ORDER: The meeting was called to order by the Chair at 1:35 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: The Chair announced that Regular Calendar item #5, C-8482, will be moved to the Consent Calendar since the application has been withdrawn.

CONSENT CALENDAR:

1. **RICHLAND TOWERS, LLC., CONDITIONAL USE PERMIT, C-8459 ~** Application to allow the construction and operation of a new television antenna and tower (450 feet in height) on Mt. Allison, west side terminus Mill Creek Road, Sunol area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 096-0090-005-07. (To be continued without discussion to April 27, 2006).
2. **PAUL MASON, VARIANCE, V-11911 –** Application to approve as a building site a parcel reduced in size from 1.90 acres to 1.088 acres and construction of a new single family home providing a seven foot front yard where 20 feet is required, in a PD (Planned Development) District, located at 11825 Niles Canyon Road, south side, southeast corner of Western Pacific Railroad Tracks, unincorporated Sunol area of Alameda County, bearing Assessor's Parcel Number: 0096-0140-021-00. (Continued from September 29 2005; to be continued without discussion to June 29, 2006).
3. **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; to be continued without discussion to May 25, 2006). **This item was moved to the Regular Calendar.**
4. **CINDA MAHORNEY/SCHOONMAKER, CONDITIONAL USE PERMIT, C-8482 ~** Application to allow operation of boarding kennel for up to 30 dogs, in an 'A-B-E' (Agricultural, 160 acres Minimum Building Site Area) District, located at 5868 Mines Road, east side, approximately two miles south of Tesla Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099A-2400-012-02. **(Moved from the Regular Calendar).**

At the request of Member Gosselin, Consent Calendar Item #3 was placed at the end of the Regular Calendar. Item # 4 from the Regular Calendar was moved to the Consent Calendar. Member Gosselin made the motion to approve the Consent Calendar as modified and Member Sblendorio seconded. Motion carried unanimously.

REGULAR CALENDAR:

1. **STEVE POWELL/ALFRED RHEINHEIMER, CONDITIONAL USE PERMIT, C-8291** ~ Application to allow a winery with tasting room, art and event center and 38 parking spaces, in an "A" (Agricultural) District, located at 5143 Tesla Road, south side, approximately 330 feet east of Mines Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099A-2340-002-00. (Continued from September 29, October 27, December 15, 2005, January 12, February 22, 2006).

Mr. Gray summarized the staff report adding that Margaret Elliot, Building Official, was in attendance today.

Margaret Elliot provided a summary of actions between Mr. Powell and the Building Department. A Stop Order has been issued in 2000 on the three-story building and in October, 2005, Mr. Powell submitted drawings. This morning, he came and complained that he had not received comments from the Plan Checker. She requested delaying any action until building requirements have been complied with and a building permit obtained by the Applicant. Another issue is the use of barn which has constantly changed. In response to Member Gosselin, she further described what an inspection entails adding that written confirmation/clarification is needed on the use. Mr. Powell has indicated that an engineer has been hired to complete an analysis though she has not seen any work.

Public testimony was called for. Michael Tuuri, attorney representing Mr. Powell, complained that several false statements have been made by Mr. Gray and Ms. Elliot and that he had not received any notification of this hearing until yesterday via telephone by Mr. Gray and a letter after numerous complaints. In addition, neither he nor Mr. Powell has received the plan checker's comments. Emails have been addressed to David Powell, who is the applicant's brother. In response to a letter in April, 2005 indicating that the building was a public nuisance, from Ms. Elliot, they had attended an appeal hearing and, as a result of which he had received a list of items that had to be completed. He agreed that Mr. Powell had started work without a permit but has been trying unsuccessfully to meet the requirements. In response to Member Gosselin, Mr. Tuuri stated that Mr. Powell had confirmed the use of the barn in July, 2005. Although Mr. Powell did not attend the December 15th and January 12th meetings, the staff report erroneously reflects statements made by Mr. Powell at these meetings. At the January 12th meeting, Mr. Darryl had announced that the environmental work had been completed and the 20-day comment letter will be mailed out that day. Today, Mr. Gray has announced that this letter will be mailed out today. Although the recommendation is for a continuance until a building permit is obtained, Mr. Tuuri requested an action of either a denial or an approval with a condition that Mr. Powell provide all information required and a building permit be obtained. Regarding the lack of notification, the Chair explained that continued items are not re-noticed and Member Sblendorio requested that Mr. Tuuri submit his business card to staff and Ms. Elliot for future notifications and correspondence.

Steve Powell, applicant, announced that the only new information is the support letter from Livermore Winegrower's Association. He pointed out that since environmental work had been incomplete, no action could be taken in November, December, January till date and he has neither received a copy nor any correspondence from the Planning Department since July, 2005. No notification was received for today's

hearing either. In February, 2005, plans had been submitted to the Building Department which was re-submitted on September 22, 2005. Mr. Powell agreed that he had begun work without the benefit of a permit which was based on advice by the Planning and Building Departments that a permit was not required. Since then he has been trying unsuccessfully to legalize the work. Digital photographs were taken of the work completed. A geologist had been hired to complete an earthquake zone survey and an engineer to complete plans. He agreed to a continuance to allow completion of CEQA work. In response to the Chair, he stated that he was not aware of the Building Department checklist nor received a copy until yesterday.

Member Gosselin pointed out that staff and other agencies makes recommendations to the Board and the Board's decision is made independently. He asked Mr. Powell that if the Board approves his application, could he remove all other uses in the tower except agricultural uses and demonstrate that the use will remain such until the matter is resolved. Mr. Powell replied no since the third floor is his office but confirmed that there will be no public usage. The barn is only used for storage now. Member Gosselin asked if a process existed for the Applicant to appeal the CEQA timeline. Mr. Gray replied that it was the Planning Director's discretion and the Applicant could appeal that decision. Mr. Powell re-stated that he concurred with a continuance. Member Sblendorio recommended a timetable. He asked Mr. Powell for a timeframe to complete the checklist and Mr. Powell indicated that most of the requirements have been met and has a set of plans ready to be submitted. Member Sblendorio requested that the plans be submitted by Monday and, in response, Ms. Elliot confirmed that the plans can be sent out for outside plan check review in a week and a week for review. Mr. Powell added that plans are being drawn for the other building, the barn, which will be used for winery-related uses pointing out that this request is for an outside facility/patio/tent for weddings etc. He was in compliance with the parking requirements. Mr. Gray explained the process adding that staff was questioning all the uses/buildings that were being used on site and were problematic. Ms. Elliot added that the two buildings need to be legalized, the barn needs to be structurally analyzed by an engineer, the uses confirmed, electrical permit is required and the building size is not in compliance. Member Gosselin indicated that he would be able to make a decision at the next hearing.

Judy McPherson, adjacent east property owner at 5167 Tesla Road, stated that she has no concerns regarding the notification. She urged a denial. Her concerns included the separation of some of the buildings from the event center, public safety and parking in the future as Wentz Brothers will fence their property which will eliminate off-site parking.

Public testimony was closed. Member Sblendorio made the motion for a continuance to April 27th and Member Gosselin seconded. Motion carried unanimously.

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.

Mr. Gray summarized the staff report adding that representatives were available earlier but had to leave. They are in support of a continuance. Although Code Enforcement had received complaints of material stacked over the fence and vehicles parked in the front, he pointed out that during the site visit today, none of these had been apparent. Member Gosselin requested the status of the adjacent property. Mr. Gray confirmed that it was County property. He made the motion for a continuance to April 27th and Member Sblendorio seconded. Motion carried 3/0.

3. **ALTAMONT RACEWAY, LLC., CONDITIONAL USE PERMIT, C-8471**
~ Application to allow continued operation, and reconfiguration of the track and accessory upgrades to an existing outdoor recreational facility (raceway) 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.

Mr. Gray presented the staff report adding that the Applicants, though not available, were aware of the continuance. In response to the Chair regarding sound levels, he indicated there is a scheduled event on April 22nd and perhaps Environmental Health representative would measure the noise level on site and on the adjacent property. Member Gosselin felt that perhaps berms could be an alternative but the terrain is a factor. Member Sblendorio noted that a neighbor had expressed concerns regarding field toxicity and contamination of well water during the Board's field trip.

