

**MINUTES OF MEETING**  
**EAST COUNTY BOARD OF ZONING ADJUSTMENTS**  
**MARCH 12, 2009**  
**(APPROVED MARCH 26, 2009)**

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

**FIELD TRIP - *Cancelled***

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

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

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

There were four people in the audience.

**CALL TO ORDER:** The meeting was called to order by the Chair at 1:30 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:**

3. **3<sup>RD</sup> YEAR REVIEW OF CONDITIONAL USE PERMITS, ALTAMONT INFRASTRUCTURE COMPANY/ELLIOTT, C-8233; ALTAMONT INFRASTRUCTURE COMPANY/CORBETT, C-8235; ALTAMONT INFRASTRUCTURE COMPANY/DUNTON, C-8236; ALTAMONT INFRASTRUCTURE COMPANY/VALHALLA ENTERPRISES, C-8237; ALTAMONT INFRASTRUCTURE COMPANY/RALPH PROPERTIES II, C-8238; ALTAMONT INFRASTRUCTURE COMPANY/WALKER FAMILY TRUST, C-8241; ALTAMONT INFRASTRUCTURE COMPANY/MARIE GOMES FARMS, C-8242 and C-8244; ALTAMONT INFRASTRUCTURE COMPANY/FRICK, C-8036; ALTAMONT INFRASTRUCTURE COMPANY/POMBO, C-8037; ALTAMONT INFRASTRUCTURE COMPANY/ROONEY, C-8134; ALTAMONT INFRASTRUCTURE COMPANY/MULQUEENEY, C-8137; WINDWORKS INC./MULQUEENEY, C-8191; ALTAMONT INFRASTRUCTURE COMPANY/EGAN, C-8232; WINDWORKS INC./ALAMEDA COUNTY WASTE ANAGEMENT AUTHORITY, C-8216; and ALTAMONT INFRASTRUCTURE COMPANY/ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY, C-8243. (Continued from February 19, 2009) **Staff Planner: Andrew Young****

*This item was moved from the Regular Calendar, to be continued without discussion to April 23, 2009.*

**REGULAR CALENDAR:**

1. **MUNN/CORBETT/STONY RIDGE WINERY, CONDITIONAL USE PERMIT, PLN2008-C-8755** ~ Application to allow winery related activities and to expand the existing facilities to include additional restrooms, a dressing room, expansion of the tasting room and reconfiguration of the parking area, in the A-C-A (Agricultural, Cultivated Agricultural Overlay) District, located at 4948 Tesla Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-1250-034-00. (Continued from October 9, 2008 and February 19, 2009). **Staff Planner: Jeff Bonekemper**

Ms. Beatty presented the staff report. In response to the questions raised at the last meeting, staff's conclusion is that Stony Ridge has been legally holding events at this location based on prior staff reports and resolutions from 1996. Although discussed in the staff report, there is no specific mention of events (the number of events) and attendees in the Conditions of Approval. The Applicant's attorney has prepared a proposal and the applicants are available to discuss the number of events and attendees.

Public testimony was called for. Matt Ford, Weston Properties, representing Crooked Vine, Inc and Stony Ridge Winery, clarified that this application is a renewal and the only difference is the improvements. The intent is to move forward under the prior CUP and its Conditions of Approval. Since their new ownership, there have been no complaints and contact information has been provided to the neighbors. In response to the Chair regarding the square footage increase of the facility, Mr. Ford explained that the bathroom is 700 square feet and the tasting room will be increased from 1,800 square feet to 3,420 square feet; the kitchen use will be very minimal at this point as an outside caterer will be used; the parking lot now has 60 designated parking spaces with additional space on the rear southern portion of the property. Mr. Corbett further clarified that although the actual parking area is the same, there are now designated stalls with bumpers, fire lanes and signs posted. The Chair asked if the loading capacity had been defined by the Fire Marshall previously. Mr. Ford replied that he was not aware of any and the new plans have not been submitted to the Building Department.

In response to the question of standard square footage to loading, Greg Munn, project architect, explained that the figures are all per County requirements. Regarding the increase in the number of attendees, Mr. Ford reiterated that no improvements will be made to increase the size--the front tasting room which is the biggest expansion, is a permitted use with the winery.

Public testimony was closed. Member Goff asked for the definition an 'event', expressed septic concerns although it is a Zone 7 issue and noted that usually the tasting room has to be a percentage of the winery. This is a 2.8 acre parcel and if similar privileges are granted to neighboring properties, would this be an intent of the South Livermore Valley Plan. Member Harvey pointed out that the prior Conditions of Approval reflect 15% and staff added that the Ordinance allows 30%. She further read the description of the word 'event' from the Ordinance. Member Harvey agreed that the prior CUP is not clear on the 'events' adding that he would prefer to include the number of events. Mr. Ford distributed his proposal to the Board and the Chair announced a 10-minute recess to allow time for the Board to review the proposal.

Meeting re-convened at 2:00 p.m. and public testimony was re-opened. Mr. Ford pointed out that this is not an event center but a winery that also has the capacity to hold events. In response to the submitted proposal, Member Harvey noted that 105 events yearly would result in an event every weekend. Mr. Ford replied that events were not limited to just weekends but throughout the week and the 105 total events (small and large) is a long term perspective for the next 10 years. The applicant is agreeable to this

number when there had been no prior limitation and it is also based on the Zone 7 septic system requirements. In response to the Chair, Mr. Ford said that approximately 60-80 events have been held yearly since their two years of ownership, the restaurant is not included in the short or long term plan and about 6,000 cases of wine will be produced in 2009. Mr. Corbett further explained that many of the events are not full-fledged but mostly smaller ones with about fifteen weddings from May through October. The Chair asked if he concurred with the hours of the tasting room as outlined in the Conditions of Approval on page 5. Mr. Ford indicated that limitations would be inappropriate as it is allowed by the Ordinance and the closing time for events is 10 pm. Winery-related uses does include the tasting room and, as such, the hours reflects in condition #3(b) would be appropriate. Staff noted that the term “winery-related uses’ was a carry-over from the last CUP and recommended deletion of the phrase.

Public testimony was closed. The Board discussed the following: definition of events, the number of events; entitlement of prior use; and, description of a winery and special events. Member Goff pointed out that the tasting room is bigger than the winery. Mr. Ford explained that the rear portion is not included in the 4,000 sq.ft. and staff added that no construction/interior plans showing the total size of the winery have been submitted. Member Goff said that although he supported the use, he felt that there should be a limit to the number of events. The Chair agreed with Member Goff and the entitlement of prior use, however, the improvements will increase the capacity. The site is located at a three-way intersection with a traffic light which has the capacity to support, increase and encourage additional commercial developments. Member Harvey stated that the issue is the prior use and although the prior resolution did not define events, the current Conditions of Approval should. Discussion ensued on the definition of events, the requirement and use of ACUPs, description of a winery, prior approvals of similar uses, special events and event centers.

The Board discussed the current Conditions of Approval. Member Goff said he would like to limit the number of large events, perhaps 15, and noted Condition #9 from the 1996 Resolution regarding noise. Member Harvey agreed with 15 events, a number that has been approved by the Board previously. He suggested using the ordinance definition (outside events with amplified music) and including a maximum number noting that the Fire Department’s limitations are already in place for the tasting room. Member Goff further suggested 15 events with 150 attendees and including the hours of operation in Condition #1 and replacing the words ‘Winery-related uses’ from Condition #3. Staff suggested adding the words “and the tasting room not to exceed 30%” at the end of the first sentence of Condition #1. Member Harvey recommended replacing Condition #9 with Condition #7 from the 1996 approval and deleting current Condition #4 since the restaurant was no longer part of the use.

The Chair agreed with all the above recommendations except the number of events. Instead, he felt that the number of events could be increased due to the history and the location of a focused traffic intersection. In response, Member Goff noted the parcel size and Member Harvey felt that the Board could not use the Plan to define areas that need larger numbers.

Public testimony was re-opened. Mr. Ford noted and explained the following: the issue of improvements has only come up because a CUP application was submitted (which expires in June 2009) instead of a SDR; there has been much delay already from the initial filing in October, 2008; every property is different and this has a history since 1989; they are new owners with no complaints from neighbors; setting a number of events does not seem to be related; 105 total events include small and large events; if a number is needed for large events, he would like 30 events with 100-150 attendees; there is no intention to increase the number of attendance and expressed concern with the definition of the word ‘event’.

Public testimony was closed. Staff noted that enforcement would be difficult if there is no set number of events and a discussion ensued regarding tasting room events and occupancy, enforcement, winery-

related events, special events and big events. The Chair re-stated that although the location includes a busy intersection, this facility manages their parking and does not contribute to the traffic problems on Tesla Road; and with the lack of opposing neighbors, the facility could hold bigger events, perhaps 30; unlimited smaller events, limited to the tasting room, to be regulated by the Fire Marshall; and the Findings to include indoor and outdoor facilities. Staff recommended Finding #2.

*Member Harvey made the motion to approve the application subject to the recommended conditions with the following modifications: 1) the second sentence of Condition #1 to include "...shall be limited to 15 events per year, 150 persons maximum per event, hours 11am to 10pm; delete Condition #4 and replace Condition #9 with the previous Condition #7 (1996). Due to the lack of a second, motion failed. The Chair made a substitute motion to approve the application as modified by Member Harvey with an addition of unlimited use of the tasting room with a maximum of 49 attendees or a number set by the Fire Marshall. Member Harvey seconded and the motion carried unanimously, 3/0.*

2. **MANCINI, VARIANCE, PLN2008-00048** ~ Application to allow three detached accessory structures, a garage, a RV garage/workshop and a horse barn, ranging from 20 feet to 22 feet in height where 15 feet is allowed, in a R-1-L-BE (Single Family Residence, Limited Agriculture Users, 5 acre Minimum Building Site Area) District, located at 6352 Alisal Street, east side, approximately 0.26 mile south of Sycamore Road, Pleasanton area of unincorporated Alameda County, bearing Assessor's Parcel Number: 949-0015-005-01. (Continued from February 19, 2009). **Staff Planner: Jeff Bonekemper**

Ms. Beatty presented the staff report and in response to Member Harvey confirmed that no new correspondence has been received from the neighbors since the application was modified. The Chair thought that secondary units were allowed by State law. Staff replied that there are many different interpretations.

Public testimony was called for. Randi Mancini, applicant, said he was available for any questions. The request for the additional height is to match the existing house and to avoid flat roofs. Member Harvey asked if the County had a Green Building Ordinance/Guidelines and if yes, are the guidelines being incorporated. Staff replied that the Ordinance is in the process and perhaps he could be referred to the Committee. Mr. Mancini confirmed that they were not 'green buildings'.

Public testimony was closed. *Member Goff made the motion to approve the application as recommended by staff and Member Harvey seconded. Motion carried unanimously, 3/0.*

3. **3<sup>RD</sup> YEAR REVIEW OF CONDITIONAL USE PERMITS, ALTAMONT INFRASTRUCTURE COMPANY/ELLIOTT, C-8233; ALTAMONT INFRASTRUCTURE COMPANY/CORBETT, C-8235; ALTAMONT INFRASTRUCTURE COMPANY/DUNTON, C-8236; ALTAMONT INFRASTRUCTURE COMPANY/VALHALLA ENTERPRISES, C-8237; ALTAMONT INFRASTRUCTURE COMPANY/RALPH PROPERTIES II, C-8238; ALTAMONT INFRASTRUCTURE COMPANY/WALKER FAMILY TRUST, C-8241; ALTAMONT INFRASTRUCTURE COMPANY/MARIE GOMES FARMS, C-8242 and C-8244; ALTAMONT INFRASTRUCTURE COMPANY/FRICK, C-8036; ALTAMONT INFRASTRUCTURE COMPANY/POMBO, C-8037; ALTAMONT INFRASTRUCTURE COMPANY/ROONEY, C-8134; ALTAMONT INFRASTRUCTURE**

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**COMPANY/MULQUEENEY, C-8137; WINDWORKS INC.,/MULQUEENEY, C-8191; ALTAMONT INFRASTRUCTURE COMPANY/EGAN, C-8232; WINDWORKS INC./ ALAMEDA COUNTY WASTE ANAGEMENT AUTHORITY, C-8216; and ALTAMONT INFRASTRUCTURE COMPANY/ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY, C-8243.** (Continued from February 19, 2009) **Staff Planner: Andrew Young**

*This item was moved to the Consent Calendar without discussion.*

**APPROVAL OF MINUTES** – *Member Harvey made the motion to approve the February 19<sup>th</sup> Minutes as submitted and Member Goff seconded. Motion carried unanimously, 3/0.*

**STAFF COMMENTS & CORRESPONDENCE:** *None.*

**CHAIR’S REPORT:** *None.*

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

**ADJOURNMENT:** *There being no further business, the hearing was adjourned at 3:40 p.m.*

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**ALBERT LOPEZ - SECRETARY**  
**EAST COUNTY BOARD OF ZONING ADJUSTMENTS**