

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
APRIL 29, 2003
(APPROVED MAY 29, 2004)

The meeting was held at the hour of 1:30 p.m. in the Conference Room of the Public Works Operations Building, 4825 Gleason Drive, Dublin, California.

FIELD TRIP: 9:00 p.m.

MEMBERS PRESENT: Member Jon Harvey, Chair;

MEMBERS EXCUSED: Members Donna Flavetta and Larry Gosselin

OTHERS PRESENT: Jana Beatty, Senior Planner

FIELD TRIP: The meeting adjourned to the field and the following properties were visited:

1. **ALVIAR/FRANCO, CONDITIONAL USE PERMIT, C-8153** – Application to allow an outdoor recreation facility (Paintball Recreation Facility) in an ‘A’ (Agricultural) District, located at 7900 Vallecitos Road, south side, approximately one mile east of the intersection with I-680, unincorporated Sunol area of Alameda County, bearing Assessor’s Parcel Number: 0096-0365-002-04. (Continued from June 26, July 24, September 25, November 13, 2003; January 29, February 19 and March 25, 2004).
2. **CASTLEWOOD COUNTRY CLUB, CONDITIONAL USE PERMIT, C-8294** – Application to allow expansion of an outdoor recreational facility, in an “A” (Agricultural) District, located at 707 Country Club Circle, south side, approximately 75 feet east of Castlewood Drive, unincorporated Pleasanton area of Alameda County, bearing Assessor’s Parcel Numbers: 0946-4386-001-16; 0946-4486-001-18; 0946-4386-001-19.

REGULAR MEETING: 1:30 p.m.

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

MEMBERS EXCUSED: Member Donna Flavetta

OTHERS PRESENT: Jana Beatty, Senior Planner; and Nilma Singh, Recording Secretary
There were approximately twelve 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: None.

CONSENT CALENDAR:

1. **DALE VAUGHN-BOWE, STONY RIDGE WINERY, CONDITIONAL USE PERMIT, C-7171** – Application to allow expansion of an existing winery-related use with construction of an attached addition to a tasting room, in a P-D (Planned Development, 1818th Zoning Unit) District, located at 4948 Tesla Road, north side, approximately 200 feet west of Mines Road, unincorporated South Livermore area of Alameda County, bearing Assessor's Parcel Number: 099-1250-034-00. (Continued from December 12, 2001; June 27, 2002; June 26, October 23, 2003; January 29 and February 19, 2004; to be continued without discussion to July 29, 2004).
2. **JOSE and MIRIAM DA SILVA, CONDITIONAL USE PERMIT, C-8119** – Application to allow: 1) a commercial horse boarding facility for 20 horses; 2) a permanent caretakers (cottage) unit; and 3) two separate outdoor storage areas, in a R-1-L-B-E (Single Family Residence, Limited Agriculture, 5 acre Minimum Building Site Area) District, located at 5100 Raymond Road, north side, terminus of Ames Street, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 902-0003-002-00. (Continued from April 3, May 1 and 29, June 26, August 28 and October 23, and December 11, 2003; to be continued without discussion to May 27, 2004).
3. **CINGULAR WIRELESS, CONDITIONAL USE PERMIT, C-8144** – Application to allow continued operation of a radio transmission facility (cellular telephone antenna) in an "A" (Agricultural) District, located at 16163 Grant Line Road, south side corner, southeast of Altamont Pass Road, unincorporated Tracy area of Alameda County, bearing Assessor's Parcel Number: 099B-7700-004-01. (Continued from May 1, June 26, July 24, September 25, December 11, 2003, and February 19, 2004; to be continued without discussion to June 24, 2004).
4. **AT&T WIRELESS/JOSE and JOSEFINA AVILA, CONDITIONAL USE PERMIT, C-8195** – Application to allow continued operation of a radio transmission facility (cellular telephone antenna), in an "A" (Agricultural) District, located at 16163 Grant Line Road, east side corner, southeast of Altamont Pass Road, unincorporated Tracy area of Alameda County, bearing Assessor's Parcel Number: 099B-7700-004-00. (Continued from September 25, December 11, 2003; February 19 and March 25, 2004; to be continued without discussion to June 24, 2004).
5. **WINDWORKS, INC., CONDITIONAL USE PERMIT, C-8216** – Application to allow continued operation of an existing wind generation facility, in an "A-B-E" (Agricultural, 160 acres Minimum Building Site Area) District, located at 12251 North Flynn Road, east side of South Flynn Road, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099A-1810-001-00. (Continued from November 13, December 11, 2003; January 29, February 19 and March 25, 2004; to be continued without discussion to May 27,

2004).

6. **MARK and SHELLY SKINNER/ROBERT DEFILLO, CONDITIONAL USE PERMIT, C-8273** – Application to allow a horse boarding facility for 45 horses with riding arena and round pen, in an “A” (Agricultural) District, located at 41798 Vargas Road, north side, approximately 0.4 mile north of Mission Boulevard, unincorporated Fremont area of Alameda County, bearing Assessor’s Parcel Number: 0096-0056-013-00. (Continued from February 19 and March 25, 2004).
7. **EAST BAY REGIONAL PARK DISTRICT, CONDITIONAL USE PERMIT, C-8288** – Application to allow development and operation of an outdoor recreational facility (Brushy Peak Regional Preserve), in an “A” and “A-B-E” (Agricultural and Agricultural, 160 acre Minimum Building Site Area) Districts, located on Laughlin Road, southeast side, approximately 1.55 miles north of North Front Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Numbers: 099B-5450-001-22, 099B-5475-001-01, 099B-5475-001-02 and 099B-5475-002-02.

The Chair moved Regular Calendar items 4 and 5 to the Consent Calendar. Member Gosselin made the motion to approve the Consent Calendar per staff recommendations and the above modifications. Chair Harvey seconded the motion, which carried 2/0/1. Member Flavetta was excused.

REGULAR CALENDAR:

1. **JOHN MAXFIELD/SAN FRANCISCO BAY AREA COUNCIL, CONDITIONAL USE PERMIT, C-7751**– Application to expand existing outdoor recreation use (Los Moches Boy Scout Camp) by the addition of new improvements to the dining, sleeping, Ranger quarters, and accessory structures in an ‘A-B-E’ (Agricultural) 320 Acre MBSA District, located at 18450 Mines Road, west side, approximately 14.7 miles south of Tesla Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-2610-001-02. (Continued from August 29, 2002; January 30, May 1, July 24, August 28, November 13, 2003; and March 25, 2004).

Ms. Beatty noted staff’s recommendation that this item be dropped from the agenda. The Board concurred and the Chair dropped the application from the agenda.

2. **ROBERT H. and SHAWN W. MOTT, CONDITIONAL USE PERMIT, C-8094** – Application to allow continued operation of a boarding facility for 60 horses and continued occupancy of two caretaker’s mobile homes in an ‘A’ (Agricultural) District, located at 5150 Sheridan Road, north side, approximately 100 feet northwest of Andrade Road, unincorporated Sunol area of Alameda County, bearing Assessor’s Parcel Number: 096-0001-015-00. (Continued from November 14, 2002; April 3, August 28, December 11, 2003; February 19 and March 25, 2004).

Ms. Beatty summarized the staff report.

Public testimony was called for. Rhonda Mott, representative, submitted a copy of her manure management plan and at the request of the Chair, provided an explanation. Member Gosselin requested an up-date on the erosion of the swale area and drainage. Ms. Mott explained that the natural run-off was causing the erosion and they were working with the Conservation Office with underground drainage to stop the erosion. The Chair asked if this was as strictly a horse-boarding or training facility. Ms. Mott replied that it was mostly a boarding facility with some lessons and training mostly to children. Member Gosselin asked if there was erosion on the south of the property, if there was a seasonal creek and if horses were kept in this area. Ms. Mott replied yes to both erosion on the south side and existence of a seasonal creek but added that horses were on the hill.

Public testimony was closed. The Chair noted the omission of a condition related to manure management. Staff indicated that it was a requirement of clean water but could be added. The Chair asked if the Board had been on a site visit. Member Gosselin said that they had visited the site at the initial hearing. He felt that Condition #4 was ambiguous adding that although Grading Department still had the authority, further conditioning the operation was not fair. He made the motion to approve the application subject to the four recommended conditions, deleting Condition #4. Chair Harvey seconded the motion, which carried 2/0/1. Member Flavetta was excused.

3. **ALVIAR/FRANCO, CONDITIONAL USE PERMIT, C-8153** – Application to allow an outdoor recreation facility (Paintball Recreation Facility) in an ‘A’ (Agricultural) District, located at 7900 Vallecitos Road, south side, approximately one mile east of the intersection with I-680, unincorporated Sunol area of Alameda County, bearing Assessor’s Parcel Number: 0096-0365-002-04. (Continued from June 26, July 24, September 25, November 13, 2003; January 29, February 19 and March 25, 2004).

Ms. Beatty summarized the staff report adding that the reason for this application was to legalize the operation. In reference to the creek issue, mesh-wire fencing was being recommended for the rear portion of the property and was part of the conditions of approval as Condition #11.

Public testimony was called for. Robert Alviar, Co-Applicant, outlined the history of the facility adding that he has been operating for fifteen years. He was very concerned with safety issues and wanted to legalize this operation. The Chair noted Condition #17 and asked for lighting details. Mr. Alviar explained that they did not have evening or night games, but were usually done by 3:45 p.m. Private events usually ended by 4:30 p.m. Lighting has never been an issue and has not been required. The Chair asked if a parking fee was being charged and if any injury had occurred on site. Mr. Alviar replied that parking fees have never been charged and also no major accidents. Players were advised before every game.

Public testimony was closed. The Chair requested clarification on the hours of operation, Condition #12 and lighting requirements, Condition #17. Member Gosselin suggested daylight hours. Mr. Alviar disagreed. The Chair suggested 4:30 p.m. with no additional auxiliary lighting. Member Gosselin made the motion to adopt staff’s findings and approve the application subject to 28 recommended conditions with Condition 12 modified to reflect 9:00 am to 4:30 pm and deleting Condition 17 with a new condition to reflect no additional auxiliary lighting. The Chair seconded the motion, which carried 2/0/1. Member Flavetta was excused.

4. **MARK and SHELLY SKINNER/ROBERT DEFILLO, CONDITIONAL USE PERMIT, C-8273** – Application to allow a horse boarding facility for 45 horses with riding arena and round pen, in an “A” (Agricultural) District, located

at 41798 Vargas Road, north side, approximately 0.4 mile north of Mission Boulevard, unincorporated Fremont area of Alameda County, bearing Assessor's Parcel Number: 0096-0056-013-00. (Continued from February 19 and March 25, 2004).

This item was moved to the Consent Calendar, to be continued without discussion to May 27, 2004.

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Ms. Beatty summarized the staff report adding that no membership expansion was being proposed and no objections have been received. The Chair added that the Board had made a site visit today.

Public testimony was called for. Karl Danielson, Project Architect, stated that their plan was to up-grade the facility and make it more user-friendly. Member Gosselin asked if the facility had any users that were not members. Mr. Danielson replied no, adding that two other representatives, Tom Rutherford and Ray Hill, were available if the Board had any operational questions.

Public testimony was closed. The Chair asked why a hearing had been scheduled before this Board. Staff explained that any change, including size and structural, is considered a modification to the permit. Member Gosselin made the motion to approve the application subject to the four recommended conditions. Chair Harvey seconded the motion, which carried 2/0/1. Member Flavetta was excused.

Approval of Minutes – January 29, February 19 and March 25, 2004. Member Gosselin made the motion to approve the three sets of Minutes as submitted. Chair Harvey seconded the motion, which carried 2/0/1. Member Flavetta was excused.

STAFF COMMENTS & CORRESPONDENCE: Staff announced that the Board of Supervisors has scheduled a workshop for the East and West Board of Zoning Adjustments' members, Planning Commissioners and Planning staff.

CHAIR'S REPORT: None.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Gosselin noted that the first meeting of the

Technical Advisory Committee would be held in June. He requested an up-date on his prior request that this Board would like a meeting with the Committee before their first meeting. Staff said she would check into this.

ADJOURNMENT: There being no further business, the hearing was adjourned at 2:15 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS