

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
AUGUST 25, 2005
(APPROVED SEPTEMBER 29, 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; Larry Gosselin

MEMBERS EXCUSED: Member Donna Flavetta

OTHERS PRESENT: Alice Glasner,

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

1. **CEDAR GROVE COMMUNITY CHURCH, C-8205** – Application to allow construction of a new church campus totaling approximately 82,00 square feet with 508 parking spaces on a 14-acre site, in an “A-CA” (Agricultural-Combining) District, located at 2060 South Livermore Avenue, northeast side, approximately 0.25 miles southeast of Tesla Road, unincorporated Livermore area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 099-0900-004-04.
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. **Continued.**
3. **TIM and CYNTHIA McDONALD, VARIANCE, V-11949** – Application to approve as a building site a parcel reduced in size to approximately 1.02 acres from the required 100 acres, in an “A” (Agricultural) District, located at 8570 Mines Road, northeast side, approximately 0.46 miles southeast of Del Valle Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-2435-001-00.
4. **JOHN BARTON, SITE DEVELOPMENT REVIEW, S-2004** – Application to allow conversion of an existing two-car garage into a family room and replace it with another fully conforming attached two-car garage, in a R-1-L-B-E (Single Family Residence, Limited Agriculture, 5 acre Minimum Building Site Area) District, located at 2596 Marina Avenue, north side, approximately 0.4 miles east of Arroyo Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099-0700-010-13.
5. **DANE LOWRY, GRADE WAY CONSTRUCTION, CONDITIONAL USE PERMIT, C-8379** Application to continue occupancy of two mobile trailers used for security purposes in a contractor’s storage yard in an M-2 (Heavy

Industrial) District, located at 550 Greenville Road, east side, approximately 0.80 miles north of Patterson Pass Road, unincorporated Livermore area of Alameda County, designated Assessor's Parcel Number: 099B-5600-009-03.

REGULAR MEETING: 1:30 p.m.

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

MEMBERS EXCUSED: Member Donna Flavetta

OTHERS PRESENT: L. Darryl Gray, Assistant Planning Director Jana Beatty, Senior Planner; Nilma Singh, Recording Secretary.

There were approximately twenty-two 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: The Chair announced that since there were many speakers for the first item on the Regular Calendar and none for Regular Calendar items 2, 4 and 5, the Board would consider these items first.

CONSENT 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 July 28, 2005; to be continued without discussion to September 29, 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 July 28, 2005; to be continued without discussion to September 29, 2005).

3. **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 and July 28, 2005; to be continued without discussion to September 29, 2005).
4. **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 and July 28, 2005; to be continued without discussion to September 29, 2005).
3. **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.

The Chair recommended moving Regular Calendar item #3 to the Consent Calendar since it was recommended for a continuance to September 29th. Member Gosselin made the motion to approve the Consent Calendar per staff recommendations and the above modification. The Chair seconded and the motion carried 2/0. Member Flavetta was excused.

REGULAR CALENDAR:

1. **CEDAR GROVE COMMUNITY CHURCH, CONDITIONAL USE PERMIT, C-8205** – Pursuant to the California Environmental Quality Act, review of a Draft Environmental Impact Report for a petition to allow construction of a new church campus totaling approximately 82,00 square feet with 508 parking spaces on a 14-acre site, in an “A-CA” (Agricultural-Combining) District, located at 2060 South Livermore Avenue, northeast side, approximately 0.25 miles southeast of Tesla Road, unincorporated Livermore area of unincorporated Alameda County, bearing Assessor’s Parcel Number: 099-0900-004-04.

Mr. Gray introduced Ms. Beatty, project planner. Ms. Beatty presented the staff report adding that this hearing, although not required by law, was scheduled to receive comments on the DEIR. All comments received today will be included in the Final EIR. She introduced Ms. Barb Kinison Brown, PMC, EIR

Consultant.

Public testimony was called for. Henry Mutz, representing the church, although available, said he would like to listen to the comments submitted today.

Mike Rushford, 1890 South Livermore Avenue, requested a copy of the DEIR. His concerns included traffic patterns and increase, light pollution, water, gas and noise. Traffic will increase significantly; residents turning in their driveways will have to cross 2-3 lanes and getting out of driveways is an issue already. He further discussed water 'bubble up' and his concern for gas lines. In reference to light pollution, Mr. Rushford suggested donating some property to Dark Sky Groups.

Joanne Bezis, 1969 South Livermore Avenue, discussed her concerns which included the use of land and purpose of South Livermore Plan. Granting an approval will take away the agricultural use from this site and this area is the gateway to vineyards. Neighboring wineries may be impacted by the church. Noise was another concern. Her main issue was traffic which was already at a maximum during peak hours and an approval would mean traffic impacts in the week-ends also. Perhaps an alternative route, a more southern egress and ingress would decrease some of the concerns. Ms. Bezis pointed out that no traffic diagram is included in the DEIR. Since much land was lost with the extension of Concannon, the residents of this area do not want to sacrifice any additional land. She provided a correction to Page 3.11-2 that fire protection would be provided by County. Instead, this area has been under City of Livermore protection since 1991. In response to Member Gosselin, Ms. Bezis said she has reduced the number of sheep and horses on her property.

Brian Vos, on behalf of Concannon Vineyards, requested a copy of the DEIR, adding that he felt an alternative use would be much better. He disagreed with page 3.8-4 that the use will not affect the existing winery. The winery surrounds three sides of the church and, as such, will definitely have an impact on the vineyards. He was also concerned with the consistency with the South Livermore Plan which provides and creates a vineyard belt. Land Trust protects the land. He did not want the northeast portion of the subject property 'sticking' out on winery property. In response to Member Gosselin, he confirmed that spraying occurs over the vineyards, but that the types and toxicities of pesticides are heavily regulated by the state. An approval will impact regular week-end traffic and the ingress and egress from surrounding properties, and in reference to other alternative uses, in response to Member Gosselin, he preferred a vineyard.

The Chair announced that he also serves on the Trust Board.

Cheryl Perry, 1960 So. Livermore Avenue, also requested a copy of the DEIR. Although a copy of her letter was already included in the DEIR, she will submit another written response. She stressed that impacts were not less than significant for the neighbors. Fertilizers were used when the time was 'right'. This project has been changed considerably since the original notification and the neighbors had been assured of very little use during the week-days. Her concerns included congregation and traffic increases, noise, right to farm, proposed septic system located in an area of high nitrates, 'bubble-up' will overload the swale, trees will impact the scenic route, and 14 acres of agricultural land will be lost. South Livermore Plan supports winery activities and this was an inappropriate site.

Mr. Gray reminded all that the purpose of this hearing was to submit comments on the DEIR.

Gail Shearer, 1972 So. Livermore Avenue, submitted her written testimony. She thanked the church for being a good neighbor. She disagreed with the Church's statement that this area does not have a practical agricultural use. The Concannon Winery brochure states that the unique soil and climate is ideal for wine

grapes. She also submitted definitions and permitted uses in the A and CA districts. Discussion on traffic is inadequate in the DEIR as there is insufficient information on the proposed left turn lane and a lack of maps. Traffic figures were based on current usage. She felt that it was important for the Church to state in writing that they do not plan a school, day care center or after school care. Her other concerns included storm drainage and landscaping. Ms. Shearer recommended that a bond be posted by the Church to cover damage costs to neighboring properties. The DEIR was inadequate with neither landscape nor a storm drainage plans.

Jim Perry, 19600 So. Livermore Avenue, complained that the building will completely block their views. Although the DEIR includes noise measurements from four locations that are exposed to the road, Mr. Perry indicated that they do not use their front yard but the rear. Hence, a noise study of the rear property would be more appropriate. Sporadic noise is also not included in the DEIR. Written comments will be submitted later.

Public testimony was closed. Member Gosselin pointed out that this property initially had a horse boarding facility and he requested research/sources and documents on horse nitrate. He agreed that the issue of light pollution has not been addressed in the DEIR. The traffic impact on week-end activities and the left-turn lane issue needs to be explored. He also requested a copy of the technical appendices and a hydrology report. An urban use will impact the entire area. He suggested an extension to the comment period to receive comments from agricultural organizations. Ms. Beatty indicated that the comment period has been extended to September 27 to allow the matter to be heard by the Agricultural Advisory Committee. The Chair stated that he had not finished reading the DEIR, and for that reason declined to comment. He noted that there will be additional public hearings and staff re-stated that written comments would be appreciated.

2. **DANE LOWRY, GRADE WAY CONSTRUCTION, CONDITIONAL USE PERMIT, C-8379** Application to continue occupancy of two mobile trailers used for security purposes in a contractor's storage yard in an M-2 (Heavy Industrial) District, located at 550 Greenville Road, east side, approximately 0.80 miles north of Patterson Pass Road, unincorporated Livermore area of Alameda County, designated Assessor's Parcel Number: 099B-5600-009-03. (Continued from July 28 and August 25, 2005).

Mr. Gray summarized the staff report noting the three-year expiration date and further discussed the Measure D issue. No public testimony was submitted. The Chair announced that the Board had visited the site today and Member Gosselin noted that although investments at such facilities are small, security is significant. He made the motion to approve the application per staff recommendation and the Chair seconded. Motion carried 2/0 and Member Flavetta was excused.

3. **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.

Moved to the Consent Calendar.

4. **TIM and CYNTHIA McDONALD, VARIANCE, V-11949** – Application to approve as a building site a parcel reduced in size to approximately 1.02 acres from the required 100 acres, in an "A" (Agricultural) District, located at 8570

Mines Road, northeast side, approximately 0.46 miles southeast of Del Valle Road, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099A-2435-001-00.

Mr. Gray presented the staff report adding that since the addition was less than 500 square feet, a Site Development Review would not be required. Member Gosselin asked if there were any enforcement action on site. Mr. Gray replied no. The applicants were not available and no other public testimony was submitted. The Chair stated that the Board had visited the site during field trip and noted that it was an existing lot. Member Gosselin made the motion to approve the variance per staff recommendation and the Chair seconded. Motion carried 2/0. Member Flavetta was excused.

5. **JOHN BARTON, SITE DEVELOPMENT REVIEW, S-2004** – Application to allow conversion of an existing two-car garage into a family room and replace it with another fully conforming attached two-car garage, in a R-1-L-B-E (Single Family Residence, Limited Agriculture, 5 acre Minimum Building Site Area) District, located at 2596 Marina Avenue, north side, approximately 0.4 miles east of Arroyo Road, unincorporated Livermore area of Alameda County, bearing Assessor's Parcel Number: 099-0700-010-13.

Mr. Gray presented the staff report. The Chair pointed out the lack of response from neighbors. Mr. Gray further explained that although the County now requires Site Development Reviews for garage conversions, it was mainly tailored for the West County. The applicant was not available and no other public testimony was offered. Member Gosselin made the motion to approve the application per staff recommendation and the Chair seconded. Motion carried 2/0.

APPROVAL OF MINUTES – Approval of July 28th Minutes was continued to the next meeting, September 29, 2005.

STAFF COMMENTS & CORRESPONDENCE: Staff discussed the holiday schedule. He suggested canceling the November 17th with an option of November 10th and a hearing on December 15th. The Board elected to cancel the November 17th meeting and keeping the December 15th hearing.

CHAIR'S REPORT: None.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

ADJOURNMENT: There being no further business, the hearing was adjourned at 3:15 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS