

**MINUTES OF MEETING**  
**EAST COUNTY BOARD OF ZONING ADJUSTMENTS**  
**SEPTEMBER 27, 2007**  
(APPROVED NOVEMBER 8, 2007)

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 a.m.**

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

**OTHERS PRESENT:** Jana Beatty, Senior Planner

**FIELD TRIP:** The Boardmembers visited the following property on their own:

1. **CA WATER SERVICE/OSBORNE, CONDITIONAL USE PERMIT, C-8621** – Application to allow continued operation of a telecommunication facility, in a R-1-L-B-E (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site Area) District, located on Las Positas Road, south side, approximately 1250 feet east of North Livermore Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-020-07.

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

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

**OTHERS PRESENT:** Jana Beatty, Senior Planner and Nilma Singh, Recording Secretary

There was one person 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*

**NEIGHBORHOOD PRESERVATION AND ZONING ORDINANCE ABATEMENT HEARING -** *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 Kilcare 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, January 25, March 22 and June 28, 2007; to be continued to November 8, 2007).

2. **FOSCALINA/LAMB SURVEYING, INC., VARIANCE, V-12064** ~ Application to approve as a building site one parcel reduced in area from the required 100 acres to 39.82 acres and a boundary adjustment between two parcels, in an "A" (Agricultural) District, located at 3073 Cross Road, west side, approximately 0.3 mile south of Patterson Pass Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-1750-004-00. (Continued from May 24, June 28 and August 23, 2007; to be continued to October 25, 2007).
3. **JOHN CIMINO and MICHELLE SIFUENTES, VARIANCE, V-12076** – Application to allow reconstruction of a barn covering more than 30% of the required rear yard, in a R-1-B-10 (Single Family Residential, 10,000 square foot Minimum Building Site Area) District, located at 3548 Vine Street, south side, approximately 372 feet west of Bernal Avenue, unincorporated Pleasanton area of Alameda County, bearing Assessor's Parcel Number: 0946-1708-002-02. (Continued from June 28 and August 23, 2007; to be continued to October 25, 2007).

At the request of the Board, staff explained the reasons for the continuance recommendations adding that staff is awaiting policy direction from County Counsel regarding Williamson Act issues. *Member Harvey made the motion to approve the Consent Calendar per staff recommendations and Member Goff seconded. Motion carried unanimously.*

#### **REGULAR CALENDAR:**

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. (Continued from March 30, April 27, May 25, June 29, July 27, September 28, October 26 and December 14, 2006, and January 25, March 22, April 26, May 24, June 28 and August 23, 2007).

Ms. Beatty presented the staff report. City of Livermore has submitted a letter with concerns regarding the driveway and has recommended that a condition of approval be compliance to the City's signalization. Other violations exist, such as weeds, which is not necessarily linked to the applicant but the property owner. Staff is supportive of the use but has health and safety concerns such as fire clearance and a SWPPP Permit. Member Harvey asked if the entire cost of signalization would be borne solely by this property owner. Staff said it is the recommendation of City of Livermore. County Traffic Division was not aware of rear County property and, as such, did not have any comments. A Condition of Approval could be added to reflect that the Applicant comply with City of Livermore requirements. The Chair felt that it would be appropriate to ask other property owners and request more details from the City. Staff pointed out that the aerial map reflects that the entire driveway is on this property and the

County has the easement only.

Public testimony was called for. Harold Mendoza, applicant, stated that progress has been on-going, the Fire Department has visited the site this year and he is willing to do all this is required. The Chair discussed the Code Enforcement time frame. In response to the Board, Mr. Mendoza confirmed that he is in communication with the property owner through monthly visits, he has a five-year lease, he was unsure if the owner was aware of the City's recommendation, he had read the conditions of approval and he did not have a timeline on the conditions due to the numerous continuous. He suggested that perhaps with a rent reduction, he could work with the owner on some of the conditions, specifically fencing and landscaping. The only issue is the affect of grading improvements on the rear property on his septic tank.

The Board discussed the term of the permit. Member Goff pointed out that a two-year permit is short in comparison to the extent of recommended improvements. Staff suggested a five year permit with a two year review. Member Harvey felt that there were two issues, namely the applicant and owner's different sets of requirements and suggested that the fence and landscaping cost be paid by the owner and other requirements by the Applicant. He also suggested that the property owner comply with the signalization required and sharing the cost with other owners. The Chair added that perhaps the City could take leadership with defining the road and sharing the cost; suggested that staff planner could prioritize the recommended conditions; and did not think 180 days was sufficient to complete all improvements. Staff pointed out Table 1, pages 13-17 and Member Goff pointed out that some conditions have not been complied with previously and are included again for this renewal. Member Harvey recommended a continuance for 60 days after which a progress report could be obtained on the old conditions. If not complied with, the matter would be set for revocation. Mr. Mendoza explained that since he had been unsure whether or not a permit will be granted, some of the previous conditions had not been complied with and he only owns the front fencing.

*Member Harvey made the motion for a continuance, no longer than two meetings, to allow time for the Applicant to prepare progress statements on all conditions of approval and the City and County to provide more details on the signalization requirement.* Mr. Mendoza indicated that he has a recycling permit from the City and pointed out that no all conditions of approval apply to his use. Staff added that a letter from the related departments indicating that nothing is required would be sufficient. *The Chair seconded and the matter was continued to November 8, 2007.*

2. **CA WATER SERVICES/OSBORNE, CONDITIONAL USE PERMIT, C-8621** – Application to allow continued operation of a telecommunication facility, in a R-1-L-B-E (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site Area) District, located on Las Positas Road, south side, approximately 1250 feet east of North Livermore Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-020-07.

Ms. Beatty presented the staff report adding that there have been no violations. In response to Member Harvey, she confirmed that these were live trees and the antennas can barely be seen from Los Positas Road. The Applicant was not available and no other testimony was submitted. *Member Harvey made the motion to approve the application subject to the recommended conditions and Member Goff seconded. Motion carried unanimously.*

**APPROVAL OF MINUTES** – *Member Goff made the motion to approve the July 26<sup>th</sup> Minutes and the Chair seconded. Motion carried 2/1 with Member Harvey abstaining.*

**STAFF COMMENTS & CORRESPONDENCE:** Staff announced the Altamont Raceway and the Shanklin matters are on the next Board of Supervisors agenda, but Shanklin will be continued to a future agenda.

**CHAIR’S REPORT:** *None.*

**BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS:** *None.*

**ADJOURNMENT:** There being no further business, the hearing was adjourned at 2:40 p.m.

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