

COUNTY ZONING ADMINISTRATOR  
MONDAY, SEPTEMBER 8, 2008

\*Red denotes modifications approved by the Zoning Administrator at the 9-8-2008 hearing.

\*Green denotes recommended by staff following the Zoning Administrator hearing.

I. INTRODUCTION

ROUND HILL COUNTRY CLUB C/O GREG GONSALVES (Applicant & Owner),  
County File LP07-2078: The project consists of the following proposal:

- A. A request to amend land use permit #409-59 to install a driving range netting structure 45 feet in height with 45 feet tall posts, and extending 172 feet in width. The netting includes 5 posts set 43 feet apart with netting extended between.
- B. A request for variances for a 2 foot side yard setback (where a minimum of 10 feet is required), and a 45 foot tall accessory structure (where 15 feet is allowed for accessory buildings). The structure will be set back 55.8 feet from the property's street frontage along Royal Oaks Drive, and located within the southeastern portion of the lot in the vicinity of the intersection of Royal Oaks Drive and Southview Drive on Round Hill Country Club property.
- C. A request for a tree permit to work within the drip line of one protected tree.

The subject property is located at 3169 Round Hill Road, in the Alamo area. (General Plan: PR) (Zoning: R-15) (Zoning Atlas: R-15) (Census Tract: 3461.02) (Assessor Parcel Number: 193-460-001).

II. RECOMMENDATION

Staff recommends that the Zoning Administrator approve the proposal subject to the attached conditions of approval.

III. GENERAL INFORMATION

- A. General Plan: The General Plan designation for the site is Parks and Recreation (PR).
- B. Zoning: The zoning is Residential Single Family District (R-15).

C. CEQA Status: The proposed development is categorically exempt pursuant to § 15301 Class 1 (f), addition of safety protection devices in conjunction with existing structures or facilities. This development involves the negligible or no expansion of an existing use.

D. Lot Creation: The subject property was created as a part of the Round Hill Estates subdivision Tract 2630 in 1958. A revised map was approved in 1959 and recorded on December 29, 1959. The subdivision approval included 431 units with private roads and fairways to be numbered as lots.

E. Previous Applications:

1. 235-58: This land use permit was approved for a Country Club with an 18 hole golf course, club house, and related facilities.
2. 409-59: This land use permit was approved for a Country Club with an 18 hole golf course, swimming pool, tennis courts, pro-shop, and maintenance facilities necessary to operate the club.
3. LP 2003-86: This land use permit was approved for the amendment of land use permit 409-59 to eliminate the "non-profit" wording from the land use permit approval which established the Round Hill Country Club and related facilities.
4. ZI00-8706: This application was a request for determination for the issuance of a building permit for the replacement of lighting, resurfacing, and reconstruction of tennis courts to bring them up to tournament standards. A building permit was issued for this work.
5. LP03-2054: This land use permit was approved for the establishment of a telecommunications facility.
6. LP03-2088: This land use permit was approved for the construction of a new tennis club house with a viewing deck, and to work within the drip line of protected trees.
7. LP06-2029: This land use permit was approved for the establishment of an unmanned wireless communications facility.

F. Regulatory Programs:

1. 60-dBA Noise Contour: The site lies outside of a 60-dBA noise contour area. The General Plan indicates that a dBL level of up to 70-dBA is still within the acceptable range for golf course uses.
2. Flood Hazard Area: The site is located within Flood Zone C, an area with minimal flooding.

3. Active Fault Zone: The site is not located within an active fault zone area.
4. Redevelopment Area: The site is not within a redevelopment area.

#### IV. SITE/AREA DESCRIPTION

The subject property and surrounding residential development is located within the Single Family Residential (R-15) Zoning District. The Round Hill Country Club and golf course was developed concurrently with a 431 lot subdivision in 1959. The General Plan designation for the site is Parks and Recreation for the Country Club and golf course with properties designated Single Family Low density located adjacent.

The club house for the Round Hill Country Club is located in the northwestern portion of the subject property with the 1<sup>st</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 18<sup>th</sup> fairways and driving range located in the eastern and southern areas of the site. There are residential properties that surround the golf course. Access to the Country Club and parking lot is from Round Hill Road with foot access to the golf course in various areas along the fairways.

The location of the proposed driving range netting is within the southeastern area of the subject property. Based on the submitted documents, the driving range is approximately 221 yards measured from the furthest distance to the property line. At the end of the driving range is an existing fence 20 feet tall, according to the applicant, with thick ivy growth and plants growing on the fence located on the property owned by Barker at 2349 Royal Oaks Drive. This existing fence was established based on a fence easement granted to the Country Club in 1973 by a previous owner of the adjacent property. There are several mature trees growing within vicinity of the existing fence. In addition, there are mature trees located along the eastern edge of the driving range which screens the golf course from Southview Road.

#### V. BACKGROUND

On November 30, 2007, an application was submitted for the amendment of a land use permit to install a 45 foot tall golf course netting with 5 posts set 53 feet apart and extending 212 feet in width, and set back 2 feet from the side property line.

On February 15, 2008, revised plans were submitted which modified the original proposal to reduce the width of the proposed fence to 172 feet, while maintaining the height. This proposal maintains a 2 foot side yard setback from the property line and is set back 55.8 feet from the property's frontage on Royal Oaks Drive.

## VI. PROPOSED PROJECT

The proposed development is an amendment to land use permit #409-59 to construct a 45 foot tall golf course netting structure extending 172 feet in width with variances for a 2 foot side yard setback (where a minimum of 10 feet is required), and an accessory structure that is 45 feet tall (where the maximum height of accessory buildings is 15 feet). This proposal includes a tree permit to work within the drip line of one code protected tree. The netting structure includes 5 poles, 45 feet in height which are set 43 feet apart with 45 feet tall netting extended between the posts.

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This proposal was initiated by the Round Hill Country Club in response to the complaints from the neighbor at 2349 Royal Oaks Drive that golf balls were flying over the existing fence onto the neighbor's property. According to the applicant, the golf staff continually monitors the practice range use and limits use of woods to avoid balls from reaching this property on the fly, which the homeowner claims is a constant nuisance. Round Hill management is requesting this proposal in order to remedy the situation.

The proposed netting is located in the southeast portion of the subject property located within the vicinity of the intersection of Royal Oaks Drive and Southview Court. The proposed netting is located 55.8 feet from the Royal Oaks Drive street frontage and is located entirely on Round Hill Country Club property. The proposed netting is similar to existing netting which is located in the tee box area near the club house.

## VII. AGENCY COMMENTS

- A. Building Inspection Division: The Division has reviewed the proposal with no objections provided the applicant complies with the attached comments dated April 11, 2008.
- B. Alamo Improvement Association: The Association has reviewed the proposed development and has no objections to the proposal provided that the Round Hill Country Club provides the information stated in their letter dated April 4, 2008. The Association's comments expressed their concerns relating to the adequacy of the fence height to ensure safety to the neighbor's property, and a request for story poles to be provided to assess the visual impacts on the Barker property.

## VIII. PUBLIC COMMENTS

- A. A petition with names and signatures of five property owners that reside on Royal Oaks Drive, Southview Drive, and Round Hill Drive was submitted indicating their review of the plans and non-objection to the proposal.
- B. A letter from the Round Hill Property Owners Association Board of Directors was received indicating no objection to the proposal and their recommendations to

approve the fence located solely on the Country Club's property for the interest of safety.

- C. The following is a summary of comments made by the neighbor, Kenneth Barker who resides at 2349 Royal Oaks Drive.

1. The application falsely states the request for approval.

*Staff Response: When the application was initially accepted and processed, the description written on the application by County staff was not accurate. The proposed development is correctly described as indicated in the staff report.*

2. The application falsely states the existing fence is 20 feet high. The existing fence is 15 feet high.

*Staff Response: There is no documentation that was submitted by the neighbor to support his assertion that the fence is 15 feet high. There are no records found or submitted to date which indicates the specific height of the existing fence. This detail relating to an existing fence structure on the lot does not impact the proposed development to construct driving range netting which is a separate independent structure. The existing fence is intended to remain on the neighbor's property.*

3. The application omits to include notice that the proposed 45 foot black netting cloth covered fence will be visible from Stone Valley Road which is an officially designated scenic route by the Contra Costa County General Plan.

*Staff Response: The proposed structure is located approximately one quarter mile, as the bird flies, from Stone Valley Road. This road is a designated scenic route in the General Plan, however this proposal does not violate the policies or goals of the Transportation Element or the Open Space Element. The project is not adjacent to the scenic corridor or located within a scenic vista or ridgeline. No evidence has been submitted in relation to the impacts of the proposal on the visual impact from Stone Valley Road.*

4. The proposed black mesh covered fence will not stop the golf balls from trespassing onto the Barker property and a 100 foot tall fence would be required to stop all golf balls from landing on Royal Oaks Drive or their property.

*Staff Response: No evidence, documentation, or professional analysis has been submitted to support this assertion that the proposed netting structure is not adequate in design or height. The applicants have submitted a ball trajectory analysis based on conservative calculations which show that the proposed fence will be adequate. In addition, the netting is specifically designed for driving ranges.*

5. The black mesh covered fence would be an eye sore and out of keeping with the ambiance of Alamo and the Round Hill Development.

*Staff Response: The proposed golf course netting is in keeping with the existing golf course use on the property. There are many similar structures located on golf courses throughout the County, and this proposal is not inappropriate for the golf course use on the lot. The proposed netting is not opaque, but made of a polyester netting material with 1-inch mesh size. This proposal has already been approved by the Round Hill Property Owners Association Board of Directors.*

6. The proposed black netting cloth covered fence will cast a deep shadow onto The Barker's established fruit trees and ivy covered fence, causing irreparable damage to the same.

*Staff Response: The neighbor has not submitted any evidence or documentation of how a shadow will be cast by the proposed driving range netting. In addition, the proposed structure is located to the north of the Barker's property which and the sun moves from the east to the west during the day. Moreover, the Barker's rear yard area is to the north of their two-story residence and bounded by the existing ivy covered fence, which is at least 15 feet in height. The proposed netting should not have any significant shadow impacts on the Barker property based on its proposed location.*

7. The proposed fence will be a violation of the County Ordinance Code and the Round Hill Development Covenants, Conditions, and Restrictions.

*Staff Response: The applicant has provided a letter from the Round Hill Property Owners Association Board indicating no objections to the proposed development and approval provided that the structure is located on Round Hill Country Club property. The applicant is proceeding through the appropriate process and permits to establish the proposed netting and is requesting to construct a structure which is consistent with the existing golf course use on the property. The neighbor has not indicated in what manner in which the proposal will be in violation of the County Ordinance Code.*

8. The golf ball trespass was caused by the Country Club realigning and shortening of the driving range by 70 yards to directly face our home.

*Staff Discussion: No evidence or documentation has been received from the neighbor that supports his assertion that the driving range has been moved. An easement document which was executed on June 1, 1973 for the purposes of installing a driving range fence was granted to the owners of the property, Round Hill Estates. This document confirms that the driving range has been in this*

location since that time, if not earlier, when the Barker's property was owned by Lynn.

*The driving range and 18-hole golf course was approved on the Country Club property in 1958. In review of the entire golf course facility, it is not apparent where Mr. Barker alleges the golf course was realigned from. The Country Club and golf course fairways were designed as part of a subdivision and the subject property is completely surrounded by developed single-family residential lots. According to the applicants, the golf course driving range has not be relocated or moved from its current location.*

9. The application omits that the proposed 45 foot high black netting cloth fence will cast a deep shadow onto many existing trees located on the golf course causing irreparable damage to the same.

*Staff Response: The proposed fencing is not an opaque cloth as the neighbor may suggest it to be, but netting composed of 1-inch mesh. This proposed netting material will still allow for light and air to penetrate through the fence and will not have a significant shadow impact on existing trees on the property.*

10. The plans are defective because it does not show all of the existing trees or the new trees planted by the Country Club.

*Staff Response: The trees indicated on the site plan show the existing code protected trees on the property. The newly planted trees are not shown, however, the project will be conditioned for the applicant to update the plans to show the location of the newly planted trees on the plans submitted for a building permit. The planting of new trees on properties throughout the County are not regulated or reviewed by this Division unless it is a condition of approval related to tree permits, or subdivision proposals.*

11. The Round Hill Country Club driving range is defective because it is too short and the Round Hill Country Club is in violation of OSHA and CAL-OSHA safety laws. Modern golf club design requires that a driving range be at least 375 yards long.

*Staff Response: No evidence has been submitted for review to show that the existing driving range is defective and should be 375 feet in length. Even so, the proposed use permit is for the construction of the driving range netting alone. The existing golf course has already been established under prior land use permits, therefore, the existing use on the site is not and under discussion under this permit. The driving range has been long established facility on the site as is the golf course for many years prior to the Barker's ownership of their property.*

*The United States Occupational Safety and Health Administration (OSHA) is an agency of the United States Department of Labor. It was created to prevent work-*

*related injuries, illnesses, and deaths by issuance and enforcing rules for workplace safety and health. According to the State website, Cal/OSHA, also known as the Division of Occupational Safety and Health, protects workers and the public from safety hazards through its Cal/OSHA, elevator, amusement ride, aerial tramway, ski lift and pressure vessel programs. Mr. Barker does not indicate how the proposal for golf course netting specifically violates state or federal laws. It would seem that the installation of safety netting would resolve many of Mr. Barker's safety concerns relating to golf ball trespass on his property.*

## IX. STAFF DISCUSSION

- A. **Appropriateness of Use:** The proposed development to install driving range netting at the opposite end of an existing driving range is an appropriate accessory structure that is consistent with the existing golf course use on the property. This proposal was initiated by the applicant in response to the neighbor's complaints that there are golf balls being hit over the existing fence structure. The proposed structure is not an unusual request in comparison to other golf course driving ranges located throughout the County.
- B. **General Plan & Zoning Consistency:** The General Plan designation for the subject site is Parks and Recreation. The Parks and Recreation designation allows for publicly owned city, district, County and regional parks facilities, as well as golf courses, whether publicly or privately owned. Appropriate uses in this designation are passive and active recreation-oriented activities, and ancillary commercial uses such as snack bars, and restaurants. The construction of new privately owned residences or commercial uses, and the subdivision of land, is inconsistent in this General Plan designation. The proposed golf course netting is consistent with the existing development on the site and is appropriate for the designated General Plan area.

The property is located within the Single Family Residential (R-15) Zoning District. The R-15 Zoning District allows for a maximum building height of two and one-half stories or 35 feet. The County Ordinance Code allows for accessory buildings within this zoning district to be a maximum of 15 feet in height. The proposed development is not a building, but rather an accessory structure to the primary use of the property as a Country Club with recreation facilities, the height standards for an accessory building would better apply in this case.

The proposed variances for a 2-foot side yard setback and 45-foot height would not be a grant of special privilege to the property owners since the proposed structure is related to a golf course use and is intended to remedy a potential safety issue at the end of the driving range.



- C. **Hazardous Materials Use:** This proposal does not include the use or handling of hazardous materials to or from the site. The existing Country Club with driving range facilities will not change.
- D. **Site Plan:** The proposed site plan shows new driving range netting to be located within the southeast area of the subject property. The site plan shows the location of the proposed netting to be 2 feet from the property line that the Country Club shares with Mr. Barker.
- E. **Design:** The design of the proposed netting structure is consistent with the types of driving range netting for golf course facilities, which includes posts with netting attached to the two posts. The proposed netting is designed to catch golf balls from the driving range with a 1 inch mesh size.
- F. **Parking:** The proposed off-street parking provided for the existing Country Club will not be modified under this proposal.
- G. **Trees:** This proposal does not propose to remove any code protected trees, but requires a tree permit to work within the dripline of one tree as indicated in the revised map dated received February 15, 2008. Staff observed on a site visit that the Country Club has voluntarily planted new coniferous trees within the vicinity of the proposed development. The new trees are not shown on the submitted plans, however they are not a requirement of this land use permit. This proposal has been conditioned to require the submittal of updated site plans showing the location of the newly planted trees prior to the issuance of building permits which shall be included in the plans for building permits.
- H. **Landscaping:** There is no landscaping required with this proposed development. .

Deleted: or work within the drip line of any existing trees on the property

## X. CONCLUSION

The proposed development is subordinate and accessory to the existing golf course facility which is a part of the Country Club. The proposed structure is consistent with the existing golf course use on the property and compatible with the structures required to maintain a golf course facility. The proposed development is also compatible with the Single Family Residential Zoning District and Parks and Recreation General Plan designations and should be approved subject to the attached conditions of approval.