

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
JANUARY 25, 2007
(APPROVED MARCH 22, 2007)

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, Chair; Larry Gosselin, Vice-Chair; and Jim Goff.

OTHERS PRESENT: Bruce Jensen, Senior Planner

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

1. **RICHLAND TOWERS, LLC., CONDITIONAL USE PERMIT, C-8459** ~ Application to allow the construction and operation of a new television antenna and tower (450 feet in height) on Mt. Allison, west side terminus Mill Creek Road, Sunol area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 096-0090-005-07.

2. **SPRINT/NEXTEL/CASTLEWOOD COUNTRY CLUB, CONDITIONAL USE PERMIT, C-8549** ~ Application to allow continued operation of a telecommunication facility (cell site), in an "A" (Agricultural) District, located at 707 Country Club Circle, northwest side, approximately 1000 feet west of Castlewood Drive, Pleasanton area of unincorporated Alameda County, bearing Assessor's Parcel Number: 946-0001-019-00. **(cancelled)**

REGULAR MEETING: 1:30 p.m.

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

OTHERS PRESENT: Bruce Jensen and Jana Beatty, Senior Planners; 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 1:35 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: Regular Calendar Item #2 (C-8549) will be discussed first followed by C-8459, Richland Towers.

CONSENT CALENDAR:

1. **NICA METALS, CONDITIONAL USE PERMIT, C-8398** ~ Application to allow continued operation of a metal recycling facility, in a M-2 (Heavy Industrial) District, located at 101 N. Greenville Road, east side, approximately 712 feet south of Front Road, Livermore area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 099B-5100-001-33. (Continued from March 30, April 27, May 25, June 29, July 27, September 28, October 26 and December 14, 2006; to be continued to March 22, 2007).
2. **ALTAMONT MOTORSPORTS PARK LLC., CONDITIONAL USE PERMIT, C-8471** ~ Application to continue operation of an existing outdoor recreation facility (motor vehicle raceway), and to allow: a) construction of required safety and general facility upgrades; b) construction of a 50,000 square foot previously approved grandstand cover; c) construction of the previously approved facility identification sign; and d) reconfiguration of the track to accommodate general racing operations in an 'A' (Agricultural) District, located at 101 Midway Road, east side, approximately 0.5 mile south of I-580, Tracy area of unincorporated Alameda County, bearing Assessor's Parcel Number: 099B-7675-005-07. (Continued from March 30, April 27, May 25, August 24, October 26 and December 14, 2006; to be continued to March 22, 2007).
3. **BOSCO and GERARDA STOCKING, WILLIAM SPEER, JR. and CLAUDE HENSLEY, VARIANCE, V-11924** – Application to modify a nonconforming use (commercial use in an area designated by the General Plan as WM) so as to operate an event center with on-site alcohol sales, in a Water Management (ECAP) District, located at 11984 and 11986 Main Street, south side, end of Kilkare Road, unincorporated Sunol area of Alameda County, bearing Assessor's Parcel Number: 0096-0140-002-07. (Continued from June 23, July 28, September 29 and December 15, 2005, May 25, August 24 and October 26, 2006; to be continued to March 22, 2007).

Member Gosselin made the motion to approve the Consent Calendar per staff recommendations and Member Goff seconded. Motion carried unanimously.

REGULAR CALENDAR:

2. **SPRINT/NEXTEL/CASTLEWOOD COUNTRY CLUB, CONDITIONAL USE PERMIT, C-8549** ~ Application to allow continued operation of a telecommunication facility (cell site), in an "A" (Agricultural) District, located at 707 Country Club Circle, northwest side, approximately 1000 feet west of Castlewood Drive, Pleasanton area of unincorporated Alameda County, bearing Assessor's Parcel Number: 946-0001-019-00.

Ms. Beatty presented the staff report and the Chair added that the Board had visited the site when the other cell site applications located on the same parcel were on the agenda.

Public testimony was called for. Jason Osborne, representative, asked if staff had received a copy of the intermodulation report as outlined in Condition #4(a). Ms. Beatty explained that this is a standard

condition and if the report has not been received, the project planner will contact him.

Public testimony was closed. The Chair made the motion to conditionally approve the application subject to the sixteen recommended conditions. Member Goff seconded, which carried unanimously.

2. **RICHLAND TOWERS, LLC., CONDITIONAL USE PERMIT, C-8459 ~**
Application to allow the construction and operation of a new television antenna and tower (450 feet in height) on Mt. Allison, west side terminus Mill Creek Road, Sunol area of unincorporated Alameda County, bearing County Assessor's Parcel Number: 096-0090-005-07. (Continued from March 30, April 27, June 29, August 24, September 28, October 26 and December 14, 2006).

Mr. Jensen presented the staff report and recommended the following modifications to the conditions of approval: 1) insertion of the word 'revision' in Condition #1, after the words 'Exhibit A'; 2) deletion of the words "...and/or including specific requirements concerning cell sites." from Condition #7(c); 3) insertion of the "Permittee" at the beginning of the last sentence under Condition #8; the words "Zoning Administrator" in condition #36 be replaced with "Planning Director"; and 4) Condition #39 to read "...shall terminate on the 15 year anniversary of this approval at which time the permittee/successor shall apply for a renewal...". There are four biological mitigation measures, all under Conditions of Approval, that have been either completed or have been made moot or unnecessary by their completion, and they are 15, 16, 20 and 30. Member Gosselin asked if these structures are considered infrastructure. Mr. Jensen replied that discussions have occurred and if providing public services, it could be considered as such. Member Gosselin added that if considered infrastructure, then the structure cannot be limited to 20,000 square feet as required under Measure D. Perhaps this could be reflected as a condition.

Public testimony was called for. Allen Waters, Project Manager, Richland Towers, LLC, provided his company background and described the project and its benefits. Based on the FCC deadline of January, 2009, he urged an approval. This site will also provide emergency services and co-location will result in few towers and greater use of space.

Brian Holt, Senior Planner, representing East Bay Regional Park District, thanked staff and the representatives for the open communication and willingness to work with the District. Comments have been submitted and although progress has been made, a project of this size and intensity should have a public review of an EIR. He requested a continuance as there is a meeting scheduled tomorrow with the applicants to resolve all issues and perhaps come to a mutual agreement. The Chair asked if Mr. Holt thought that the result of the discussion could get to the point where the request of a full EIR would be dropped. Mr. Holt replied "yes," adding they were willing to continue working with the Applicants. At the request of Member Gosselin, he further explained their following concerns in detail: the possibility of a county wide policy for such sites; long term land use master plan for this property; and some sort of guidelines/predictability for future expansion and use of this site; and collocation. He also suggested that the words "...whenever and wherever possible..." in Condition #33 was ambiguous. The Board discussed the possibility of a site-specific policy and a Master Plan. Staff explained the Master Plan process, pointed out condition #33 and confirmed that the existing towers have individual 5-15 year permits. Mr. Holt added that they did not have an inventory of the existing towers, their heights and capacity.

Mr. Waters, in rebuttal, pointed out that this matter has been continued seven times to-date. He confirmed that in their discussions they were close to concurrence, including on some discussion topics which are out of the Planning Department's realm. Their main concern is the time frame and another continuance would put the project farther behind. Meetings have been on-going for the last 6-8 months

and will continue after an approval is granted. They were not property owners but leasing. He urged that the Board consider their tract record and intent, and approve the permit; and they will make every effort to work with EBRPD. There is an issue of competition for revenue for both sites.

The Chair announced that the Board had visited the site today. A continuance could be granted for two weeks noting that if appealed, there would be a much longer delay. He also recommended undergrounding power lines to mitigate the view shed. Mr. Waters confirmed that all new lines, with an approval from the property owner, will be underground.

Patricia Curtin, land-use attorney representing Richland Towers, pointed out that a condition requiring the undergrounding of existing lines would be an illegal condition.

The property owner confirmed that there are three existing poles on his property.

Public testimony was closed. The Chair made a motion for a continuance to February 8th. Member Gosselin seconded adding that construction will not start until April, after the rainy season. Motion carried 2/1 with Member Goff dissenting.

APPROVAL OF MINUTES – The Chair made the motion to approve the November 9th Minutes as submitted. Member Goff seconded and the motion carried 3/0.

STAFF COMMENTS & CORRESPONDENCE: Staff provided an up-date on the Altamont Speedway application: the Noise Variance application, a temporary variance to approve the EIR process, will be considered this Tuesday at 2:00 pm by Environmental Health; there have been on-going discussions with their attorney regarding materials submitted on the pending PD application. In response to Member Gosselin regarding Consent Calendar item #3, staff indicated that she was unsure of the status and regarding the property on Dagnino Road, there are no records with either Zoning Enforcement nor with Building Department. The Board requested a copy of the boardletter on the Powell appeal.

CHAIR'S REPORT: The Chair confirmed that the next meeting will be on February 8, 2007. He also recommended the Boardmembers that the Economic Interest Forms are due before April 1st.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: None.

ADJOURNMENT: There being no further business, the hearing was adjourned at 2:55 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS