

**MINUTES OF MEETING**  
**EAST COUNTY BOARD OF ZONING ADJUSTMENTS**  
**JULY 28, 2005**  
(APPROVED SEPTEMBER 29, 2005)

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:** Members Larry Gosselin

**MEMBERS EXCUSED:** Members Jon Harvey and Donna Flavetta.

**OTHERS PRESENT:** Phil Sawrey-Kubicek, Senior Planner

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

1. **WILLIAM D. LISKEY, CONDITIONAL USE PERMIT, C-8405** – Application to continue operation of a horse boarding facility in an R-1-L-B-E (Single Family Residence with Limited Agricultural Uses, 4 acre Minimum Building Site Area) District, located at 2935 Reed Avenue, south side, approximately 125 feet east of Edwards Avenue, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 0099-0675-011-05.
2. **MICHAEL E. SILLS, VARIANCE, V-11940** – Application to approve as a building site a parcel reduced in area from the required 320 acres to 40 acres and without frontage on an approved County road, in an A-B-E (Agricultural, 320 acres Minimum Building Site Area) District, located at 19600 Mines Road, northeast side approximately 17 miles southeast of Tesla Road, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099A-2605-007-00. **Continued.**
3. **THOMAS G. ARCHULETA, VARIANCE, V-11945** – Application to allow construction of an addition with a nine foot setback where 15 feet is required, in a R-1-B-10 (Single Family Residence, 10,000 square foot Minimum Building Site Area) District, located at 3437 Bernal Avenue, west side, approximately 150 feet north of Vine Avenue, unincorporated Pleasanton area of Alameda County, bearing Assessor's Parcel Number: 946-1710-003-00.

**REGULAR MEETING: 1:30 p.m.**

**MEMBERS PRESENT:** Members; Donna Flavetta and Larry Gosselin.

**MEMBERS EXCUSED:** Member Jon Harvey, Chair

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

There were approximately six people in the audience.

**CALL TO ORDER:** The meeting was called to order by the Chair at 1:50 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. **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, March 25, April 29, July 29, August 12, September 23, October 28 and November 18, 2004, January 27, February 10 and 24, 2005, March 24, April 28, and June 23, 2005; to be continued without discussion to August 25, 2005).
2. **ALTAMONT INFRASTRUCTURE COMPANY/ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY, CONDITIONAL USE PERMIT, C-8243** – Application to allow continued operation of an existing wind generation facility consisting of 404 turbines, in an “A-B-E” (Agricultural, 160 acre Minimum Building Site Area) District, located at 11700 and 11701 North Flynn Road, east corner, southwest of South Flynn Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Numbers: 099A-1770-002-01, 099A-1770-002-02, 099A-1770-002-03, 099A-1780-001-04, 099A-1790-003-00 and 099A-1810-001-00. (Continued from August 12, September 23, October 28, November 18, 2004, January 27, February 10 and 24, March 24, April 28 and June 23, 2005; to be continued without discussion to August 25, 2005).
3. **DANE LOWRY, GRADE WAY CONSTRUCTION, CONDITIONAL USE PERMIT, C-8379** Application to continue occupancy of two mobile trailers used for security purposes in a contractor’s storage yard in an M-2 (Heavy Industrial) District, located at 550 Greenville Road, east side, approximately 0.80 miles north of Patterson Pass Road, unincorporated Livermore area of Alameda County, designated Assessor’s Parcel Number: 099B-5600-009-03. (To be continued without discussion to August 25, 2005).
4. **ROBERT & CAROL MOLINARO, CONDITIONAL USE PERMIT, C-8418**- Application to expand an existing winery with winery related use by the construction of a new 15,000 square foot event center in a PD (Planned Development) District, located at 7986 Tesla Road, north side corner, northeast of Greenville Road, unincorporated Livermore area of Alameda County, designated Assessor’s Parcel Number: 099A-1602-013-02. (To be continued without discussion to September 29, 2005).
5. **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 March 24 and June 23, 2005; to be continued without discussion to September 29, 2005).

6. **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: 0096-0140-002-01. (Continued from June 23, 2005; to be continued without discussion to September 29, 2005).
7. **LAMB SURVEYING, INC., VARIANCE, 11932** – Application to adjust two lot lines between two existing parcels and to approve as a building site a parcel with no frontage on an approved county road containing 10 acres where 100 acres are minimum, in an "A" (Agricultural) District, located at 9745 Santos Ranch Road, west side, approximately 0.80 miles west of Foothill Road, unincorporated Pleasanton area of Alameda County, bearing Assessor's Parcel Number: 0941-2300-002-09. (Continued from June 23, 2005; to be continued without discussion to August 25, 2005).
3. **MICHAEL E. SILLS, VARIANCE, V-11940** – Application to approve as a building site a parcel reduced in area from the required 320 acres to 40 acres and without frontage on an approved County road, in an A-B-E (Agricultural, 320 acres Minimum Building Site Area) District, located at 19600 Mines Road, northeast side approximately 17 miles southeast of Tesla Road, unincorporated Livermore area of Alameda County, designated Assessor's Parcel Number: 099A-2605-007-00.

Regular Calendar item #3, V-11940, was moved to the Consent Calendar to be continued without discussion to September 29, 2005. Member Flavetta made the motion to approve the Consent Calendar with the above modification and Member Gosselin seconded. Motion carried 2/0 and Member Harvey was excused.

