

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
OCTOBER 26, 2006
(APPROVED NOVEMBER 9, 2006)

The meeting was held at the hour of 1:30 in the City of Pleasanton Council Chambers, 200 Old Bernal Avenue, Pleasanton.

FIELD TRIP: 10:30 a.m.

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

OTHERS PRESENT: Jana Beatty, Senior Planner

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

1. **T-MOBILE/ELIZABETH PENNINGTON, CONDITIONAL USE PERMIT, C-8470** ~ Application to allow continued operation of a telecommunication facility in an "A" (Agricultural) District, located at 11701 N. Flynn Road, west side, approximately 0.5 mile south of I-580, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-1785-001-05. **(This item was not included in the Field Trip).**
2. **CINGULAR WIRELESS/SHANNON McDOUGALL, CONDITIONAL USE PERMIT, C-8514** ~ Application to allow the construction and 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 at 1100 Lambeth Road, south side, corner west of Hilliker Place, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-020-07.
3. **HAL MILLER, VARIANCE, V-12020** ~ Application to approve as a building site an 80-acre parcel with 50 feet of effective lot frontage where 750 feet is required, in an "A" (Agricultural) District, located at the terminus of Lupin Way, south side, approximately one mile east of Greenville Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-1750-006-03.
4. **RANDY MEDINA, VARIANCE, V-12022** ~ Application to approve as a building site a parcel without effective lot frontage on an approved county road, in a R-1-L-B-E (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site Area) District, located at the terminus of Waverly Way, north side, approximately 200 feet north of Wellingham Drive, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-022-02.

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 were approximately eleven 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. **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, 2006; to be continued without discussion to December 14, 2006).
2. **RIVER'S END MARINA, CONDITIONAL USE PERMIT, C-8438** ~ Application to allow modification of an existing Outdoor Recreation Facility so as to enclose and augment marina services including two new buildings of 6,000 square feet and 2,500 square feet, in an "A" (Agricultural) District, located at 6020 Lindemann Road, east side, approximately 0.6 mile north of Byron-Bethany Road, Unincorporated Byron area, Assessor's Parcel Numbers: 99B-7150-012-00; 99B-7150-004-09, 99B-7150-004-08 and 99B-7150-004-07. (Continued from August 24, 2006; to be continued without discussion to November 9, 2006).
3. **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, April 27, June 29, August 24 and September 28, 2006; to be continued without discussion to December 14, 2006).
4. **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, April 27, May 25 and August 24, 2006; to be continued without discussion to January 25, 2007).

5. **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, 2006; to be continued without discussion to December 14, 2006).

Member Gosselin requested an up-date on Item #5. Staff stated that she would check with the Planner and provide an up-date at the next meeting. Member Gosselin made the motion to approve the Consent Calendar as recommended by staff. Member Goff seconded and the motion carried unanimously.

REGULAR CALENDAR:

1. **T-MOBILE/ELIZABETH PENNINGTON, CONDITIONAL USE PERMIT, C-8470** ~ Application to allow continued operation of a telecommunication facility in an "A" (Agricultural) District, located at 11701 N. Flynn Road, west side, approximately 0.5 mile south of I-580, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-1785-001-05.

Ms. Beatty summarized the staff report. The Chair announced that the Board had visited the site during the Field Trip. No public testimony was submitted. Member Gosselin made the motion to approve the application subject to the nineteen recommended conditions. Member Goff seconded and the motion 3/0.

2. **CINGULAR WIRELESS/SHANNON McDOUGALL, CONDITIONAL USE PERMIT, C-8514** ~ Application to allow the construction and 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 at 1100 Lambeth Road, south side, corner west of Hilliker Place, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-020-07.

Ms. Beatty presented the staff report. The Chair announced that the Board had visited the site during the Field Trip. No public testimony was submitted. Member Goff made the motion to approve the application subject to the eighteen recommended conditions. Member Gosselin seconded and the motion unanimously.

3. **HAL MILLER, VARIANCE, V-12020** ~ Application to approve as a building site an 80-acre parcel with 50 feet of effective lot frontage where 750 feet is required, in an "A" (Agricultural) District, located at the terminus of Lupin Way, south side, approximately one mile east of Greenville Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-1750-006-03.

Ms. Beatty summarized the staff report. Member Gosselin requested for a copy of the Williamson Act.

Public testimony was called for. Hal Miller, Applicant, said he was representing the owner and submitted his written testimony. In support, he noted the following: this 80-acre parcel is located at the very end of Lupin Way, a county maintained public road; there are nine other parcels on Lupin Road but they are less than 80 acres in size with five under 10 acres in size; seven parcels are developed; there are two easement roads on the subject parcel, a 30 feet wide road on the north boundary for access to the neighboring ranch and a 20 feet wide road on the western boundary providing access to the neighboring 80 acre parcel on the south side. In response to Member Gosselin, he indicated that although he had been aware that the property is under the Williamson Act contract, he did not have a copy.

Bob Frick, adjacent neighbor at 2686 Waverly Way, requested clarification on the width of the easement noting that the road is only 23 feet wide and the Applicant indicates a 50 foot easement.

Public testimony was closed. The Chair announced that the Board had visited the site this morning and noted the continuance recommendation. Member Gosselin said that he would like to have a clear understanding of the intent of the Williamson Act and its relationship with the other existing policies, especially the Open Space policy. Member Goff also requested clarification on the Williamson Act issue. He also requested, if possible, a copy of the WA contract on the subject parcel. The Chair requested clarification on the location of the easements, frontage width and the Williamson Act issue.

Member Gosselin made the motion for a continuance to November 9th and Member Goff seconded. Motion carried unanimously.

4. **RANDY MEDINA, VARIANCE, V-12022** ~ Application to approve as a building site a parcel without effective lot frontage on an approved county road, in a R-1-L-B-E (Single Family Residence, Limited Agricultural, 5 acre Minimum Building Site Area) District, located at the terminus of Waverly Way, north side, approximately 200 feet north of Wellingham Drive, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-022-02.

Ms. Beatty presented the staff report. The Chair added that although the Board had visited the site this morning during the Field Trip, he had questions on the location of the property lines, access and the extent to the cross-over onto the adjacent parcel.

Public testimony was called for. Randy Medina said he owned both the parcels. He has obtained an Encroachment Permit from the City of Livermore to allow for an access driveway to the adjacent property. The Chair asked if the existing dirt driveway provides access to the adjacent parcel, if he had considered a lot line adjustment and the City's frontage requirement. Mr. Medina replied yes adding that the existing driveway has been widened and although a lot line adjustment would be appropriate, he had concerns as the area is under the annexation process with the City.

George Mancuso, representing Mr. Medina, stated that City of Livermore requires a 20 feet frontage and Mr. Medina is providing more than 20 feet. He confirmed that an Encroachment Permit has been obtained from the City and with the aid of the map, indicated the location of the parcels and the driveway.

Public testimony was closed. Staff felt that more research was needed on the lot line adjustment alternative. Member Gosselin indicated that he did not have any concerns with the variance application. Member Goff agreed. The Chair stated that he would like staff to look at the lot line adjustment option as it could eliminate the need of a variance. He also noted the lack of drawings and the City of Livermore's

concerns, if any, upon annexation. As such, he recommended a continuance to November 9th. This would also allow, if any, neighbors with concerns to attend. In response, Mr. Mancuso said that no concerns have been raised pointing out that none of the neighbors are present today and all property owners will be attending the LAFCO meeting on November 9th. He confirmed that City of Livermore has no concerns until perhaps when or if Mr. Medina decides to sell his property. He owns both the parcels. He further suggested another continuance date but urged an approval with an additional condition requiring Mr. Medina to record the easement. Staff read the related section from the Zoning Ordinance. A discussion followed.

Member Gosselin made the motion to approve the application as recommended by staff. Mr. Goff seconded requesting that an additional condition be added requiring Mr. Medina to provide documentation of the recorded easement. Motion carried 2/1 with the Chair dissenting.

Approval of Minutes – The Chair made the motion to approve the September 28th Minutes as submitted and Member Goff seconded. Motion carried unanimously.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR’S REPORT: The Chair requested a late Field Trip for the next meeting on November 9th.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Gosselin requested the following: clarification on the Board’s involvement/role with the Scientific Review Committee; an up-date on the 4730 Dagnino Road project; and stated his appreciation that projects are presented for review in an early stage before much time and money is spent. Ms. Beatty suggested the option of perhaps providing a brief staff report with the applicants providing the detailed presentations.

ADJOURNMENT: There being no further business, the hearing was adjourned at 3:45 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS