

SUPPLEMENTAL STAFF REPORT
San Ramon Valley Regional Planning Commission

December 3, 2008

SAN RAMON VAL LEY REGIONAL PLANNING COMMISSION
WEDNESDAY, DECEMBER 3, 2008

I. SURINDER & VINITA SINGH (Applicant / Owners), COUNTY FILE #DP08-3051 - The applicant is requesting a Final Development Plan Modification approval to permit the construction of an 11ft. tall, 300 sq.ft. existing deck built within designated open space. The subject property is located at 101 Wild Oak Ct., in the Danville area of Contra Costa County. (Zoning, P-1) (General Plan, SL & PR) (Census Tract 3551.04) (APN #'s, 203-722-014 & 203-740-012).

II. RECOMMENDATION

Staff recommends that the San Ramon Valley Regional Planning Commission deny County File #DP08-3051, based on the fact the project does not meet the intent and purpose of the P-1, Zoning District, and General Plan designation of PR, Parks and Recreation.

III. OCTOBER 22, 2008, SRVRPC MEETING

- This project was originally heard at the Oct. 22, 2008 Public Hearing.
- The Commission took testimony from the following people:
 - Mr. Richard Beckman, Applicant's Representing Attorney,
 - Mr. Surinder Singh, Applicant,
 - Mrs. Cathy Wilson, who is a neighbor of the Singh's and opposed the deck. Mrs. Wilson's primary concerns were the size, lack of vegetative screening and the legality of building within areas designated as "open space".
 - Mrs. Andrea O'Toole, Representing Attorney for the Blackhawk Homeowners Association (Opposed the project). To supplement Mrs. O'Toole's testimony, the Blackhawk Homeowners Association has submitted a written statement dated November 17, 2008. The letter outlines the HOA's historical and current position regarding their granting of easements and Lot Line Adjustments within the Blackhawk Country Club. In short, the letter indicates "Since 2003, the Blackhawk Homeowners Association has received many requests for Lot Line Adjustments. None have been granted and doing so would be a major change of policy" (See Exhibit A1). To reaffirm staff's response, which was made during the public hearing, neither the County nor the Blackhawk Homeowners Association is supporting approval of these types of applications.

- At the request of the applicant, the Commission continued the Public Hearing to allow Mr. Matt Anderson & Mrs. Mindy Garrison (the applicant's contractors) an opportunity to testify. Mr. Anderson and Mrs. Garrison were present at the Public Hearing; however, both individuals had to leave to address a family related medical emergency.

IV. GRANT DEED OF DEVELOPMENT RIGHTS TO PARCEL 'C' OF SUBDIVISION 5443 – "OPEN SPACE"

During the Hearing, the Commission members discussed the current status of Development Rights to the subject Open Space area (Parcel C of Subdivision 5443). As staff mentioned during the Public Hearing, the Development Rights to this portion of Parcel C have been Grant Deeded to Contra Costa County by the Developer and was recorded on February 17, 1981 (See Exhibit B1). The Grant Deed relinquishes development rights to the County and defines "Development Rights" as: "*the right to approve or disapprove any proposed construction, development or improvement which would substantially and materially change the nature of the "current proposed use" of said real property*". The Grant Deed goes on to provide examples of developments the County would have authority to approve or disapprove; which in part include, trails, landscaped areas, fencing, and walls.

IV. CONCLUSION

Staff recommends that the San Ramon Valley Regional Planning Commission deny County File #DP08-3051, as the project does not meet the intent and purpose of either the P-1 Zoning District or PR/SL General Plan designations in which it is located.