

**RESOLUTION OF THE SAN RAMON VALLEY REGIONAL PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS AND RECOMMENDATION OF APPROVAL OF A LAND USE PERMIT FOR A DRIVING RANGE NETTING STRUCTURE UP TO 55 FEET HIGH AND 172 FEET LONG FOR THE ROUND HILL COUNTRY CLUB GOLF COURSE DRIVING RANGE WITH HEIGHT AND SETBACK VARIANCES BY ROUND HILL COUNTRY CLUB C/O GREG GONSALVES (APPLICANT & OWNER), COUNTY FILE NUMBER LP07-2078 FOR THE ALAMO AREA OF SAID COUNTY.**

WHEREAS, a request was received on November 30, 2007 by Round Hill Country Club c/o Greg Gonsalves (Applicant & Owner), for an amendment to a land use permit 409-59 for the installation of a driving range netting structure 45 feet in height with variances from the side yard setback and height standards.

Following issuance of public notices on the land use permit application, the County received letters from two neighbors in opposition to the proposed development;

WHEREAS, on September 8, 2008, after issuance of a notice as required by law, the Zoning Administrator conducted a public hearing on the above land use application. The Zoning Administrator accepted public testimony and at the conclusion, approved the application for the netting structure as proposed with variance granted from the side yard setback, determined that the required findings could be made, and that the Categorical Exemption under Section 15301, Class 1 (f), addition of safety protection devices in conjunction with existing structures or facilities, was accepted;

WHEREAS, the following person(s) appeared at the public hearing and opposed the project:

- Kenneth Barker

WHEREAS, the following person(s) appeared at the public hearing in support of the project:

- Ed Shaffer
- Lee Archer
- Greg Gonsalves

WHEREAS, in a letter dated September 9, 2008, the neighbor, Mr. Kenneth Barker, filed an appeal of the Zoning Administrator's decision to approve the land use permit to the San Ramon Valley Regional Planning Commission;

WHEREAS, on October 22, 2008, after issuance of notice as required by law, the San Ramon Valley Regional Planning Commission, acting as Board of Appeals, conducted a public hearing on the appeal of the Zoning Administrator's approval decision;

WHEREAS, the following person(s) appeared at the public hearing and opposed the project:

- Kenneth Barker

WHEREAS, the following person(s) appeared at the public hearing and supported the project:

- Greg Gonsalves
- Ed Shaffer
- Lee Archer
- Fred Glick
- Jeff McClung, Alamo Improvement Association

WHEREAS, at the conclusion of the hearing, the Commission having fully reviewed, considered, and evaluated all testimony and evidence submitted in this matter and upheld the Zoning Administrator's decision and approved the development for driving range netting structure with variances to the side yard setback and height standards. The Commission found justification to grant the variance from the side setback and height standards for the proposed development irrespective of it being called a fence or a structure. In response to the appellant's comments that the netting was not tall enough, the Commission voted to authorize a height up to 55 feet instead of 45 feet as requested by the applicant;

RESOLVED, that the San Ramon Valley Regional Planning Commission finds the application is Categorically Exempt from the requirements of the California Environmental Quality Act under Section 15301, Class 1 (f), the addition of safety devices in conjunction with existing facilities involving the negligible or no expansion of the existing use; and

FURTHER, the Commission makes the following findings with respect to the proposed driving range netting structure:

A. Growth Management Element Performance Standards

- 1) Traffic: The proposed development for driving range netting would not result in additional trips to the subject property. There is no change to the number of peak hour trips to the site. Therefore, preparation of a traffic report pursuant to the Measure C-1988 requirements is not necessary.
- 2) Water: The site is within the service area of East Bay Municipal Utilities District. The District currently provides water service to the site and there is no proposed change in service.

- 3) Sanitary Sewer: The site is within the service area of the Central Sanitary District. The District currently provides sewer service to the site and there is no proposed change in service.
- 4) Fire Protection: The site is within the service area of the San Ramon Valley Fire District.
- 5) Public Protection: The Growth Management standard is 155 square feet of Sheriff's station area and support facilities for every 1,000 members of the population. The proposed development will not increase the residential population within the area, and the proposal will not require the construction of additional Sheriff's facilities.
- 6) Parks and Recreation: The project does not include a residential element and therefore would not have any adverse impacts to existing parks and recreational facilities. The existing golf course is a park and recreation facility
- 7) Flood Control and Drainage: The site is located within Flood Zone C, an area with minimal flooding.

B. Land Use Findings:

1. The proposed project as conditioned will not be detrimental to the health, safety and general welfare of the County.

*Project Finding: The proposed development is intended to provide additional safety features to the golf course facility in response to the neighbor's complaint to the Country Club of golf balls trespassing onto his property. The applicants have already implemented measures in the club which would restrict the use of specific clubs at certain positions on the driving range in order to avoid balls from being hit over the existing 20 foot fence, as indicated by the applicant, at the end of the driving range and onto neighboring properties. The proposal will supplement the policies of the Country Club in protecting the private property that borders the driving range area and is proposed based on the calculations made by the applicant's engineer and recommendations made by the netting company.*

2. The proposed project as conditioned will not adversely affect the orderly development of the property within the County.

*Project Finding: The proposed development for golf course netting is consistent with the use of the Country Club and is complementary to the golf course use that was established under an approved land use permit authorized in 1958. The surrounding residential*

*development was part of the proposed subdivision which included the existing Country Club and 18-hole golf course.*

3. The proposed project as conditioned will not adversely affect the preservation of the property values and protection of the tax base within the County.

*Project Finding: The proposed golf course netting is intended to provide additional safety measures to an existing facility in an attempt to keep golf balls from the driving range to be confined to the driving range area. The proposed project will not alter what has been existing on the site since 1958, and is responding to the neighbor's complaints and the improved technology of golfing equipment. The use of the driving range and golf course has been consistent and according to the applicant, has not changed in location. This development will provide further protection of the neighbor's property from potential golf balls that may fly onto his property.*

4. The proposed project as conditioned will not adversely affect the policy and goals as set by the General Plan.

*Project Finding: The General Plan designation for this site is Parks and Recreation (PR) which allows for golf course uses on the site. The proposal for a netting structure will not have any significant adverse impacts to the policies and goals of the General Plan as this proposal involves the addition of safety equipment to an existing use.*

5. The proposed project as conditioned will not create a nuisance and/or enforcement problem within the neighborhood or community.

*Project Finding: Although, no golf balls were observed flying over the existing 20 foot tall fence by the applicant or staff during a site visit, it is reasonable to accept that there may be golf balls from the driving range that could potentially make it over the existing fence. The proposal is not to modify the location of the golf course facility, but to amend the existing use permit to install a driving range netting structure to the existing facility which exceeds the height and side yard setback standards of the zoning district. The proposed structure will not create a nuisance as the intention of the structure is to provide further protection to the residence that is located at the end of the driving range. The structure in itself will not attract an increased volume of traffic to the area nor will it attract crime or other enforcement issues.*

*Although it can be generally accepted that living next to a golf course and driving range can be annoying when the occasional stray ball is hit outside of the driving range onto private property, the proposed use permit is only for the review of the driving range netting proposed and not for the golf course use on the property. The golf course was established on site in 1958 and is a legal use on the property. Staff understands that the neighbors were aware of this use when they purchased the property and were required to sign a disclosure acknowledging their understanding of the situation.*

6. The proposed project as conditioned will not encourage marginal development within the neighborhood.

*Project Finding: The subject property and surrounding area is fully developed. The proposed project to modify the existing land use permit for the golf course to add driving range netting will not encourage marginal development within the neighborhood.*

7. That special conditions or unique characteristics of the subject property and its location or surroundings are established.

*Project Finding: There is an existing golf course with driving range which has been established as a part of the Country Club which is located within a residential neighborhood on a site designated Parks and Recreation in the General Plan. The proposed development to construct driving range netting is consistent with the existing golf course use and is intended to contain any balls hit from the driving range from entering the neighboring property. The proposed development is intended to respond to the neighbor's complaint to the Country Club and to the new technology that has been established in golfing equipment.*

C. Findings for Requested Variances to Side Yard and Structure height Zoning Design Standards:

1. **That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.**

*Finding: Proposing the driving range netting in a different location to meet the current zoning setback standards or reducing its height to meet zoning height standards will reduce the effectiveness of the proposed netting structure. The granting of this proposal is consistent with similar structures which are constructed on driving ranges or golf courses within*

*the County. Although the subject property is zoned residential, and the surrounding development is residential in nature, the overall proposal is consistent with a residential golf course community and the existing development on the site.*

2. **That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.**

*Finding: This proposed development was filed in response to complaints from the neighboring property owner at 2349 Royal Oaks Drive that golf balls from the existing driving range are flying over the existing fence onto their property. To remedy this neighbor's complaint, the applicant is proposing the netting structure at the specific location. If the applicants were to relocate the proposed structure to a different location to meet the side setback requirement of 10 feet and reduced its height to meet the maximum height of 35 feet the netting structure will not be as effective in providing screening from potential golf ball encroachment onto neighboring properties. Although the golf course staff monitors the area and restricts the use of specific clubs on the driving range to avoid balls from flying onto neighboring lots, the Round Hill Country Club is proposing this structure to remedy the situation.*

3. **That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.**

*Finding: The proposal and the requested variances from the side setback and height requirement meet the intent and purpose of the General Plan designated land use district of Parks and Recreation. The proposal does not introduce a new land use to the property, rather, it proposes an accessory structure which is incidental to the primary use on the property and to the existing golf course driving range. The variances proposed will allow for the addition of a safety structure to be located on the property so that any potential golf balls that may fly over the existing structure and shrubs would be screened from the neighboring property. The Single Family Residential Zoning District (R-15 & R-6) allows for a maximum height of 35 feet for a structure as indicated under § 84-4.802 of the Zoning Ordinance.*

BE IT RESOLVED that the foregoing **APPROVAL** of the land use permit application with variances to the height and side yard setback standards was given by vote of the San

Ramon Valley Regional Planning Commission in a regular meeting Wednesday, October 22, 2008; and

BE IT FURTHER RESOLVED that the Secretary of this Planning Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

The instructions by the Planning Commission to prepare this resolution were given by motion of the San Ramon Valley Regional Planning Commission on Wednesday, October 22, 2008, by the following vote:

AYES:	Commissioners -	Gibson, Matsunaga, Neely, McPherson, Cunningham
NOES:	Commissioners -	None
ABSENT:	Commissioners -	Mulvihill, Couture
ABSTAIN:	Commissioners -	None

WHEREAS, in a letter dated October 23, 2008, following the initial decision on this application by the San Ramon Valley Regional Planning Commission, the neighboring resident at 2349 Royal Oaks Drive appealed the San Ramon Valley Regional Planning Commission's approval of County File LP07-2078 (3169 Round Hill Road) to the Board of Supervisors.

Neal Matsunaga  
Chair of the San Ramon Valley Regional Planning  
Commission  
County of Contra Costa, State of California

ATTEST:

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Catherine O. Kutsuris, Secretary  
San Ramon Valley Regional Planning Commission,  
County of Contra Costa,  
State of California

Contact: Christine Louie, Community Development Division, DCD (335-1237)

cc: Department of Conservation and Development  
CAO  
County Counsel  
Round Hill Country Club c/o Greg Gonsalves (Applicant & Owner)  
File