

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
SEPTEMBER 29, 2005
(APPROVED DECEMBER 15, 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 Jon Harvey, Chair and Larry Gosselin.

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

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

1. **LITTLE VALLEY WINERY, 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, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-2340-002-00.
2. **BRIAN PARKIN, CONDITIONAL USE PERMIT, C-8413** – Application to allow continued operation of an existing telecommunication facility (cell site), in a R-1-L-B-E (Single Family Residence, Limited Agriculture, 5 acre Minimum Building Site Area) District, located at 1100 Las Positas Road, south side corner, west of Hilliker Place, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099-15-20-07.
3. **ENEXCO, INC., CONDITIONAL USE PERMIT, C-8422** – Application to allow continued use of an accessory warehouse facility to support operation of wind plant, in an “A-B-E” (Agricultural, 160 acre Minimum Building Site Area) District, located at 12046 Altamont Pass Road, north side, approximately one mile east of Altamont Pass Road, unincorporated Tracy area of Alameda County, bearing Assessor’s Parcel Number: 099B-7375-001-04.
4. **METRO PCS, CONDITIONAL USE PERMIT, C-8429** – Application to allow a telecommunications facility, in an R-1-B-E (Single Family Residence, one acre Minimum Building Site Area, 150 foot Median Area Width) District, located at 3998 Foothill Blvd, west side, approximately 120 feet west of the intersection with Santos Ranch Road, unincorporated Pleasanton area of Alameda County, bearing Assessor’s Parcel Number: 941-2100-002-06.
5. **COREY ALVIN, CONDITIONAL USE PERMIT, C-8433** – Application to allow construction of a telecommunications facility, in a P-D-ZU-1458 (Planned Development, 1458th Zoning Unit) District, located at 3024 Greenville Road, east side, corner southeast of East Avenue, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-1625-001-09.
6. **MICHAEL ANGELOS/PAPPAS RADIO OF CALIFORNIA,**

CONDITIONAL USE PERMIT, C-8442 – Application to allow construction of a radio communications tower system, in an A-B-C (Agricultural, 320 acre Minimum Building Site Area) District, located at 3330 Vallecitos Lane, southeast side, approximately 2.5 miles from Vallecitos Road, unincorporated Sunol area of Alameda County, bearing Assessor’s Parcel Number: 096-0420-001-01.

7. **BOB and GLORIA R. TAYLOR, CONDITIONAL USE PERMIT, C-8449** – Application to allow winery-related events including picnic and annual summer festivals, in an “A” (Agricultural) District, located at 1356 S. Livermore Avenue, east side, approximately 470 feet northwest of Wente Street, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Numbers: 099-0950-003-02 and 099-1100-009-00.
8. **M. SILLS, JR., 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 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. **(continued)**
9. **ROBERT HOLLAND, VARIANCE, V-11969** – Application to construct a new dwelling 36-feet in height where 30 feet is maximum, in a P-D-ZU-2067 (Planned Development, 2067th Zoning Unit) District, located at 900 Castlewood Road, north side, approximately 400 feet southwest of Foothill Road, unincorporated Pleasanton area of Alameda County, bearing Assessor’s Parcel Number: 946-4396-041-00.

REGULAR MEETING: 1:30 p.m.

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

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director; Bruce Jensen, Senior Planner; and Nilma Singh, Recording Secretary

There were approximately thirty-seven people in the audience.

CALL TO ORDER: The meeting was called to order by the Chair at 1:45 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. **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. (Continued from July 28, 2005; to be continued without discussion to October 27, 2005).
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 March 24, June 23 and July 28, 2005; to be continued without discussion to December 15, 2005).
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: 0096-0140-002-01. (Continued from June 23 and July 28, 2005; to be continued without discussion to December 15, 2005).
4. **HFD PARTNERS, VARIANCE, V-11957** – Application to retain two existing dwellings providing a seven foot side yard where 15 feet is required and to allow seven feet side yards on two parcels as part of a proposed subdivision, in a R-1-B-10 (Single Family Residence, 10,000 square feet Minimum Building Site Area) District, located at 351 Virginia, west side, approximately 100 feet north of Vine Road, unincorporated Pleasanton area of Alameda County, bearing Assessor's Parcel Number: 946-1706-002-11. **Withdrawn.**

The Chair recommended moving Regular Calendar items 1, 2, 11 and 12 to the Consent Calendar, to be continued to December 15, 2005; and items 5 and 9 moved also with the recommendation of a conditional approval. No testimony was submitted for any of the above applications. Member Gosselin made the motion to approve the Consent Calendar with the above modifications and the Chair seconded. Motion carried unanimously.

REGULAR 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, June 23 and August 25, 2005).

Moved to the Consent Calendar; to be continued to December 15, 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, June 23 and August 25, 2005).

Moved to the Consent Calendar; to be continued to December 15, 2005.

3. **LITTLE VALLEY WINERY, 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, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-2340-002-00.

Mr. Gray summarized the staff report.

Public testimony was called for. Steve Powell requested that the name of the application reflect his name. He is trying to do all that is required and discussed the following issues from the staff report: there are no current violations as mentioned on Page 3; the issue of parked cars have been resolved in a timely manner and a letter from Ms. Sorensen, Zoning Investigating Officer, has been received in support; the two exists, as required for the third floor by the Fire Department, would not be needed as it is not over 500 square feet but a 256 square feet office with storage only; the barn used is now used only for winery purposes; no earthquake faults on the property; regarding weekly music, his marketing slogan is the ‘Singing Wine-maker’ which does include singing/music on the patio and Mr. Powell further described all the activities occurring on his property; the only building in question is the water tower and plans have been submitted for approval; per Traffic Division requirement of parking strip in front, there is a bicycle lane butting to his front fence and the new plans reflect a wrought iron fence set back eight feet allowing ample space for additional twenty parking spaces; and he has the first advanced septic system, in the area, on site with Environmental Health/Zone 7 approval and intends to install a multi-stall portable toilet system. Mr. Powell also indicated his intention to increase grape and olive acreage with honey production. Member Gosselin asked for the number of cases of wine produced on site. Mr. Powell replied none and although the barn capacity is 60-70 barrels, there will not be a large scale of wine production as the property will not be able to support it.

Julie McPherson, adjacent eastern neighbor at 5167 Tesla Road, felt that the property was fully developed without permits. Some of her concerns included: patio usage is every Thursday, Friday and week-ends with amplified music, alcohol consumption with a ‘wine bar atmosphere’; in comparison, Wente Winery does not have any immediate neighbors; bags of garbage were left uncovered on a pick-up until

Wednesday after the Labor Day week-end; traffic concerns since the property is about 1/0 mile from the Mines Road intersection which will become a major thoroughfare in future; within a mile radius, there are eleven similar facilities along with horse boarding facilities, Christmas tree farm and a RV storage facility. Member Gosselin requested Ms. McPherson to submit a list of other wine-related facilities in the area with a comparison of services provided to staff before the next meeting. In response to the Chair as to what could be a good alternative business for this property, Ms. McPherson stated that the property is already over-built, the caretaker's unit is big and massive covering a large portion of the area and the pool house has been converted to a wine-related use. Mr. Powell does not own the property and the adjacent property owner on the west has been unable to sell his property.

Mr. Powell, in rebuttal, stated that the land is in a trust which although does not include his name, he is the property owner and the status of the adjacent property was not relevant.

Scott Owens, Building Department official, stated that the tower, although started without the benefit of a building permit in 2001, was now in permit process. The barn and its improvement have also been without permits which affects life-safety issues especially with young children. Member Gosselin requested a list of plans submitted for permits, a timeframe for permit issuance and the need for any demolitions. The Chair requested clarification on the tower and if any variances have been applied for. Mr. Owens indicated that although 'stop work order' had been issued on the water tower, work had continued and a permit would depend on the use of the structure. Mr. Gray confirmed that there was no pending variance and only one had been applied for the bathroom.

Mr. Powell, in rebuttal, agreed that the tower had been started initially without a permit and a 'stop work order' had been issued. The delay has been due to the Alquist-Priolo study, which has been costly and a long process.

Ms. McPherson added that there has never been a water tower on site.

Public testimony was closed. Member Gosselin said he would like to get as much information for the area as possible including surrounding activities, available parking spaces and approved operational days for other facilities and their capacities. The Chair said he would like to get a response for the Winegrowers Association on their vision of the land use. The matter was continued to October 27, 2005.

4. **BRIAN PARKIN, CONDITIONAL USE PERMIT, C-8413** – Application to allow continued operation of an existing telecommunication facility (cell site), in a R-1-L-B-E (Single Family Residence, Limited Agriculture, 5 acre Minimum Building Site Area) District, located at 1100 Las Positas Road, south side corner, west of Hilliker Place, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099-1500-020-07. (Continued from August 25, 2005).

Mr. Gray summarized the staff report, modified the first condition to include Verizon Wireless and subject to Exhibit B and recommended that dying vegetation be removed during the next site visit. Member Gosselin asked if any future expansion was planned

Public testimony was called for. Brian Parker concurred with all the recommended conditions. In response to Member Gosselin regarding future expansion, he stated that the site was maxed out. The Chair indicated that since it was an existing site, he would support the continued operation as it was so visible. Mr. Parker replied that it would be costly to replace it with a tree pole but suggested additional foliage.

Public testimony was closed. Member Gosselin made the motion to approve the application subject to the seventeen recommended conditions with the above modifications. The Chair seconded and the motion carried 2/0.

5. **ENEXCO, INC., CONDITIONAL USE PERMIT, C-8422** – Application to allow continued use of an accessory warehouse facility to support operation of wind plant, in an “A-B-E” (Agricultural, 160 acre Minimum Building Site Area) District, located at 12046 Altamont Pass Road, north side, approximately one mile east of Altamont Pass Road, unincorporated Tracy area of Alameda County, bearing Assessor’s Parcel Number: 099B-7375-001-04.

This item was moved to the Consent Calendar and approved subject to the two recommended conditions. No public testimony was submitted.

6. **METRO PCS, CONDITIONAL USE PERMIT, C-8429** – Application to allow a telecommunications facility, in an R-1-B-E (Single Family Residence, one acre Minimum Building Site Area, 150 foot Median Area Width) District, located at 3998 Foothill Blvd, west side, approximately 120 feet west of the intersection with Santos Ranch Road, unincorporated Pleasanton area of Alameda County, bearing Assessor’s Parcel Number: 941-2100-002-06.

Mr. Gray presented the staff report. Member Gosselin asked if the facility was designed for co-location. Mr. Gray replied that co-location was not included as a condition.

Public testimony was called for. Alexis Hadley, Metro PCS representative, stated that it would be possible to add one more carrier. Although Verizon and AT&T have service in this area, they have not been approached. Each carrier’s antenna would have to be three feet apart to provide better coverage.

Public testimony was closed. Mr. Gray recommended adding another condition to reflect co-location and a discussion followed on the number of carriers and the height of the pole. The Chair suggested a 36 foot high fence with a total of three carriers. Member Gosselin made the motion to approve the application subject to the recommended eighteen conditions with the above modification. The Chair seconded and the motion carried unanimously.

7. **COREY ALVIN, CONDITIONAL USE PERMIT, C-8433** – Application to allow construction of a telecommunications facility, in a P-D-ZU-1458 (Planned Development, 1458th Zoning Unit) District, located at 3024 Greenville Road, east side, corner southeast of East Avenue, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-1625-001-09.

Mr. Gray summarized the staff report noting that the Board had visited the site earlier. Member Gosselin asked if staff has recommended co-location. Mr. Gray replied no adding that this is a continued use of a cell site mounted on an existing PG&E tower. No public testimony was submitted. Member Gosselin made the motion to approve the application subject to the eighteen recommended conditions and the Chair seconded. Motion carried 2/0.

8. **MICHAEL ANGELOS/PAPPAS RADIO OF CALIFORNIA, CONDITIONAL USE PERMIT, C-8442** – Application to allow construction

of a radio communications tower system, in an A-B-C (Agricultural, 320 acre Minimum Building Site Area) District, located at 3330 Vallecitos Lane, southeast side, approximately 2.5 miles from Vallecitos Road, unincorporated Sunol area of Alameda County, bearing Assessor's Parcel Number: 096-0420-001-01.

Mr. Jensen presented the staff report and acknowledged receipt of two letters: one from Garcia Law Group dated September 24th on behalf of Michelle Olds and the other from San Francisco Public Utilities Commission, Land Resource Management dated September 29, 2005. Other additional informational items are the up-dated air quality study and two sets of photographs for visual orientation. He introduced the Applicant, project engineer, landowner and the environmental consultant. He stated that staff believes that the four findings can be made in the affirmative and, as such, staff has recommended approval for the Mitigated Negative Declaration, conditional approval of the permit subject to the conditions specified in the staff analysis including Mitigation Measures, in Exhibit B, with the following two additional conditions: 1) to allow the whole or partial use of solar power along with propane generators for energy subject to Planning Director approval; and 2) to allow infrequent occasional day time transmissions when the usual day time Sonoma County facility is inoperable due to maintenance and repair. In response to Member Gosselin, Mr. Jensen confirmed that there would not be a significant impact with day time emissions, especially with solar power. The Chair felt that with the huge amount of information/material, he would not be prepared for an action today.

Public testimony was called for. Michael Angelos, Project Manager, provided the outline of the physical aspects of the project, examples of public and emergency services and concurred with the mitigation measures and conditions. Member Gosselin requested an up-date on the use of solar energy. Mr. Angelos replied that he had obtained quotes. The Chair asked what the peak power requirement was for this site.

Project Engineer, John Berger stated that the transmitter would draw 400 amps and consume 68 kilowatts of power in addition to the air conditioning requirements and all energy will be created on site. A discussion followed regarding a back-up generator, batteries and tower elevation.

Ken Pries, Vice President, Broadcasting & Community Relations for the Oakland Athletics and also a Tri-Valley resident, said he was in support of this proposal. It would be equivalent and complimentary to other broadcasting stations in Bay area, there was a public need in the eastern area for a 50,000 watts radio station, especially at night, an additional outlet for local sports and emergency services. He urged an approval.

Michelle Olds, adjacent property owner, stated that this proposal would significantly impact on her property and, she felt that additional time would be needed to look through the huge amount of materials/information. The access road is about 50 feet away from the tower. The Chair asked that with some time, would she be in support of the project. Ms. Olds replied possibly.

Robert Cyr, property owner, noted that the area is very remote, about seven miles on gravel road and the two main concerns raised by Ms. Olds and City & County of San Francisco were noise and visual impacts, proximity to streams, and additional traffic that would be harmful to the trout. Currently, approximately 200 people use the road on a regular basis, excluding PG&E, State Water Resources, Chevron Pipeline staff and surrounding property owners. The impact, if any, already exists. He was working with the Applicants in response to Ms. Olds' noise concerns. Ms. Olds' possible building site area would be approximately 400 feet from the nearest tower and the generator would be approximately 700 feet. In reference to view concerns, based on the site of a completed septic system percolation test done on Ms. Olds property, her house would, when built, face his barn/house, looking up at the tower. At

Member Gosselin's request, Mr. Cyr indicated the locations of his house, towers and barn.

Public testimony was closed. Member Gosselin asked if there was an issue with the time frame. Mr. Jensen replied that FCC has a specified timeframe that it is unlikely to alter, to begin operation within three years of permit issuance, the deadline for which would occur in May 2006. A discussion followed regarding available options.

Public testimony was re-opened. Mr. Angelos explained the time frame adding that the FCC construction permit will expire on May 27, 2006. FCC has indicated in general that no extensions would be granted; the necessary construction period is approximately five months. A discussion followed regarding the solar power alternative. Mr. Angelos confirmed that a back-up propane generator would still be needed, but with fewer fuel deliveries since the plan is to 'piggy-back' other deliveries. In response to Ms. Olds' request for additional time, he pointed out that the Initial Study was mailed to her in ample time. And upon receipt of her letter, he had contacted her attorney but had been unsuccessful in setting up a negotiation meeting. Regarding visual concerns, Ms. Angelos suggested strategic tree planting.

Public testimony was re-closed. Member Gosselin noted that this is a utility service, a valuable emergency service which takes precedence, agreed with the impacts, appreciated the solar power alternative and suggested that perhaps a 15 year permit to motivate the use of solar power would be appropriate. Regarding the impact on the adjacent property owner, he suggested that perhaps the neighbor could select a home location on site and then mitigate. A biologist with the environmental consulting firm stated that this site was different from the Altamont, a low raptor density with a different lower wind pattern. Member Gosselin also suggested a wooden fence beside the power source to keep the cattle out.

The Chair announced a ten minute recess.

Hearing reconvened. A discussion followed on solar energy as the primary power, fuel deliveries and the size of propane tanks. The chair recommended an over-sized tank, to be filled up during the winter months to minimize the number of deliveries. Mr. Berger confirmed the size of the propane tank to be 10,000 gallons. Member Gosselin made the motion to approve the application with an expiration date of 15 years, a photovoltaic/solar system be used for primary source of power, with a propane generator back-up, storage propane tank shall be kept at 10,000 gallon, not to drop less than 50%, a 24-hour allowed operation, and within a year of this approval, with the approval of the Planning Director, the adjacent neighbor be provided with an opportunity to collaborate on a design for a scenic view shed mitigation strategy for a possible home site on her property within the lifetime of this permit or when permit obtained for a dwelling. The Chair seconded and the motion carried 2/0.

9. **BOB and GLORIA R. TAYLOR, CONDITIONAL USE PERMIT, C-8449** – Application to allow winery-related events including picnic and annual summer festivals, in an "A" (Agricultural) District, located at 1356 S. Livermore Avenue, east side, approximately 470 feet northwest of Wente Street, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Numbers: 099-0950-003-02 and 099-1100-009-00.

This item was moved to the Consent Calendar, to be approved subject to the seven recommended conditions. No public testimony was submitted.

10. **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, June 23, July 28 and August 25, 2005).

Mr. Gray noted the unlabeled exhibit, a map provided by the project engineer which does not indicate where the road connects to Mines Road and further compared to the grant deed. All documents show easement in three different directions which was inclusive. He was also not sure if any prescriptive rights existed and an approval could set a precedent. A discussion followed on easements, Board of Supervisor's resolution and grandfathered clause.

Public testimony was called for. Mr. Lounsbury stated that a paved easement does exist for lots 2, 3 and 4 and submitted a copy of the easement, a page of the Williamson Act showing the allowable uses and a copy of the previous variance approved in July, 1977. This variance did not have an expiration date. All the surrounding properties use the easement and the current owner assures repaving the easement. This is the last lot before the split and all surrounding lots have been developed as a building site. Mr. Lounsbury pointed out that the contradiction on Page 1 of the staff report. Member Gosselin requested the remainder of pages of the Williamson Act and Mr. Lounsbury said they were not available.

Debbie West said she was the potential buyer and although she did not have in writing, none of the neighbors opposed the plan.

Public testimony was closed. Member Gosselin requested the entire Williamson Act contract and further discussed the purpose of the contract. Mr. Gray noted the addendum on Page 4. The Chair felt that with a cleaner and more precise documentation and with an access to Mines Road, an approval could be granted. An approval could not be granted which would set a precedent. Member Gosselin said he would like to see a deed of easement, a consent agreement from all surrounding owners, and the entire Williamson Act contract. Mr. Lounsbury requested a continuance.

The matter was continued to December 15, 2005, at the request of the Applicant.

11. **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, July 28 and August 25, 2005).

This matter was moved to the Consent Calendar, to be continued without discussion to October 27, 2005, as recommended by staff. The Chair requested that this item be added as a Field Trip on October 27th.

12. **M. SILLS, JR., 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 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. (Continued from July 28, 2005)

This matter was moved to the Consent Calendar, to be continued without discussion to October 27, 2005.

13. **ROBERT HOLLAND, VARIANCE, V-11969** – Application to construct a new dwelling 36-feet in height where 30 feet is maximum, in a P-D-ZU-2067 (Planned Development, 2067th Zoning Unit) District, located at 900 Castlewood Road, north side, approximately 400 feet southwest of Foothill Road, unincorporated Pleasanton area of Alameda County, bearing Assessor's Parcel Number: 946-4396-041-00.

Mr. Gray summarized the staff report adding that the additional building height is in the roof pitch and noted that all three findings could not be made in the affirmative. Other similar variances had been granted before and the other homes did have a necessity. The Chair asked for justification for the additional height. Mr. Gray indicated that a bowl shaped lot and the location of a creek could justify the height.

Public testimony was called for. Robert Holland, Applicant, stated that he has obtained a written letter of support from Castlewood Property Owners Association and submitted a copy. He agreed that his lot is a bowl shaped and the additional height was the standard of the area.

John Walsh, adjacent property owner on the east/north side, in support, said the south is the driving range with fencing and heavy foliage, and the west is open space, and, as such, there will be no impact. This house will be an asset to the community.

Public testimony was closed. A discussion followed on special circumstances. Mr. Gray listed the special circumstances which included the bowl-shaped topography, the steep slope and the seasonal creek. The Chair made the motion to approve the application with staff to complete the language of the first Finding in the affirmative. Member Gosselin seconded and the motion carried 2/0.

Approval of Minutes – July 28 and August 25, 2005. Member Gosselin made the motion to approve both July 28th and August 25th Minutes and the Chair seconded. Motion carried 2/0.

STAFF COMMENTS & CORRESPONDENCE: Staff announced that Board of Supervisors has permanently changed the Planning hearing date to the third Thursday of the month, there is no East BZA November hearing and a request has been made to Supervisor Haggerty to fill this Board's vacancy.

CHAIR'S REPORT: None.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

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

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