

ALAMO IMPROVEMENT ASSOCIATION

For Fine Country Living

P.O. BOX 271 • ALAMO, CALIFORNIA 94507 • (925) 866-3606

April 4, 2008

BY FAX TO 335-1222
Community Development Dept.
651 Pine St., 4th Floor, N. Wing
Martinez, CA 94533-009

Attn: Christine Louie
Re: LP 07-02078
Site: 3169 Round Hill Road

Dear Ms. Louie:

Subject application was reviewed by the Alamo Improvement Association's Planning Committee on March 12th, and by our board the following night.

Application was presented by representatives of the RHCC. Application, as restated, is to modify the original land use permit for a 15 ft. high chain link fence placed within a six (6) foot easement located on the Ken Barker property, immediately adjacent to the RHCC golf course.

The modification will allow for the construction of a cloth mesh fence on RHCC property immediately adjacent to the Barker property, in effect, moving the location of the new fence six (6) ft. from the existing fence location and to include a change in the fence material to cloth mesh and also to include a change in the height of the fence to 45 ft., the purpose of which is to collect the majority of golf balls now intruding onto the Barker property.

A copy of the easement, drawings and a restated definition of the application were provided to the committee by the RHCC representatives.

The original easement was meant to address problems present in the early 1970's.

Improvements to the technology of Golf Clubs, Golf Balls and the design of Golf Courses have significantly changed the dynamics for Driving Ranges.

The property owner, Ken Barker, is being significantly impacted by golf balls intruding onto his property.

A site visit by a committee member verified 14 noticeable indentations present in the garage side door facing the golf course. The site visit also verified the current fence height of 15 ft. with an additional 5 ft. of foliage/shrubbery for a total height of 20 ft.

The original easement and fence height no longer adequately address the problems created by the dynamics of a present day Driving Range, such as Round Hill Country Club's.

Of utmost concern to this Committee is the Safety for Property/Home Owners, Visitors and Pedestrians within the immediate area.

As proposed, the increase in fence height to 45 ft. will provide a greater margin of safety.

However, it is not clear to the Committee what remains as a margin of error.

In addition, the solution of constructing a 45 ft. high fence immediately adjacent to Barker's property creates a negative visual impact to Mr. Barker's property.

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In all other applications, the Committee has options to mitigate negative visual impacts to property owners.

However, the proposal of a 45 ft. high cloth mesh fence presents a significant, monolithic negative visual impact that is outside of any normal methods or options known to this committee to provide a proven solution or mitigation.

The property owner, Mr. Barker, has expressed grave concern regarding this application, citing County Code and Regulation for Nuisances, Violations of County Plan requirements and other County Code violation references including California Civil Code Section 3479 regarding "nuisance" and Cal-OSHA regulations regarding "safety".

Although the application for a fence of 45 ft. in height significantly improves safety (although it may not completely eliminate golf balls from intruding onto the Barker property and Royal Oaks Drive), it also creates visual and other problems.

As a result, this is one of the most difficult applications reviewed by our Committee in some time.

The Committee has been made aware that there are several on-going lawsuits between the two parties, RHCC and property owner, Ken Barker.

Information provided the Committee indicate on-going disputes between the parties about Golf Club characteristics and use, Golf Ball characteristics and use, Design and Location/Relocation of RHCC's Driving Range, RHCC's Policy/Procedures for use of the Driving Range and enforcement of same.

Although many issues remain unresolved and are part of on-going litigation between the parties, they are not part of this Committee's review of this application.

The Committee must now focus on safety for this neighborhood, property owners and pedestrians, in review of this application.

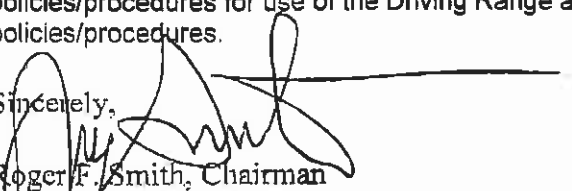
It is AIA's position that there are two (2) items needed in County Planning's review of this application.

The first is that the County Planning Department needs to verify the engineering calculations for distance and trajectory of Golf balls hit from the RHCC Driving Range toward the Barker property and for the corresponding fence height requirements needed. We would suggest County contact the appropriate golf industry association for information on manufacturing standards and testing for golf balls (or other similar resources for this information).

The second is that the County Planning Department require that "story" poles be placed in the location of the proposed fencing and at the fence height required, to provide markers for visual identification of the impact this proposed fencing will have to Ken Barker's property, and for purposes of determining mitigation measures.

The application is recommended for approval as presented with the condition that RHCC provide a copy of their policies/procedures for use of the Driving Range along with evidence of their enforcement of these policies/procedures.

Sincerely,


Roger F. Smith, Chairman
Planning Committee