

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
AUGUST 28, 2008
(APPROVED OCTOBER 9, 2008)

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

FIELD TRIP: 9:00 a.m.

MEMBERS PRESENT: Members Larry Gosselin, Chair, and Jim Goff

MEMBERS EXCUSED: Member Jon Harvey

OTHERS PRESENT: Jana Beatty, Senior Planner

FIELD TRIP: The meeting adjourned to the field and the following properties were visited:

1. **BRETT and MONIQUE CAIRES, CONDITIONAL USE PERMIT, C-8741**
~ Application to allow winery-related uses (weddings/events) in an A-CA (Agricultural, Cultivated Agriculture) District, located at 9309 Tesla Road, south side, approximately 3/10th mile west of Reuss Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-2003-006-00. **Staff Planner: Richard Tarbell**
2. **LOWRY/GRADE WAY CONSTRUCTION, CONDITIONAL USE PERMIT, C-8749** ~ Application to allow continued occupancy of two mobile homes for security purposes for a contractor's storage yard, in a M-2 (Heavy Industrial) District, located at 550 Greenville Road, east side, approximately 0.80 mile north of Patterson Pass Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099B-5600-009-03. **Staff Planner: Donna Vingo**
3. **HFD PARTNERS/HEMPY, VARIANCE, V-12108** ~ Application to allow the construction of a single family dwelling providing a 23 feet front yard where 30 feet is required, in a R-1-B-10 (Single Family Dwelling, 10,000 square foot Minimum Building Site Area, 30 feet Front Yard, 15 feet Side Yards, 20 feet Rear Yards) District, located on Virginia Way, west side, approximately 200 feet north of Vine Avenue, Pleasanton area of unincorporated Alameda County, bearing Assessor's Parcel Number: 946-1706-007-00. **Staff Planner: Christine Greene**
4. **LAMB SURVEYING, INC./LOPEZ, VARIANCE, V-12120** ~ Application to maintain building site status without frontage on a county road in conjunction with a future boundary adjustment to eliminate a 100-foot wide section of Parcel 1, in an A-B-E (Agricultural, 15 acre minimum) District, located at 7507 Sheridan Boulevard, west side, south of Andrade Road, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0001-025-00. **Staff Planner: Jeff Bonekemper**

REGULAR MEETING: 1:30 p.m.

MEMBERS PRESENT: Members Larry Gosselin, Chair and Jim Goff.

MEMBERS EXCUSED: Member Jon Harvey;

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

There were six 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: *There were no items.*

REGULAR CALENDAR:

1. **BRETT and MONIQUE CAIRES, CONDITIONAL USE PERMIT, C-8741~**
Application to allow winery-related uses (weddings/events) in an A-CA (Agricultural, Cultivated Agriculture) District, located at 9309 Tesla Road, south side, approximately 3/10th mile west of Reuss Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-2003-006-00. **Staff Planner: Richard Tarbell**

Ms. Beatty presented the staff report and added that a letter and an email from neighbors have been received by the project planner, copies of which have been provided to the Board. The Applicants were not available and no other public testimony was submitted. Member Goff expressed concern with the lot size in relation to having both a winery and event center on site. He felt that an ACUP would be more appropriate. The Chair discussed the possibility of an ACUP adding that there would be concerns if the neighboring similar sized-parcels had event centers which could become a burden to the community and the street. Staff suggested a shorter expiration date which would allow a review. Member Goff reiterated his concern that he was not in support of the project as submitted--an event center on a small 5-acre parcel with events solely held outside.

The Applicants arrived. A discussion ensued regarding the recommended conditions of approval and South Livermore Valley Plan. Member Goff further expressed concern with the lack of the barn use to contain noise and people. The Chair asked if the use of the barn could be phased in upon obtaining approval from the Building Department. Staff agreed that it could be conditioned as such. Member Goff pointed out Condition #3 adding that his concerns were the size, the possibility of other similar event center requests and its compliance with the South Livermore Valley Plan. He also asked why the events were limited to 15. The Chair suggested a continuance to allow a full Board discussion and action.

Public testimony was called for. Ms. Caires agreed to a continuance. Mr. Caires stated that all neighbors are in support of his proposal. Tents have never been used to-date; instead the barn has been utilized only

once due to bad weather. If the barn is not approved, then he will have to use the barn. Since this is their residence and is an addition to their winery which is their main source of income, Mr. Caires explained that events have been kept to a maximum of 15 in order to enjoy their property and not be a burden to their neighbors with too many events.

Jeff Young, a neighbor, stated that his concern was that the 15 events from May to September would result in an event every weekend.

Public testimony was closed. *The Chair made a motion to continue the matter to the next meeting, September 25th. Member Goff seconded and the motion carried 2/0 with Member Harvey excused.*

2. **LOWRY/GRADE WAY CONSTRUCTION, CONDITIONAL USE PERMIT, C-8749** ~ Application to allow continued occupancy of two mobile homes for security purposes for a contractor's storage yard, in a M-2 (Heavy Industrial) District, located at 550 Greenville Road, east side, approximately 0.80 mile north of Patterson Pass Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099B-5600-009-03. **Staff Planner: Donna Vingo**

Ms. Beatty presented the staff report. The Applicant was not available and no other public testimony was submitted. The Chair noted that at the initial hearing of this application in 2001, there were inoperable vehicles on site which have been removed. He did not have any concerns and, as such, recommended a longer permit to five years. *Member Goff made the motion to approve the application subject to the recommended conditions with an expiration date of 5 years. The Chair seconded and the motion carried 2/0 with Member Harvey excused.*

3. **HFD PARTNERS/HEMPY, VARIANCE, V-12108** ~ Application to allow the construction of a single family dwelling providing a 23 feet front yard where 30 feet is required, in a R-1-B-10 (Single Family Dwelling, 10,000 square foot Minimum Building Site Area, 30 feet Front Yard, 15 feet Side Yards, 20 feet Rear Yards) District, located on Virginia Way, west side, approximately 200 feet north of Vine Avenue, Pleasanton area of unincorporated Alameda County, bearing Assessor's Parcel Number: 946-1706-007-00. **Staff Planner: Christine Greene**

Ms. Beatty presented the staff report noting the denial recommendation as staff had been unable to make all the findings in the affirmative.

Public testimony was called for. Rick Hempy, property owner, explained that the reason for this orientation to the right is due to the location of a grove of trees on the left and to allow maximum use of solar panels on the roof. This will also provide an open space area on the side. A discussion followed regarding the neighboring properties with similar setbacks, the use and location of the solar panels, the location of trees and the garage, and the setbacks. Mr. Hempy pointed out that although the rear setback will be only 10 feet, there is compensating open space in the side; providing the required setback, the solar panels would not be fully utilized due to the location of the trees, extending further in front would not allow a porch area and the last two houses developed in the area also had 23' setbacks. The Chair explained that the three findings have to be made in the affirmative. Further detailed discussion followed.

Public testimony was closed. *The Chair noted that the house has been designed for maximum solar exposure creating the need for a variance and, as such, the first Finding could be made in the affirmative. He made the motion to approve the application subject to the recommended conditions. Member Goff seconded and the motion carried unanimously, 2/0, with Member Harvey excused.*

4. **LAMB SURVEYING, INC./LOPEZ, VARIANCE, V-12120** ~ Application to maintain building site status without frontage on a county road in conjunction with a future boundary adjustment to eliminate a 100-foot wide section of Parcel 1, in an A-B-E (Agricultural, 15 acre minimum) District, located at 7507 Sheridan Boulevard, west side, south of Andrade Road, Sunol area of unincorporated Alameda County, bearing Assessor's Parcel Number: 096-0001-025-00. **Staff Planner: Jeff Bonekemper**

Ms. Beatty presented the staff report.

Public testimony was called for. Mick Lamb representing Lamb Surveying, Inc., provided the background history: this is a family-owned property subdivided for the siblings and served by a paved road. The stem from the top lot that provided frontage has a deep raven running through it which does not allow an alternative driveway location but provides more use for agriculture for the middle lot. The prior boundary adjustment, though approved, was not recorded and, as such, this variance is being requested. Although eliminating the 50-foot strip would be a benefit and will allow both parcels more contiguous space, it will not change the physical access. Only lots 1 and 3 have dwellings on them. In response to Member Goff's request for clarification, a discussion followed regarding removal of deeded easement.

Public testimony was closed. Member Goff noted that there is no specific need for the flag portion of the lot and the Chair noted that it meets the standards for existing parcels that do not have flag portions contacting with the County roads. *Member Goff made the motion for an approval subject to the two recommended conditions and the Chair seconded. Motion carried 2/0 with Member Harvey excused.*

APPROVAL OF MINUTES ~ July 17, 2008 - *continued.*

STAFF COMMENTS & CORRESPONDENCE: Ms. Beatty stated that an announcement of the 10-day appeal period at the beginning of the hearing would be helpful.

CHAIR'S REPORT: The Chair noted receipt of the Opening Statement for the Abatement Hearings. He requested a review by staff and that a copy to be attached to the Abatement Hearing packages.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: *None.*

ADJOURNMENT: *There being no further business, the hearing was adjourned at 2:35 p.m.*

ALBERT LOPEZ - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS