

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
FEBRUARY 19, 2009
(APPROVED MARCH 12, 2009)

The meeting was held at the hour of 1:30 pm 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 Boardmembers visited the following properties on their own:

1. **MANCINI, CONDITIONAL USE PERMIT, 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. **Staff Planner: Jeff Bonekemper**
2. **WELLS/T-MOBILE, CONDITIONAL USE PERMIT, PLN2008-00078** ~ Application to allow construction and operation of a telecommunications facility in a P-D-ZU-1458 (Planned Development, 1458th Zoning Unit) District, located at 3024 Greenville Road, east side, approximately 700 feet south of East Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 99A-1625-001-09. **Staff Planner: Damien Curry**
3. **CRAWFORD/PG&E, CONDITIONAL USE PERMIT, PLN2008-00075** ~ Application to allow continued operation of a telecommunications facility in a P-D-ZU-2065 (Planned Development, 2065th Zoning Unit) District, located on East Avenue, south side, across from terminus of north Mines Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 99A-1501-002-08. **Staff Planner: Damien Curry**
4. **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). **Staff Planner: Jeff Bonekemper**

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 approximately eight people in the audience.

CALL TO ORDER: The meeting was called to order by the Chair at 1:40 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*

NEIGHBORHOOD PRESERVATION AND ZONING ORDINANCE ABATEMENT - *None*

CONSENT CALENDAR:

1. **MANCINI, CONDITIONAL USE PERMIT, 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. **Staff Planner: Jeff Bonekemper**
(Moved from the Regular Calendar, to be continued to March 12, 2009)

This item was moved to the Consent Calendar without discussion; to be continued to the next meeting, March 12th due to a noticing error.

2. **3RD 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/ALTAMONT LANDFILL-WASTE MANAGEMENT, INC., C-8231; ALTAMONT INFRASTRUCTURE COMPANY/EGAN, C-8232; WINDWORKS INC./ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY, C-8216. Staff Planner: Andrew Young**

This item was moved to the Consent Calendar without discussion to the March 12th meeting due to a noticing error.

REGULAR CALENDAR:

1. **MANCINI, CONDITIONAL USE PERMIT, 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. **Staff Planner: Jeff Bonekemper**

This item was moved to the Consent Calendar without discussion.

2. **WELLS/T-MOBILE, CONDITIONAL USE PERMIT, PLN2008-00078** ~ Application to allow construction and operation of a telecommunications facility in a P-D-ZU-1458 (Planned Development, 1458th Zoning Unit) District, located at 3024 Greenville Road, east side, approximately 700 feet south of East Avenue, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 99A-1625-001-09. **Staff Planner: Damien Curry**

Ms. Beatty presented the staff report and Member Goff noted the error in the staff report, under Pre-hearing Recommendation, which reads "...allow operation of a minor automotive repair facility".

Public testimony was called for. Paula Wells, T-Mobile representative, confirmed that this is a new site and staff recommended extending the permit to eleven years to coincide with the other two carriers on the subject site which will expire next year.

Public testimony was closed. Member Harvey made the motion to approve the application for eleven years modifying Condition #16 to reflect an expiration date of February 19, 2020. Member Goff seconded and the motion carried unanimously, 3/0.

3. **CRAWFORD/PG&E, CONDITIONAL USE PERMIT, PLN2008-00075** ~ Application to allow continued operation of a telecommunications facility in a P-D-ZU-2065 (Planned Development, 2065th Zoning Unit) District, located on East Avenue, south side, across from terminus of north Mines Road, Livermore area of unincorporated Alameda County, bearing Assessor's Parcel Number: 99A-1501-002-08. **Staff Planner: Damien Curry**

Ms. Beatty presented the staff report. Although a representative, Ash Rageh, was available, no testimony was offered. Member Goff made the motion to approve the application subject to the sixteen recommended conditions. Member Harvey seconded and the motion carried unanimously, 3/0.

4. **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). **Staff Planner: Jeff Bonekemper**

Ms. Beatty presented the staff report adding that although City of Livermore has requested a continuance, the Applicant, Mr. Munn, informed staff before this hearing, that all issues have been resolved. Member Harvey requested clarification as to whether this is an expansion of a continued use or a new use. Staff replied that this is a new Conditional Use Permit. The Chair noted that there had been septic system issues previously at this site.

Public testimony was called for. Mr. Corbett explained that the event center has been in operation at this location since 1999 and, as such, this application is not for new event center but an extension of the existing permit. The restaurant which had been on site was too large for the septic system and has been leased out. There is no future plan for a restaurant. Discussions are on-going with their consultant, Zone 7 and Environmental Health representatives regarding the expansion and the design of the new septic system. He concurred with all the conditions. The existing permit does expire this year and Mr. Corbett requested a longer permit, perhaps a five or ten year permit.

Public testimony was closed. A discussion followed regarding the prior permit, the history of the uses, and the current project description. Staff noted that the current description does not include the words: "...to allow continuation of winery-related activities..." and Member Harvey said he would like to see a copy of the prior permit. Further discussions followed regarding the term of the permit, percentage of growth, lack of history, previous conditions of approval, number of events and new structural additions on site.

Public testimony was re-opened. Mr. Corbett pointed out that his application has been continued numerous times since September, 2008, and he would like to proceed with the Building Department process. He agreed to the same number of events as reflected in the previous permit. Mr. Munn, project architect, pointed out the location of the new additions, front and side elevations, existing buildings...etc on the plot plan.

Public testimony was closed. The Chair felt that although an approval could be based on Mr. Corbett's testimony that a prior permit exists, there were concerns, i.e. concerns has been raised regarding the intersection and approval of uses that are inappropriate for this area; and the upcoming public forum next Wednesday on the South Livermore Plan. Member Harvey also noted that at the last hearing, concerns had been raised regarding the fence and the parking lot. Staff read some of the addresses of neighbors who had been notified of this hearing. A discussion followed on different possible Board actions.

The Chair announced a recess to allow staff to confirm the prior Conditions of Approval with the project planner. Staff was unable to confirm the 1996 Conditions of Approval and also the date of referral to City of Livermore. Further discussions occurred regarding the possible different conditions, amplified music (current Condition #7); number of parking spaces, occupancy rate and the number of events.

Mr. Corbett agreed to a continuance and requested to be placed as the first agenda item, and meet with staff and the project planner to review the prior and current Conditions of Approval.

The Chair made the motion to continue the application to March 12th to allow staff to review the prior conditions and the occupancy number with the Applicant. Member Harvey seconded and the motion carried unanimously, 3/0.

5. **3RD 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/ALTAMONT LANDFILL-WASTE MANAGEMENT, INC., C-8231; ALTAMONT INFRASTRUCTURE COMPANY/EGAN, C-8232; WINDWORKS INC./ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY, C-8216. Staff Planner: Andrew Young

This item was moved to the Consent Calendar without discussion.

APPROVAL OF MINUTES – Member Goff made the motion to approve the December 11th Minutes as submitted and Member Harvey seconded. Motion carried unanimously

STAFF COMMENTS & CORRESPONDENCE: Staff announced the up-coming South Livermore Valley Plan public forum on February 25th. The Chair noted that the Board has an interest both as citizens and as Boardmembers.

CHAIR’S REPORT: *None*

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: *None*

ADJOURNMENT: There being no further business, the hearing was adjourned at 3:00 p.m.

ALBERT LOPEZ - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS