

**MINUTES OF MEETING**  
**EAST COUNTY BOARD OF ZONING ADJUSTMENTS**  
**APRIL 27, 2006**  
**(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 p.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. **GARCIA EVENTS CENTER/AUGUSTINE and JUDI GARCIA, CONDITIONAL USE PERMIT, C-8450** ~ Application to allow an events center, in an A-CA (Agricultural, Cultivated Agricultural) District, located at 3721 Mines Road, west side, approximately 560 feet southeast of Tesla Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099A-2340-012-00.

**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; Bruce Jensen, Senior Planner; and Nilma Singh, Recording Secretary

There were approximately fifty-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 reminded all that continued items are not re-noticed and since there were many speaker cards, he announced that there will be a 5-minute limitation for testimonies.

**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. (Continued from March 30, 2006; to be

continued without discussion to May 25, 2006).

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, 2006, to be continued without discussion to May 25, 2006).

Member Gosselin made the motion to approve the Consent Calendar per staff recommendation and Member Sblendorio seconded. Motion carried unanimously.

**REGULAR CALENDAR:**

1. **GARCIA EVENTS CENTER/AUGUSTINE and JUDI GARCIA, CONDITIONAL USE PERMIT, C-8450** ~ Application to allow an events center, in an A-CA (Agricultural, Cultivated Agricultural) District, located at 3721 Mines Road, west side, approximately 560 feet southeast of Tesla Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099A-2340-012-00.

Member Sblendorio announced that since his property is about 800 feet from the subject property, his participation in this application process would not be in conflict of the Brown Act.

Mr. Jensen presented the staff report noting that the recommendation is for a continuance. Member Gosselin asked if this area was under the Livermore Specific Plan, asked about project compliance and noted the lack of discussion on the impact of the use of ammonium salt for landscaping in the Initial Study. Mr. Jensen replied that some of the proposed uses are in compliance, at least on the surface, as some connection to the wine industry could be inferred, although some proposed uses are not directly complimentary to the agricultural use. The applicants have installed extensive landscaping improvements just as any owner would but would have to use some chemicals for the up-keep whether an approval is granted for the event center or not. Member Sblendorio asked if paid events have been held and requested clarification on the application description. A discussion followed on alternative descriptions and Mr. Jensen added that according to the neighbors, some paid events have taken place.

Public testimony was called for. The Applicants were not available. Paul Santucci said he is the closest neighbor at 3940 Mines Road. Although it is hard to voice opinions against neighbors, Mr. Santucci said he was against an approval because of noise problems. There are no agricultural-related activities at all. Traffic was another problem since this is a blind spot where accidents have occurred in the past. This was not a good location for any big-sized gathering, which in the past have created a nuisance to the neighbors with traffic and noise on a continual basis. In comparison, Mr. Santucci explained that the produce stand (Joan's Farm) is a day event whereas the event center has events both in the day and night.

Patti Ising, 5282 Mines Road, submitted photographs taken in May and June, 2005 and pointed out that the aim of the South Livermore Valley Area Plan is to promote agriculture. Her concerns included parking on the road up to the corner during events and making left turns out of the parking area. She suggested that the Board visit Mines Road during a week-end to check the traffic situation. Although the staff report states that additional parking spaces are available on the adjacent property, the owner

confirms that she has not made any such agreement.

John Pitts, property owner at 6200 Mines Road, said he was concerned with his safety and other bicycle riders, parking lot egress and ingress and the enforcement of the conditions of approval. The bike lane is narrow and, if the project is approved, he recommended that a condition of approval require all cars to stay off the bike lane at all times.

Warren McPherson, 5167 Mines Road, asked if and when Applicants are told that their applications may be denied by the Planning Department and/or the Board and, if the Board considers the fact that a considerable amount of money has been spent for improvements by the time a decision is made. Mr. Gray explained that staff only makes a recommendation to the Board on project approval.

Michael Harris, 4462 Mines Road, said he was not opposed but agreed that there were some concerns, especially traffic. Three events have taken place and he did hear noise only from the first event. Although such a center will not directly support agriculture, it will attract people to the area as there is a demand and provide exposure.

Public testimony was closed. Member Gosselin thought that there was a limited flexibility in the project description. Mr. Jensen agreed and Mr. Gray added that perhaps staff could provide clarification by the next hearing.

Member Sblendorio made the motion for a continuance to May 25, 2006, and Member Gosselin seconded. Motion carried unanimously.

2. **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 and March 30, 2006).

Mr. Gray stated that not much effort has been made by the Applicant to obtain a building permit. Although staff has provided tentative conditions of approval, both Building Department and staff recommend a continuance until such time when all code issues have been resolved due to the extensive history. Building Official, Margaret Elliot, is available to answer questions. Member Sblendorio requested clarification on Conditions 1 and 2.

Ms. Elliot confirmed that the Building Department cannot control the use of a structure once a permit has been issued. Their main concern is that the building is safe and secure. There is a history of non-compliance, several 'stop work' orders have been issued and the main meter has been disconnected once. Member Sblendorio went over the last month's minutes and requested confirmation that the items he had requested had been completed. Ms. Elliot confirmed that no plans had been submitted since the last meeting either to the Building Department or directly to the outside plan checker but an email requesting comments on the plan checkers list which she had done.

Steve Powell, applicant, said that he has submitted plans four times and has stamped copies. Drawings have been revised and, upon receipt of answers, will re-submit these plans. He has an appointment with an engineer but cannot find a qualified inspector to x-ray the foundation. Condition #5 was also a concern

as an Administrative Conditional Use Permit would be required which meant additional cost. He also complained of animosity, micro-managing his business and illegal taxing by the Building Department. In response to Member Sblendorio, he confirmed that plans were not submitted as discussed at the last meeting but were almost ready including plans for the barn, awaiting receipt from Sacramento. The barn was built without a permit because permits were not required at that time. The barn has been and will be used for storage, winery-related uses and as his recording studio which he has since 1986. There have been no safety issues concerned with the tower.

Michael Tuuri, Mr. Powell's attorney, complained about the lack of notification which is a violation of Section 54.954.2 and Brown Act. He urged an approval based on the recommended conditions with the following modifications: #2 to reflect "...11 am to 9 pm..." instead of 6 pm; #5 be deleted; delete the word "engineer" in #9, to be replaced by perhaps a competent person; delete #10 and #12; the word "restaurant" deleted and/or replaced from #13; hours of operation in #15 be modified to 10 am to 1 pm, and the words "...by non-residents..." deleted; the last sentence of #16 be deleted; and, re-word #19.

Warren and Judy McPherson, 5167 Tesla Road, spoke against an approval. Mr. McPherson asked if fire protection will be required on all structures. The tower has an office on the third floor; pool table on the second and, a handicapped toilet, a food preparation area with children watching tv on the first floor. Ms. McPherson urged a denial. Regarding Mr. Tuuri's modifications to the recommended Conditions of Approval, she noted the following: most of the surrounding similar facilities operate from 11 am to 6 pm and not 9 pm; in reference to Condition #9, she asked who will determine the competency of person preparing the plans; #10 should be included as there is currently grading occurring on site; there is no creek on site as stated by Mr. Powell at the last meeting; food is prepared and served on site; operational hours should be from 10 am to 8 pm for Condition #15; and the Applicant should hire security to monitor parking. She felt that neighborhoods are being affected by event centers and, as such, urged the Board to set a precedent by denying these types of applications in agricultural areas.

Mr. Powell, in rebuttal, stated that he has moved the fence ten feet into his front property so that parking area is on his property and there is diagonal parking available on the property across the street for all events in the surrounding facilities. He also has a verbal agreement with his adjacent property owner to allow additional parking in his pastures. Mr. Powell requested an approval action today as he would like to have a similar facility as others in the area or even a denial.

Public testimony was closed. The Chair pointed out that progress has occurred since the last hearing. Member Sblendorio agreed adding that there were many similar facilities in the neighborhood; there were many commercial activities on Tesla Road, he was sensitive to the McPhersons; the operational hours be from 10 am to 10 pm; the application is consistent with South Livermore Specific Plan; and he requested the number of pending applications for event centers on Tesla Road. The matter could be continued for another month. The Chair agreed but felt that the Building Department issues should be resolved as he did not want the matter to be brought back before the Board in another form. Member Gosselin thought that there were two main issues, the non-compliance issues and the request itself. The request has not been discussed and he thanked staff for their work and the draft conditions of approval, and the presence of the Building Department official. He suggested total abandonment of the uses with sealing of the building in question until the issues have been resolved and an agreement that, if approved and the building issues are not resolved, the buildings will be demolished. There are risks involved as the building does not have fire protection. Mr. Gray explained that resources were not available to ensure that building is not being used. Ms. Elliot re-stated that there has been no progress and there is no animosity. She is only doing her job. Building Department decisions/approvals are ministerial and, as such, action cannot be held back even if violations exist. In response to Member Gosselin, Mr. Gray explained that the recommended conditions are only for the Board's consideration and not for an approval. He further

recommended a continuance to June to allow time for plans to be received from Sacramento as Mr. Powell stated in his testimony.

The following discussion occurred regarding the conditions: Condition #2 to reflect 6 pm as staff recommended; regarding parking, Member Sblendorio indicated that he would like to see No Left Turn signs on both sides and Member Gosselin stated that he would not like to encourage parking across the street and agreed on the importance of bike lanes; Member Sblendorio was in support of Condition #5 and Mr. Gray added that this condition was recommended by Code Enforcement and the noise section is a standard condition; in reference to Condition #9, Member Sblendorio felt that the word 'engineer' could be replaced and the Chair suggested 'qualified professional/surveyor'; Mr. Gray agreed that Condition #12 could be deleted and the word 'restaurant' replaced by 'patio area'; Member Sblendorio thought that Condition #10 could remain as recommended by staff and perhaps the word 'shall' be replaced with 'may' in #19 and Mr. Gray added that perhaps the condition could be deleted, to be left at the discretion of the Hearing Officer and the Chair recommended a 3 year permit instead.

Member Gosselin stated that there was a need to address the other items on the property such as the use of the trailer and other abandoned items which should be removed. The Board further discussed alternatives for the noise concerns, perhaps landscaping and a noise 'shell'. Member Gosselin made the motion for a continuance to June 29<sup>th</sup>. Member Sblendorio seconded adding that he would like to know if the Building Department issues are resolved before the next hearing date. Motion carried unanimously.

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, 2006).

Mr. Gray presented the staff report adding that staff is working with County Counsel on an on-going basis regarding the previous environmental review work and being consistent with the General Plan and Measure D. Member Gosselin requested clarification on the request for the 50,000 square foot cover and the public uses as defined in the description. Mr. Gray explained that a detailed site plan is needed and he would double-check the public uses. A discussion followed on ground contamination.

Public testimony was called for. John Condren, CEO, Riverside Motorsports Park, introduced the President and on-site General Manager, Kenny Shepherd. This facility has a history of racetrack and is celebrating its 40<sup>th</sup> anniversary. They were the new owners and in the process of opening a new site in Merced. He acknowledged that there had been issues/concerns with the prior owner. This organization is very professional, the facility will be improved with fencing to prevent trespassing problems and a clean and safe environment based on feedback/comments from neighbors and other users. There are very few remaining racetrack facilities in Alameda County.

Mark Melville, Vice-President of Operations, agreed that the previous owner did not fully comply with the conditions. He agreed to all the recommended conditions adding that most neighbors have his business card with his cell phone number.

Jim Tanner said his property, 16866 N. Midway Road, was about ½ mile away. When he moved in this area in 1982, the racetrack did not exist. His issues were traffic, noise, litter and fire concerns. Traffic has increased with the Mountain House development and this facility will increase even further, there is no shoulder on his side of the road and the road is not wide enough for emergency vehicles. One of the prior conditions was the requirement of a sign for traffic to use Patterson Pass Road/Grant Road. Litter pick-up after each event occurred only for the first few months by the prior owner. There is limited parking available on site. Mr. Tanner was also concerned that no additional CEQA work is required with the expansion and asked if the footprint will also be increased. He had contacted Fish & Wildlife Services and Fish & Game offices this morning and both offices were unaware of this application.

Norman Phillips, 16950 Midway Road, requested clarification that this is a renewal of the original permit from 1996. Mr. Gray confirmed that it is a renewal. Mr. Phillips noted that there have been three owners since the last permit was issued. He discussed the prior conditions and his issues/concerns. The day to day racing will contaminate the ground and groundwater and suggested infield paving for both race tracks for oil containment; the sign will now affect the newer houses; this application is now requesting to hold concerts, mud-bog or drag racing etc, all of which were not part of the prior permit; request to expand outside the tracks; noise is the biggest problem especially on the north, south and west of the facility; he disagreed that only few such facilities exist as he had obtained schedules from five racetracks; and an increase from a one-day to a seven-day operation; the facility should have a sworn-security peace officer on site; solid fencing on the western property line was part of the prior approval which is still not installed and he recommended fencing along the southern property line also; this is a commercial use in an agricultural area; and the continuous dirt moving, bringing in new dirt and compacting. Races are being held and it appears that the facility is already operating. Mr. Phillips further submitted related paperwork to the Board and Member Sblendorio also requested his testimony in writing.

Howard Holtzman, Principal at ROP Education, Manteca Unified School District, spoke in support. He has been professionally involved in racing for over 30 years. This facility provides a safe and clean environment for families.

Pat Ariaz, agricultural instructor, Manteca Unified School District, said they have set up a partnership with Altamont Speedway. The students along with some parents have provided community services on site by cleaning the hill in the rear and are involved with the landscaping. Patterson High School has a program to keep kids involved, provide them safety lessons at the racetrack and he was putting a similar program together.

The Chair announced a break.

Meeting reconvened. Marie Frates said she has owned her property at 485 N. Midway Road since 1967 and the facility was already in operation. This is a family-oriented facility and she supported the renewal.

Mark Ravard, property owner at 17011 Midway Road, pointed out that in the last 40 years there has not been anything good related to this facility but another death last year. Over 40 neighboring homeowners oppose this use and he felt that the old facility has worn-out it's welcome. His concerns/issues included: no effort to communicate with the neighbors; secretive; drifting events was not part of the original permit and which now occurs on site with rubber-burning and racing on streets; importing problems in their neighborhood; further studies are needed on noise; vandalism; trespassers; private property is stolen; his new fence has been destroyed by trespassers; trash can is trampled; abandoned car outside the gate; his mailbox is trashed; the increased activities/events are not acceptable; the owners/operators do not have such a facility in their neighborhood to tolerate; such facilities are usually located in safe and remote areas

and not in neighborhoods.

Roberto Valencio, 16777 Midway Road, said he moved from the city to live in a quiet area. He was aware that there would be three events weekly which he supported. His biggest concern was the sign which will shine in his bedroom.

Ryan Stoneham, 16900 Midway Road, said his concern was traffic and the decrease of property values. He would support one event a week.

Rob Gould, 16903 Midway Road, said he would also support one race weekly. Although the facility has existed for a while, he was against the expansion. He also recommended doing an environmental review work and appreciated the continuance as additional time is needed.

Jaime McNeely stated that she bought her property, 499 N. Midway Road, five years ago and has had no problems until now. She now has noise, trash and road concerns. People dump their trash in her garbage cans; drifters have taken out the fences for the horses; drag racing in the back roads, trespassing at odd hours and the Sheriff Department standard response time is over an hour; lack of notification and poor communication. On April 3<sup>rd</sup>, she had contacted Jenny Harper, Public Relations, and Kenny Shephard and requested a meeting with the neighbors. She pointed out that those who have spoken in support and the operators do not live in this area. The neighbors like the smallness, the intimacy of the community and, as such, the operators should support the neighbors by putting more traffic lights and making the community safer and perhaps then the community would be more accepting.

Scott Malory, a midway resident, agreed that there has been no community involvement or notification. He agreed with all the above comments and felt that drifting, drag racing and other illegitimate racing will bring undesirable characters to the area. His other concern is the lack of supervision on the days when events are cancelled.

Mr. Shepherd, in rebuttal, agreed that there is a problem with drag racing and drifting and, as such, their facility is much needed. With one mistake, people are asked to leave. He felt that there is a misunderstanding in the community and reiterated that this is not a new operation but a request for a renewal. He confirmed that the facility was not in operation yet, the week-end hours would be till 9:30 pm on Saturday and 6 pm on Sunday.

Marianne Griffith, 20044-20030 Midway Road, submitted her written comments in opposition. Her main concerns/issues were the road condition, damage to neighbors' fences which results in cattle on the road; and speeding cars down Patterson Pass Road. She asked who would pay for the repairs.

Public testimony was closed. Member Gosselin requested the highest number of attendees and for what days/seasons. Mr. Gray thought the operator would be able to provide statistics. Member Sblendorio requested a grid prepared from the current permit and an improved site plan. He made the motion for a continuance for one month. Mr. Gray recommended a two-month continuance to allow time for the detailed site plan to be submitted and reviewed by staff, and for a community meeting to be held. The prior permit is still valid. Mr. Shepherd added that the community meeting had been continued due to the rain and awaiting completion of the renovations. Member Sblendorio amended his motion to reflect a continuance to two months, June 29<sup>th</sup>. Member Gosselin seconded and the motion carried unanimously.

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 County Assessor's Parcel Number: 099-1200-041-00. (Continued from March 30, 2006).

Mr. Gray noted with the modular trailer will be 24x 60 feet and 88 children at any one time, more than 45 under the current allowance. Since Community Care Licensing indicates that there can be only 70 children on site at one time, the Applicant would like to modify the request to 70 children.

Public testimony was called for. David Best representing the school confirmed that they would like to modify their request to 70 children. During the regular school year, there will be 67 children on site at one time and the summer program will have 70 children. At the last hearing, the main issues were parking and sewer. Three additional parking spaces will be provided in the front, a total of 16 spaces. Environmental health has recommended an advanced water treatment system to accommodate both the existing building and the modular which they were willing to install. The visual impact with the increased modular size is minor and the only impact would be the neighbor on the south. As a result, they were willing to install additional landscaping as needed. Mr. Best pointed out that there are two other businesses in the area. Per Fire Department, fire hydrant on the property or sprinklers in the modular will be sufficient. If an approval is not granted today, twenty kids will have to be dropped from the program.

Walter Davis, on behalf of the neighbors, pointed out that on Tuesday, the number of students to be dropped were 10 and today it is 20, and the children will not be displaced as a place in the summer program was not promised to them at the beginning of the school year. The issue is not about the kids but the neighbors who have been tolerating the nuisance which is traffic and not parking. Staff is recommending a continuance as City of Livermore has requested additional time to evaluate the traffic condition. The staggered drop-off and pick-up proposal is only a plan with no evidence that it will work. Calvary Lane is only 16 feet wide and average parking space is only eight feet wide and going up and down the driveway is not feasible. No evidence has been submitted from the church that they would allow parking in the morning and afternoons but only for over-flow parking for special events. Mr. Davis felt that having a proposal on paper is not an enforcement. At the community meeting last Tuesday, neighbors were informed that parents will be fined \$50.00 for illegal parking which he thought would work for some time only. He urged a continuance to allow City of Livermore to evaluate the traffic situation. Member Gosselin asked if Mr. Davis was aware of the two other businesses in the area as stated by Mr. Best. Mr. Davis replied no and staff agreed adding that he would double-check.

Rita Chapman said her son is in kindergarten and if not approved, he will not have a school to attend in summer. Member Sblendorio asked when she would be in need of a summer program. Ms. Chapman said by June 12<sup>th</sup>.

Jackie Fitzgerald, 1401 Calvary Lane, thought that this expansion had been in the plans for a long time and as Mr. Best had indicated during the community meeting. If communication had been made with the neighbors and plans submitted earlier, the time issue would not be present today.

Matt Katen, Zone 7, provided his written testimony. This project is situated over ground water that has been previously impacted by nitrates. Therefore, Zone 7 is against any project that could worsen this condition. Connecting to Livermore's sewer is recommended, however, installing an 'engineered system to reduce the nitrate loading may be acceptable but would require Zone 7 approval. The applicant should be referred to Zone 7 in addition to Environmental Health if City of Livermore is unwilling to allow this sewer connection.



Erin O'Neill submitted her written comments in support.

Public testimony was closed. Member Sblendorio asked if permits could be obtained in 45 days, by June 12<sup>th</sup>. Mr. Gray replied that the Applicants indicate that they can meet the timeline. Member Sblendorio said he would like to resolve the traffic issue. He recommended the following: no parent should drive on Calvary Lane; stripping on both sides; installation of 'No Parking' and "Fire Lane" signs; only staff and tandem parking in the rear; and landscaping in front of modular to provide screening. He was in favor of Condition #3 and recommended an additional Condition #6 to reflect no parent parking after 6 pm in front and no parent parking in the rear, adjacent to the neighbors during evening events. Mr. Gray suggested adding car/van pooling and safety officer for monitoring traffic, perhaps a dual turning lane in response to the City's concerns; a written agreement from the church regarding additional parking and landscaping in front of modular per Planning Director discretion. He also suggested a community liaison person, perhaps providing a quarterly meeting. Member Gosselin pointed out that with new infill projects and developments, there will be an increased demand, to be either met elsewhere or at this location, as a new facility or expansions of existing ones.

Mr. Davis reiterated that the neighbors' concern is compliance and enforcement and asked what the remedy was for non-compliance. Mr. Gray replied revocation. Member Gosselin added that neighbors can speak on lack of compliance under Open Forum and request any item be agendaized for revocation.

Gina Hermann stated that she does remind parents on the parking issue.

Mr. Gray announced that he would draft the conditions of approval which would be made available to both sides and Board for input. The Chair made the motion to affirm the findings as contained in the March 30<sup>th</sup> memo and approval the permit for 70 children on site at any given time with the above modifications with an expiration in seven years. Member Gosselin seconded and the motion carried unanimously.

**Approval of Minutes** – Approval of March 30<sup>th</sup> Minutes was continued to the next hearing.

**STAFF COMMENTS & CORRESPONDENCE:** None.

**CHAIR'S REPORT:** None. The Chair announced that he will not be available for the June Field Trip but will be for the hearing.

**BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS:** Member Gosselin discussed the selection of the members of the Scientific Review Committee by the Board of Supervisors.

**ADJOURNMENT:** There being no further business, the hearing was adjourned at 6:15 p.m.

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