

1999 AMENDMENT TO THE BLACKHAWK  
FINAL DEVELOPMENT PLAN

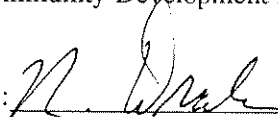
County File #DP98-3022

**CONTRA COSTA COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
APPROVED PERMIT**

APPLICANTS:	Kenneth L. Hanson 4102 Sugar Maple Drive Danville, CA 94506	APPLICATION NO.	DP983022
	Blackhawk Homeowners Association 4125 Blackhawk Plaza Circle, #230 Danville, CA 94506	ASSESSOR'S PARCEL NO.	220-140-009, 203-722-008, 220-140-028, 220-320-005 & -006, 220-190-013, 203-610-006, 220-320-004, 220-260-044
OWNER:	Blackhawk HOA, et al 4125 Blackhawk Plaza Circle, #230 Danville, CA 94506	ZONING DISTRICT:	Planned Unit (P-1) District
		APPROVED DATE:	10/21/99
		EFFECTIVE DATE:	11/1/99

If the conditions of approval are not appealed by the effective date, then this becomes an effective permit for approval of an amendment to the Blackhawk Final Development Plan for specified (1) lot line adjustments to transfer sections of open space parcels to residential lots and related improvements, and (2) provision of private landscape improvements within open space parcels that benefit private residential lots associated with landscape easements which is hereby granted, subject to the attached conditions.

DENNIS M. BARRY, AICP  
Community Development Director

By:   
ROBERT H. DRAKE  
Deputy Zoning Administrator

Unless otherwise provided, THIS PERMIT WILL EXPIRE ONE YEAR from the effective date if the use allowed by this permit is not established within that time.

PLEASE NOTE THE EFFECTIVE DATE, as no further notification will be sent by this office.

**FINDINGS AND CONDITIONS OF APPROVAL FOR MODIFICATION TO THE BLACKHAWK FINAL DEVELOPMENT PLAN AUTHORIZING SPECIFIED EXPANSION OF RESIDENTIAL LOTS INTO OPEN SPACE PARCELS, COUNTY FILE #DP983022 (Hanson/Chan/Blackhawk HOA)**

**FINDINGS**

- A. Required Finding - The proposed modification is consistent with the intent and purpose of the P-1 district.

*Project Finding - The proposed modifications allow relatively small reductions in the common open space area that are not disruptive to a cohesive development including the relationship between open space and residential area, provided that future open space encroachment proposals consider the broader implications of the cumulative effect of the erosion of the open space areas within the project.*

- B. Required Finding - The proposed modification is compatible with uses in the vicinity, both inside and outside the district.

*Project Finding - Each of the lot line adjustments authorized by this approval involve relatively small adjustments in the exterior boundaries of these projects. Prior to this approval, notices of the proposed changes were distributed to the owners of nearby property, none of which resulted in a request for hearing.*

*[Ref. § 84-66.1804(b) of the Ordinance Code]*

**CONDITIONS OF APPROVAL**

1. Development (including proposed transfer of land within the open space parcels) is approved based on the site plans accompanying which accompanied the application for the following sites.
  - A. #101 Wild Oak Court (APN 203-722-008; Jensen)
  - B. #4080 Eagle Nest Lane (APN 220-140-009; Chan)
  - C. #3291 Blackhawk Meadow Drive (APN 220-140-028; Freed)
  - D. #3461 Country Club Place (APN 220-320-005; Woo/George)
  - E. #3451 Country Club Place (APN 220-320-006; Lee and Cheng)
  - F. #4254 Golden Oak Court (APN 220-190-013; Scott)
  - G. #23 Birchwood Place (APN 203-610-006; Straface)

- H. #3471 Country Club Place (APN 220-320-004; Lenches)<sup>1</sup>
- I. #4126 Quail Run Drive (APN 220-260-044; Wolfson)

Authorization is also granted to allow the following landscape easements and related landscape improvements which do not involve the deeding of land between parties.

- #30 Pheasant Run Place (APN 220-700-002; Aeshbach)
- #4275 Quail Run Place (APN 220-270-009; Kappos)

2. Board of Supervisors Authorization Required - The properties which are proposed to be transferred and developed are subject to an encumbrance held by the County. At the time of the approval of the subdivision, the development rights over the open space parcels were conveyed to the County.

This approval is contingent on Board of Supervisors authorization to allow the proposed transfer of open space property to private residential lots.

3. Required Approval of Individual Lot Line Adjustments - Subject to Board of Supervisors authorization of the approved transfer of lands, before the transfers of lands can be implemented, applications for individual Lot Line Adjustments by the respective property owners must be filed with, and approved by the Community Development Department.
4. Acknowledgement Statement to Accompany Future Proposed Transfer of Open Space Lands - If there are any future proposals to the County for the transfer of land from, or private improvement of, open space parcels, the proposals shall be accompanied by the attached acknowledgement form which shall have been properly filled out by both the Blackhawk Homeowners Association and by the respective owner of the affected residential lot.

By accepting this permit, the Blackhawk HOA agrees to be bound by and to comply with the above conditions of approval.

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<sup>1</sup>The transfer of a 4000-square foot section of open space area is authorized for the rear (east side) of the Lenches property at #3471 Country Club Place.

**ADVISORY NOTES**

THE FOLLOWING INFORMATION DOES NOT CONSTITUTE CONDITIONS OF APPROVAL. IT IS PROVIDED TO ALERT THE APPLICANT TO LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES TO WHICH THIS PROJECT MAY BE SUBJECT.

**A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.**

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90 day period after the project is approved.

The ninety (90) day period in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and delivered to the Community Development Department within 90 days of the approval date of this permit.

COUNTY

**ACKNOWLEDGEMENT TO ACCOMPANY PROPOSALS  
TO THE COUNTY  
TO EXPAND PRIVATE LOTS INTO COMMON OPEN AREA  
WITHIN THE BLACKHAWK RESIDENTIAL PROJECT**

**Community Development Department  
Contra Costa County**

This document is to be used where the Blackhawk Homeowners Association (HOA) and the owner of a private residential lot within Blackhawk are proposing to transfer a portion of a common open space parcel within Blackhawk to the residential lot. When such a lot line adjustment (LLA) is proposed to the County, it shall be accompanied by this statement after it has been filled out by both a duly authorized representative of the HOA and the affected residential lot owner.

When parties initially inquire to the HOA on a proposed LLA, the Association will provide this document to them. If the HOA agrees to the LLA, then a representative of the HOA shall complete this form and provide it to the affected lot owner to fill out and submit to the County with the appropriate development permit application.

Blackhawk Planning Background

- A. In the mid-1970's, the County approved the Blackhawk residential project Final Development Plan under the Planned Unit (P-1) District. Prior to its approval, the County undertook an extensive analysis of various environmental impacts of the proposed project in an Environmental Impact Report which assessed such factors as geotechnical, biologic, land use, aesthetic, and archaeological impacts.
- B. As a result of that environmental review and review of the project, the approved Final Development Plan provided that a major portion of the Blackhawk project would be retained in open space parcels. To further assure appropriate protection of the project open space in an undeveloped condition, the County approval provided that the development rights for the open space parcels would be grant deeded to the County.
- C. Unless otherwise authorized, proposed improvements to, or transfer of land from, the open space parcels requires that the interested parties file with and obtain from the County:
  - 1) an application to amend the Final Development Plan; and
  - 2) Board of Supervisors authorization for the proposed changes within the deed restricted open space parcels.

Where a transfer of land is involved, an application for a lot line adjustment must also be approved by the Community Development Department, and properly executed.

Moreover, pursuant to the requirements of the California Environmental Quality Act, it is the County responsibility to fully assess potential environmental impacts of any such proposal including cumulative as well as project-level, indirect as well as direct.

County Planning Agency Position on Lot Line Adjustment Proposals

- A. Approach Preferred by the County - It is the County Planning Agency position that no new LLA's should be authorized until the HOA has processed an amendment to the Final Development Plan that provides for an overall plan that considers potential expansion of *all* private lots adjoining open space areas. Such a plan would consider soil stability conditions, grading restrictions, drainage, structure placement, privacy considerations, fence design, and appropriate protection of wildlife and mature trees. Before hearing such a proposal, the County would conduct appropriate environmental review and provide notice to all residents within Blackhawk, and other potentially interested parties.
- B. Processing of Individual LLA's in Absence of an Overall Approved Plan - In the absence of an overall plan proposal from the HOA for accommodating LLA's throughout the project that has been approved by the County, the County Community Development Department will discourage but still accept individual LLA proposals. Due to the cumulative effect of such proposals, they will be treated as a substantial modification to the Final Development Plan which will require a noticed public hearing. The full cost of processing an application with the County must be borne by the applicant, even if the application is denied.

Any proposal will initially require application to amend the Final Development Plan. The submittal shall include the following:

- 1) Completion and submittal of this acknowledgement form.
- 2) A written statement from the HOA on why it would not be reasonable for the County to require processing of an overall plan proposal before considering the current application.
- 3) Other standard application submittals (site plans, application forms, fees, notification materials, etc.) which the applicant can secure after consulting with the Community Development Department.

In signing the below form, the interested parties are acknowledging that they have read and understand the above information.

<b>Blackhawk HOA Representative</b>	<b>Private Residential Lot Owner</b>
Print Name:	Print Name:
Signed	Signed

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10/21/99

<i>Office Use Only</i>
CDD File No.