#### **REGULAR CALENDAR:**

1. **WILLIAM D. LISKEY, CONDITIONAL USE PERMIT, C-8405** – Application to continue operation of a horse boarding facility in an R-1-L-B-E (Single Family Residence with Limited Agricultural Uses, 4 acre Minimum Building Site Area) District, located at 2935 Reed Avenue, south side, approximately 125 feet east of Edwards Avenue, unincorporated Livermore area of Alameda County, designated Assessor's Parcel Number: 0099-0675-011-05.

Mr. Gray summarized the staff report adding that there were two pending issues, fire clearance and manure management plan. Although there have been no response from neighbors to-date, much opposition had been received at the last hearing.

Public testimony was called for. Mr. Liskey submitted a manure management plan, a letter from North

Valley Construction, Inc., for monthly manure removal service, and requested clarification on the fire clearance and building a berm around the manure pile. Member Gosselin explained that the berm be situated between manure pile and the drainage swale.

Public testimony was closed. Member Gosselin recommended deleting the words 'seasonal arroyo' (Page 1 under Physical Features) as noted during the field trip that it was a gentle swale. In reference to Condition #5, he pointed out that the manure bins were large enough for the number of the animals on site. In response, Mr. Gray suggested replacing the words "...once every month..." with 'regularly'. A discussion followed regarding the length of permit. Member Flavetta made the motion to approve the application subject to the fifteen recommended conditions with the above modifications and for five years. Motion carried unanimously. Member Harvey was excused.

2. **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, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099A-2420-006-03. (Continued from February 10 and 24, April 28 and June 23, 2005).

Mr. Gray summarized the staff report.

Public testimony was called for. Mr. Lounsbury pointed out that Variance, V-8961 had been approved in 1985 and thought that the site had been grandfathered in. Mr. Gray explained the action of the Board of Supervisors relating to Variances and Conditional Use Permits three-year time frames. He further pointed out that the plot map numbers did not match those of the grant deed. Mr. Lounsbury added the following: Public Works Land Survey has looked at the easement and documentation has been submitted; an engineered road, subject to site plan review, is being proposed; in reference to the oak trees, a biologist made a site visit and has indicated that although there would be no significant biological impacts, he recommends no removal between the months of October and January, several similar lots exist in the area which have dwellings but only one that has 25 feet of frontage on Mines Road; and Lamb Surveying, hired due to neighboring concerns, report shows an easement to the property.

The proposed buyer said he has talked to the neighbors who have no other concerns. Although Lamb Surveying recommends removal of 29 trees, they will remove a total of 34 to widen the road per Fire Department. He pointed out that it was difficult to read the original grant deed.

A detailed discussion followed regarding the differences between the two plot plans. Member Gosselin suggested continuing the matter for additional information, perhaps both maps be reconciled and some documentation from neighbors in support. The Applicant agreed to provide a reconciled map and letters of support. Member Flavetta made the motion to continue the matter to August 25, 2005, and Member Gosselin seconded. Motion carried unanimously and Member Harvey was excused.

3. **MICHAEL E. SILLS, VARIANCE, V-11940** – Application to approve as a building site a parcel reduced in area from the required 320 acres to 40 acres and without frontage on an approved County road, in an A-B-E (Agricultural, 320 acres Minimum Building Site Area) District, located at 19600 Mines Road, northeast side approximately 17 miles southeast of Tesla Road, unincorporated Livermore area of Alameda County, designated Assessor's Parcel Number: 099A-2605-007-00. **(Moved to the Consent Calendar).**
4. **THOMAS G. ARCHULETA, VARIANCE, V-11945** – Application to allow construction of an addition with a nine foot setback where 15 feet is required, in a R-1-B-10 (Single Family Residence, 10,000 square foot Minimum Building Site Area) District, located at 3437 Bernal Avenue, west side, approximately 150 feet north of Vine Avenue, unincorporated Pleasanton area of Alameda County, bearing Assessor's Parcel Number: 946-1710-003-00.

Mr. Gray summarized the staff report adding that both City of Pleasanton and the neighbors are both in support.

Public testimony was called for. Mr. Archuleta pointed out that five other neighboring properties have variances for side yard setbacks.

Public testimony was closed. Member Flavetta made the motion to approve the application subject to the four recommended conditions. Member Gosselin seconded and the motion carried 2/0. Member Harvey was excused.

A. **Approval of Minutes** – Member Flavetta made the motion to approve both April 28<sup>th</sup> and June 23<sup>rd</sup> Minutes as submitted and Member Gosselin seconded. Motion carried unanimously.

**STAFF COMMENTS & CORRESPONDENCE:** Mr. Gray reported that County Counsel has directed that a Building Permit be issued to Lockaway Storage with the conditions that were imposed in 2001. As such, the Board will hear this application upon expiration in 2010.

**CHAIR'S REPORT:** None.

**BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS:** Member Gosselin stated that his involvement has been requested by Agricultural Advisory Committee and property owners on highway commercial uses that have been affected by Measure D. He asked if this would be a conflict of interest. Mr. Gray replied that he would forward related material prepared by County Counsel.

In reference to the windfarm applications, Member Flavetta asked if it was possible to get a copy of the proposed mitigation agreement before the public hearing. Mr. Gray replied perhaps but not the last report.

Member Flavetta confirmed that she would be resigning as a Boardmember effective September, 2005. Mr. Gray added that since there will also be a new member on the West BZA, a training session could be scheduled for the new Boardmembers in the future.

**ADJOURNMENT:** There being no further business, the hearing was adjourned at 3:10 p.m.

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