Public testimony was called for. Karen Ravard, property owner at 11711 Midway Road, stated that she and her husband are the southerly adjacent neighbors. Their concerns included the 3000 feet fencing, half of which is still old and dilapidated, and on several occasions people have pushed and/or cut the fence and trespassed on their property resulting in stolen property and hostile confrontation; noise, which they were aware of when purchasing their property but with the change in ownership and expansion, she was not sure. As such, she concurred with a noise measurement from her property and recommended that operational hours be enforced since some events have continued till 1:30 a.m. They also did not want to encourage drifting. Member Gosselin asked if they had considered barriers to block light and sound without impacting the view. Ms. Ravard replied that temporarily a storage container has been placed to provide some privacy and perhaps some sound. Member Gosselin said he would be interested in their suggestions and, upon receipt of any, could re-visit her property.

Public testimony was closed. Member Gosselin made the motion for a continuance to April 27th and Member Sblendorio seconded. Motion carried unanimously.

4. **CINDA MAHORNEY/SCHOONMAKER, CONDITIONAL USE PERMIT, C-8482** ~ Application to allow operation of boarding kennel for up to 30 dogs, in an 'A-B-E' (Agricultural, 160 acres Minimum Building Site Area) District, located at 5868 Mines Road, east side, approximately two miles south of Tesla Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099A-2400-012-02. **(Moved to the Consent Calendar).**
5. **LIVERMORE PLAYSCHOOL, CONDITIONAL USE PERMIT, C-8486** ~ Application to allow continued operation and expansion of an existing day care and pre-school facility by installation of a 24 feet x 40 feet modular classroom and increase from 45 to 88 students, in a R-1 (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site Area) District, located at 5261 East Avenue, south side, approximately 400 feet east of Buena Vista Avenue, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099-1200-041-00. **(this item was placed as the second item).**

Mr. Gray presented the staff report adding that not all referral responses have been received to-date and a Child Care Link representative is available. The Chair requested the capacity number and Member Sblendorio requested clarification on the Fire Department's response on Page 2 of the staff report. A

discussion followed regarding linkage to the City's sewer system, and Community Care Licensing and Fire Department's requirements.

Public testimony was called for. Gina Elliott, school Director, stated that this is a non-profit organization, in operation for 35 years. She further described the services provided, school operation and stressed the need to expand adding that the capacity is based on the square footage and Fire Department's requirements. An outreach meeting was held to discuss/resolve neighbors' concerns. To reduce noise, the school will have staggered outside playtime and parking and they were open to other suggestions from the public. In response to Member Gosselin, she confirmed that a continuance will have an affect.

David Best, Board of Directors, further explained the reasons for this request and listed the following staff report corrections on page 3. There will be no change of the operational hours but remain from 7:30 am to 6 pm, Monday through Friday, through out the year and not the school year. In reference to the second paragraph, there are no longer any domesticated animals on site. The request is to have 45 to 88 children at one time, deleting the prior related condition and a longer permit. With the aid of a site plan, he further described the school and modular layouts and parking/drop-off areas. During the outreach meeting on February 16th, plans were made available to the four adjacent neighbors and their main concerns were view, traffic, parking and aesthetics. To mitigate the view concerns, additional landscape is being proposed as a buffer, adjusted schedules which included staggered playground use by a maximum of 35 children at one time to reduce noise. They were also open to other suggestions. Discussions were on-going with City of Livermore regarding septic systems.

Amy Wolfson stated that she is parent of a student and read her detailed report on statistics. In response to Member Sblendorio, she said that they had a waiting list of 53 students.

Walter Davis, representing the neighbors, discussed their concerns. The main concern is the increase in traffic congestion. The existing driveway and Calvary Lane is currently used for 45 students will be used for 75 students. The neighbors currently have difficulty entering and exiting their driveways. The staggered schedule has not been available to the neighbors and he asked how the schedule will be monitored/enforced, requested clarification on emergency vehicle access, tandem parking, drop-off schedule, increased peak hour congestion backing up to East Avenue and odor concerns regarding the holding tank. In response to the Chair, Mr. Davis indicated that the neighbors have tolerated so far and do not support an increase or any change.

Cara Donovan, property owner at 10122 Tesla Road, said that the school has been very beneficial to her son who is currently enrolled in the school. She only parks in the front parking area and not on Calvary Lane for a maximum of five minutes. During school hours, there are very few or no cars in the parking areas.

Jackie Fitzgerald, a resident of Calvary Lane, said she opposed the expansion. Her concerns included the following: the modular unit will be directly across and if approved, the tandem parking area will also be in front of her house; inconsistency with the neighborhood, septic system, on-going parking issue and altered easement. Regarding the unmet need for childcare, other agencies provide similar programs pointing out that the waiting lists have the same names. Although the school is popular and a convenience to parents it is not for the neighbors. She had moved to this area for the limited agricultural uses, the ability to keep animals and for the quietness. If approved, it will greatly affect the neighborhood, the property values as the expansion is well beyond what the area can provide.

Erin O'Neill said she has three children in the program and confirmed that it was not easy to find schools

that accept childcare links. She disagreed that parents parked everywhere. Parents are reminded during orientation to consider the neighbors and, to-date she has not noticed a parking problem.

Debbie Burke said she is also a parent and the school offers a flexible schedule. The school ensures that pick-up and drop-off does not occur on Calvary Lane and to avoid over-flow, the church on East Avenue has allowed spill-over parking. She recommended open communication and offered to organize a committee to resolve issues/concerns. Any interested Calvary Lane property owner, parent and school staff could contact her.

Chris Haningken, 1441 Calvary lane, said he had parking and increased traffic concerns. The school numbers continue to increase and he suggested perhaps the school could re-locate. Although the parents have not seen parking on Calvary Lane, the property owners have. He asked what would happen if the Church discontinued the over-spill parking allowance.

Rick Moore, property owner at 5211 East Avenue, said that parents have blocked his driveway, in front of his house, in his driveway and on Calvary Lane. Upon complaints, the situation improves for perhaps a day or two. Member Gosselin suggested an enforcement plan to report license numbers to the school. Mr. Moore replied that he would support the plan only if it is consistent.

Mike Milder, 1430 Calvary Lane, said that although the neighbors like the school, they do not like the traffic and the parents. He now has water problems due to the grading on the school site.

Gina Hermann, a parent of a student and the President of the Board of Directors, pointed out that the school provides a van/bus system which alleviates some of the congestion. The school is willing to work with the neighbors and the proposed holding tank under the modular will relieve the current septic system with more frequent pumping. An expansion will provide availability for the new growth/developments.

Chris Grimes said he was also parent and on the Board of Directors. They had not been aware of the drainage problem. He has been dropping his children for three years and most of the parents pull in for drop-offs and pull out.

Farida Chapman said it is a blessing to drop off and pick up kids at one location.

Debby Steele said she also a son enrolled at the school that had been on the waiting list for seven months. She supported an expansion.

Barbara Kraybill representing LAPRD, provided clarification on the waiting list which has 40 unduplicated names. They provide large child care centers for 925 children but no part-time care with a monthly fee. She helps with the smaller centers. In response to Member Gosselin, she explained that from one center in 1985 with forty children, they have increased to 925 children. A new center takes approximately three months to fill. Per Licensing, 28 children maximum is allowed in a 24 feet x 28 feet module.

Shawna Brown, representing Child Care Links, said she was available for questions.

David West, in response to Member Gosselin, said he would have to double-check on the use of an electric pump. Member Sblendorio pointed that if this area was under the Livermore General Plan, an expansion of a non-agricultural activity would be inconsistent to the Plan. Mr. Gray thought it was but added that he would check. Mr. West thought they were outside. In response to the neighbors' traffic concerns, the Chair suggested incremental expansion and Member Gosselin recommended an

enforcement program. Member Sblendorio said he was concerned with parking on Calvary Lane and emergency access. Mr. West added that they had implemented, on a trial basis, the staggered parking this week and felt that it was working.

Ms. Fitzgerald thought that an alternative site would be possible for the after-school program. She also requested clarification on the reasons for the continuance to April 27th and indicated that she was concerned on the possibility of an extension and a longer permit.

Mr. Davis requested that the neighbors would prefer to look at the enforcement program before it is approved.

Ms. Elliot pointed out that there has been no contract with the parents in the last five years but only oral reminders from her.

Mr. Milder complained that he had tried unsuccessfully to contact her regarding his traffic concerns.

Bob Redell, a parent, submitted his written comments in support.

Public testimony was closed. The Chair announced a recess.

Hearing reconvened. Member Sblendorio made the motion for a continuance to the 27th. He requested comments from Community Care Licensing regarding capacity and the Fire Department. His concerns were traffic related and if approved, he recommended traffic mitigation-related conditions. Member Gosselin seconded adding that he was concerned with the increased density and was not sure of a weekly vacuum truck. The Chair felt that although he would support an increase, the application, at the minimum, could be approved at the current level with improved parking situation, noting that there is significant growth in Livermore. Motion carried unanimously.

6. **DELWYN LOUNSBURY, VARIANCE, V-11895** ~ Application to approve as a building site one parcel reduced in size from 100 acres to 40.82 acres without frontage on an approved county road, in an A-CA (Cultivated Agriculture) District, located on Mines Road, west side, approximately 686 feet west of Del Valle Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099A-2420-006-03. (Continued from February 10 and 24, April 28, June 23, July 28, August 25, September 29, December 15, 2005, January 12 and February 22, 2006).

Mr. Gray presented the staff report adding that two findings have not been made in the affirmative. Member Gosselin asked if the width of the access road and driveway is required by the State. Member Sblendorio asked if the easement extends beyond the subject property. Mr. Gray replied no to both questions.

The Chair requested clarification on the first sentence under the March 30th Addendum. Mr. Gray indicated that the word 'not' should be deleted.

Public testimony was called for. Mr. Lamb, project surveyor, said that the easement is legal and extends to the adjacent property. The first portion is already paved. In response to Member Gosselin regarding the driveway width, he explained that a 12 foot wide driveway is required for a single family dwelling. In this instance, the 16 foot driveway is recommended to save the oak trees.

John Pitts, property owner on Mines Road, requested clarification on the second bullet on Page 3.

Public testimony was closed. Member Gosselin felt that the intention to build had always been there pointing out there were many other similar small parcels and the easement has been in existence for a long time. Member Sblendorio concurred adding that his only concern was the removal of the oak trees and, as such, suggested reducing the width of the driveway. The Chair said he thought that a variance was not the right tool since the parcel has neither frontage nor a dwelling on site in contrast to the next item on the agenda, V-11996

Public testimony was re-opened. Steve Murphy, prospective buyer, confirmed that a 16 feet driveway was not necessary and he was proposing a turnaround on the top for emergency vehicles. The adjacent property owner, Mr. Chambers, is in support.

Public testimony was closed again. The Chair said he was concerned with precedent setting. Member Gosselin pointed out that each application would be considered individually on its own merit. He agreed with a 12 foot driveway with the house not to be located on the ridgeline. The Chair recommended a limit on the house size, the footprint, the location, lighting and roofline of 5:12. Mr. Gray suggested a single story, 25 feet high and with a 6,000 square feet footprint, a tree mitigation and an irrigation plan (3:1 ratio, 15-gallon native vegetation) and a 12 foot minimum, 16 feet maximum width driveway. Under the Site Development Review process, a landscaping plan will be required. Member Gosselin made a motion for an approval with the above recommendations and Member Sblendorio seconded. Motion carried 2/1 with the Chair dissenting.

7. **ART CHAMBERS, VARIANCE, V-11996 and SITE DEVELOPMENT REVIEW, S-2053** ~ To approve as a building site a parcel with effective lot frontage reduced from the required 150 feet to 35 feet and to allow construction of a single family dwelling, in a A-CA (Agricultural, Cultivated Agriculture) District, located at 6957 Mines Road, west side, approximately 2,200 feet north of Del Valle Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099A-2420-006-08.

Mr. Gray summarized the staff report adding that the Site Development Review application is acted upon by the Planning Director.

Although the applicant was available, no public testimony was submitted. Member Sblendorio made the motion for a continuance with similar conditions of approval but without the conditions relating to trees and lighting. Member Gosselin seconded and the motion carried 3/0.

3. **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; to be continued without discussion to May 25, 2006). **This item was moved from the Consent Calendar.**

Member Gosselin said he was concerned with the numerous continuances from last year. Mr. Gray read

the project description adding that under the current zoning, this application cannot move forward. He stated that Policy Planning staff has spent much time looking at the Sunol downtown issue so that matter may need to wait, but staff also feels that pre-existing legal uses could continue under the current General Plan. If were the case the matter could be ready for action at the next hearing. Member Gosselin made a motion for a continuance to May 25th and requested a full staff report as the Board will be ready to take an action. The Chair seconded and the motion carried unanimously.

Approval of Minutes – Member Sblendorio made the motion to approve December 15th, January 12th and February 22nd Minutes as submitted. Member Gosselin seconded and the motion carried 3/0.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR'S REPORT: None.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

ADJOURNMENT: There being no further business, the hearing was adjourned at 6:20 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS