

MINUTES OF MEETING
EAST COUNTY BOARD OF ZONING ADJUSTMENTS
OCTOBER 27, 2005
(APPROVED DECEMBER 15, 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. – Cancelled.

FIELD TRIP:

1. **T-MOBILE CA/NV, CONDITIONAL USE PERMIT, C-8447** – Application to allow continued operation of a wireless communication facility, in an “A” (Agricultural) District, located at 10003 Dublin Canyon Road, south side, approximately 1.6 miles west of San Ramon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 941-2750-001-12.

REGULAR MEETING: 1:30 p.m.

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

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

There were five 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: None.

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, August 25 and September 29, 2005; to be continued without discussion to December 15, 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, August 25 and September 29, 2005; to be continued without discussion to December 15, 2005).
3. **STEVE POWELL/ALFRED RHEINHEIMER, CONDITIONAL USE PERMIT, C-8291** – Application to allow a winery with tasting room, art and event center and 38 parking spaces, in an “A” (Agricultural) District, located at 5143 Tesla Road, south side, approximately 330 feet east of Mines Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-2340-002-00. (Continued from September 29, 2005; to be continued without discussion to December 15, 2005).

This item was moved to the Regular Calendar at the request of a neighbor and the Applicant.

4. **ROBERT & CAROL MOLINARO, CONDITIONAL USE PERMIT, C-8418**- Application to expand an existing winery with winery related use by the construction of a new 15,000 square foot event center in a PD (Planned Development) District, located at 7986 Tesla Road, north side corner, northeast of Greenville Road, unincorporated Livermore area of Alameda County, designated Assessor’s Parcel Number: 099A-1602-013-02. (Continued from July 28 and September 29, 2005; to be continued without discussion to December 15, 2005).
5. **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, July 28, August 25 and September 29, 2005; to be continued without discussion to December 15, 2005).

Member Gosselin made the motion to approve the Consent Calendar per staff recommendation and the Chair seconded. Motion carried 2/0.

REGULAR CALENDAR:

1. **T-MOBILE CA/NV, CONDITIONAL USE PERMIT, C-8447** – Application to allow continued operation of a wireless communication facility, in an “A” (Agricultural) District, located at 10003 Dublin Canyon road, south side, approximately 1.6 miles west of San Ramon Road, unincorporated Castro Valley area of Alameda County, bearing Assessor’s Parcel Number: 941-2750-001-12.

Ms. Beatty presented the staff report noting the landscaping requirement in Condition #2. The Chair pointed out that the photographs do not reflect any co-location. Staff explained that co-location is always recommended in the conditions of approval.

Public testimony was called for. Charnel McCall representing T-Mobile explained that landscaping would not work at this site. There is gravel inside the enclosed area and it is not feasible to run water for irrigation. The site is not visible from the road. In reference to co-location, Ms. McCall said that it would be against their lease with the landowner and would also be very costly. Per Fire Department’s requirement, 5 feet clearance is provided outside the fence.

Public testimony was closed. The Chair made the motion to approve the application subject to the fifteen (15) recommended conditions. Member Gosselin seconded and the motion carried 2/0.

2. **M. SILLS, JR., VARIANCE, V-11940** – Application to approve as a building site a parcel reduced in area from the required 320 acres to 40 acres and without frontage on an approved County road, in a R-1-B-10 (Single Family Residence, 10,000 square foot Minimum Building Site Area) District, located at 3437 Bernal Avenue, west side, approximately 150 feet north of Vine Avenue, unincorporated Pleasanton area of Alameda County, bearing Assessor’s Parcel Number: 946-1710-003-00. (Continued from July 28 and September 29, 2005).

No testimony was submitted and the board unanimously voted to continue to the matter to December 15, 2005, as recommended by staff.

3. **STEVE POWELL/ALFRED RHEINHEIMER, CONDITIONAL USE PERMIT, C-8291** – Application to allow a winery with tasting room, art and event center and 38 parking spaces, in an “A” (Agricultural) District, located at 5143 Tesla Road, south side, approximately 330 feet east of Mines Road, unincorporated Livermore area of Alameda County, bearing Assessor’s Parcel Number: 099A-2340-002-00. (Continued from September 29, 2005; to be continued without discussion to December 15, 2005).

This item was moved from the Consent Calendar. Judy McPherson, 5167 Tesla Road, informed the Board that she was still working on the information on the other facilities in the area, as requested at the last hearing.

Steve Powell, Applicant, complained of the long process and the continuances pointing out that all required paperwork has been submitted. He has had to deny events on site. Mr. Powell asked if a conditional approval could be granted allowing him to move ahead with his investment but he would continue to work with the Building Department.

Ms. McPherson, in rebuttal, said that Mr. Powell has continued to hold events on-site pointing out that the delay or the long process was due to the fact that a lot of work had been completed without permits. The

paperwork submitted by him has a lot of discrepancies and Ms. McPherson, as, such, requested that the matter be continued until all facts are clear. The property was over-built and less than 30% of land was available for grape and olive orchards instead of 70%.

Mr. Powell, in response, said he was not sure where the above numbers were quoted from but exact numbers had been submitted to Planning staff, Mr. Orduna. He confirmed that no scheduled events have occurred on site although he has personal gatherings/parties. The Chair suggested that during the continuance, Mr. Powell meet with his neighbors. The Board can only assure that conditions of approval are agreeable to all involved. Mr. Powell requested that the conditions be similar to other wineries in the area.

Michael Tuuri, Attorney representing Mr. Powell, requested clarification on the hearing and ceqa processes. He also requested a special meeting in November, if possible.

Mr. McPherson requested that the neighbors be notified of any future hearings and/or meetings.

Public testimony was closed. The Chair announced that he was a member of the Tri-Valley Conservancy. Ms. Beatty explained the ceqa process adding that a project can be denied before ceqa process is complete but it cannot be approved. Member Gosselin made the motion to continue the matter to December 15th during which time staff would look into the delays. The Chair seconded. Motion carried 2/0.

Approval of Minutes – Approval of September 29th was continued to December 15, 2005.

STAFF COMMENTS & CORRESPONDENCE: None.

CHAIR'S REPORT: None.

BOARD ANNOUNCEMENTS, COMMENTS AND REPORTS: Member Gosselin announced that Supervisor Haggerty was in the interviewing process for the vacant position on this Board.

ADJOURNMENT: There being no further business, the hearing was adjourned at 2:30 p.m.

CHRIS BAZAR - SECRETARY
EAST COUNTY BOARD OF ZONING ADJUSTMENTS