

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
DECEMBER 11, 2008
(APPROVED FEBRUARY 19, 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: 9:00 a.m.

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

FIELD TRIP: The following properties were visited by the Boardmembers individually:

1. **RONALD and JANICE STALEY, CONDITIONAL USE PERMIT, PLN_C-8616 ~**
Application to allow continued operation of a kennel and occupancy of mobile home for a caretaker's unit, in an "A" (Agricultural) District, located at 10633 Dublin Canyon Road, Pleasanton area of unincorporated Alameda County, bearing Assessor's Parcel Number: 941-2750-001-13. (Continued from November 13, 2008)
Staff Planner: Christine Greene
2. **JASON OSBORNE, CONDITIONAL USE PERMIT, PLN2008-00043/C-8775 ~**
Application to allow continued operation of a telecommunication facility (cell site), in a R-1-L-B-E (Single Family Residential, Limited Agriculture, 5 acre Minimum Building Site Area) District, located at 1100 Lambeth Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-020-08. **Staff Planner: Richard Tarbell**
3. **ARIS KRIMETZ/WENTE VINEYARDS, VARIANCE, PLN2008-00039/V-12130 ~**
Application to allow an nine foot masonry wall where six feet is permitted, in an A-CA (Agricultural, Cultivated Agriculture) District, located at 5489 Tesla Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-2340-004-01. **Staff Planner: Donna Vingo**

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 three 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.*

Neighborhood Preservation and Zoning Ordinance Abatement - None

CONSENT CALENDAR: *There were no items on the Consent Calendar.*

REGULAR CALENDAR:

1. **RONALD and JANICE STALEY, CONDITIONAL USE PERMIT, PLN_C-8616 ~**
Application to allow continued operation of a kennel and occupancy of mobile home for a caretaker's unit, in an "A" (Agricultural) District, located at 10633 Dublin Canyon Road, Pleasanton area of unincorporated Alameda County, bearing Assessor's Parcel Number: 941-2750-001-13. (Continued from November 13, 2008). **Staff Planner: Christine Greene**

Ms. Beatty presented the staff report. Although the Applicant was available, she did not offer any testimony. Member Goff said that he had visited the site today and felt that a three year permit was too short. He would support an extension, perhaps 10 years. A discussion followed regarding the term of permit and the Chair, noting the history, stated that he would support a ten year permit as long as the property remains under the same ownership. Member Harvey discussed passive and active uses and for an active use such as this, it would be too long. Instead, he would support a seven year permit. *Member Goff made a motion to approve the application, subject to the recommended conditions with a modified condition #16 to reflect a ten year permit. The Chair, although agreeing with Member Harvey, seconded the motion. Motion carried 2/1 with Member Harvey dissenting.*

2. **JASON OSBORNE, CONDITIONAL USE PERMIT, PLN2008-00043/C-8775 ~**
Application to allow continued operation of a telecommunication facility (cell site), in a R-1-L-B-E (Single Family Residential, Limited Agriculture), located at 1100 Lambeth Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099-0015-020-08. **Staff Planner: Richard Tarbell**

Ms. Beatty presented the staff report.

Public testimony was called for. Jason Osborne described the setup for the antennas and questioned Condition #7 (the use of the word 'not') and Condition # 16, the recommendation for a seven year permit instead of the standard ten year permit. Staff replied that the use of the word 'not' was a typo and that the expiration date is to allow similar permits to expire simultaneously. A discussion followed regarding collocation, microwave dishes and other developments on this property.

Public testimony was closed. *Member Harvey made the motion to approve the application subject to the sixteen recommended conditions with Condition #7 modified with the deletion of the word 'not'. Member Goff seconded and the motion carried 3/0.*

3. **ARIS KRIMETZ/WENTE VINEYARDS, VARIANCE, PLN2008-00039/V-12130 ~** Application to allow an nine foot masonry wall where six feet is permitted, in an A-CA (Agricultural, Cultivated Agriculture) District, located at 5489 Tesla Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099A-2340-004-01. **Staff Planner: Donna Vingo**

Ms Beatty presented the staff report and acknowledged receipt of the letter submitted by the neighbor,

Bill Sheehan.

Public testimony was called for. Aris Krimetz, representative, in response to the Board, explained that although the fence line will be moved onto the property, out of the right-of-way, the olive trees will remain with a few more additions and another hedge will be created behind the wall to create a green barrier. A Landscape Plan has been submitted. Although currently there are several locations where one can enter the property, there will be only three driveways. He further pointed on the map and described the wall, layout of the fence, the location of the monument and the location of the driveways and wall.

Denise Moreda, 5682 Tesla Road, read her written statement. She expressed traffic concerns adding that that semi-trucks and vendors enter and exit throughout the day and night while others idle on the street awaiting an okay to enter. The daily traffic impeded by these 'waiting trucks' use the shoulder in front of Mr. Sheehan's property or is at a standstill. She urged that the Board consider the continued usage of the existing gate for many reasons. Wentz has changed their use to commercial without applying for a rezoning and without any consideration to their neighbors. Dust is another concern and Wentz has not responded to any of their calls nor have tried to be a good neighbor. She also urged the Board to consider a solid six foot fence across the entire length with trees to block the view and control the dust. In response to the Chair, Ms. Morias confirmed that the traffic situation as described above is consistent throughout the year.

Bill Sheehan, adjacent property owner at 5682 Tesla Road, submitted photographs in opposition and noted that he is only immediate neighbor who is affected. His main concern is the proposed east driveway, which will face his driveway, for all employees and commercial. Although this is seasonal as there are times when fewer trucks come in, this driveway should only be used for emergencies. The staff report reads 7-8 trucks coming in which is not true as this weekend about 50 trucks came in and the parking lot was full with about 1,500 cars. His other concern was dust. Although he has lived at this address for the last eight years, he has never complained and has received no response to his calls from Wentz. No permit was obtained for the parking lot, which is paved and uses agricultural land, and the view will not be mitigated. Mr. Sheehan did not concur with staff's Findings and noted that the submitted plan does not include his house. In response to the Chair, Mr. Sheehan stated his support for a six feet solid fence and confirmed that truck traffic has increased substantially.

Mr. Krimetz, in response, explained that the eastern-most gate is the receiving gate for an average of 50-70 trucks weekly and further identified the location of the new and old gates, Mr. Sheehan's property on the map. Regarding dust, several water trucks have been used throughout the year and will continue to do so although it is difficult during construction and the entrances will be paved. Staff noted that Mr. Krimetz's letter to staff indicates 20-30 winery-related trucks. In response to the Chair, Mr. Krimetz stated that although there is no protocol for applying water to eliminate dust, one could be developed. In reference to view, the solid wall will extend to the production gate and from here a new black chain link fence with extensive landscaping which will continue along Tesla Road but not so extensive on the vineyard side. A landscaping plan has not been submitted yet and the additional landscaping will either be part of this or next year's budget. Relating to traffic issues, the reduction in the number of entrances will enhance the traffic flow. The new driveway, used only for shipping/receiving trucks, can be used for ingress and/or egress during very large events.

Mr. Sheehan, in response, stated that spraying has not been working and there has been no response to their complaints. As such, calls have been made to Code Enforcement. He reiterated his preference of a solid fence which will solve the view and dust problems.

Public testimony was closed. Member Goff pointed out that although the concerns are legitimate, no

complaints/testimony has been submitted regarding the additional three feet fence height. Member Harvey asked if this application is part of a larger application process. Staff replied no and further explained that a Grading Permit had been obtained for the parking area and no permits are needed for the relocation of the driveways within the building envelope. If there are other issues, they are not in front of this Board at this time. A discussion ensued regarding the increased fence height, the location of the fence and landscaping. *Member Harvey made the motion to approve the application as recommended by staff with an additional condition that requires the continuity of landscaping to be established along the complete fence line, the eastern most entrance to the western most entrance. Member Goff seconded and the motion carried unanimously, 3/0.* The Chair advised Mr. Sheehan to pursue his concerns and to also contact Wentz.

APPROVAL OF MINUTES – Member Goff made the motion to approve the November 13th Minutes as submitted and Member Harvey seconded. Motion carried unanimously, 3/0

STAFF COMMENTS & CORRESPONDENCE: Staff announced that the next meeting date is to be determined as the review of the windfarm applications will be on the agenda; and, at the request of the Board, she had checked the availabilities of the Fire Marshall and the Building Official but both, although interested, are not available in the immediate future. She will continue to check. The Chair stated that he would send Ms. Beatty a handout received at the beginning of the BZA training regarding statements for appeals.

CHAIR’S REPORT: *None*

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: *None*

ADJOURNMENT: There being no further business, the hearing was adjourned at 3:10 p.m.

ALBERT LOPEZ - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS