

RESOLUTION NO. 20-2009

RESOLUTION OF THE SAN RAMON VALLEY REGIONAL PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, OF A FINAL DEVELOPMENT PLAN MODIFICATION REQUEST, FOR AN EXISTING 11-FOOT TALL, APPROXIMATELY 1,000-SQUARE-FOOT DECK BUILT WITHIN DESIGNATED OPEN SPACE. SURAINDER & VINITA SINGH (APPELLANTS & OWNERS), (County File #DP08-3051) AT 101 WILD OAK COURT IN THE DANVILLE/BLACKHAWK AREA.

WHEREAS, on July 22, 2008, Surainder & Vinita Singh submitted a Final Development Plan Modification request to permit the construction of an 11-foot tall, approximately 1,000-square-foot existing deck built within designated Open Space in the Danville/Blackhawk area of Contra Costa County; and

WHEREAS, after a notice having been lawfully given, a public hearing on the request for a Final Development Plan approval was scheduled before the San Ramon Valley Regional Planning Commission on Wednesday, October 22, 2008, public testimony was taken from the property owners, as well as all interested parties then continued to Wednesday, December 3, 2008; and

WHEREAS, on Wednesday, December 3, 2008, the San Ramon Valley Regional Planning Commission having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter;

NOW, THEREFORE BE IT RESOLVED that the San Ramon Valley Regional Planning Commission:

1. Denies the Final Development Plan Modification request filed by Surainder & Vinita Singh (Appellants & Owners).

BE IT FURTHER RESOLVED, the San Ramon Valley Regional Planning Commission of Contra Costa County determines that sufficient evidence has not been produced to show that any of the ordinance findings required for granting the modification request under the zoning district that applies to this site could be made for this project; such required ordinance findings are as follows:

BE IT FURTHER RESOLVED that the reasons for this recommendation are as follows:

DEVELOPMENT PLAN FINDINGS

1. Required Finding: The proposed amendment is consistent with the intent and purpose of the Planned Unit District.

Project Finding: The applicant is requesting to legalize an 11-foot tall, approximately 1,000-square-foot deck constructed within an area designated as Open Space. The Blackhawk subdivision was approved to allow for a community that incorporated significant amounts of land dedicated to open space. The legalization of a deck for private use within that open space land is inconsistent with the Planned Unit District. Further, the approval of the project would lead to similar requests, resulting in a further loss of that open space.

2. Required Finding: The proposed amendment is compatible with other uses in the vicinity, both inside and outside of the Planned Unit District.

Project Finding: The applicant proposes to legalize an existing deck constructed within land designated as Open Space. When a large scale development such as Blackhawk is approved, open space is dedicated for the community's benefit. The boundary lines for this open space were not established for the benefit of a private property owner. Approval of the proposed modification to the Final Development Plan could have a significant effect on other uses in the vicinity due to the precedent setting impact and loss of privacy for surrounding property owners.

BE IT FURTHER RESOLVED that the Secretary of the San Ramon Valley Regional 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 San Ramon Valley Regional Planning Commission to prepare this resolution were given by motion of the San Ramon Valley Regional Planning Commission on Wednesday, December 3, 2008, by the following vote:

AYES: Commissioners - None

NOES: Commissioners - Matsunaga, Couture, Gibson, McPherson, Neely, Cunningham

ABSENT: Commissioners - Mulvihill

ABSTAIN: Commissioners - None

Whereas, following the December 3, 2008 decision of the San Ramon Valley Regional Planning Commission to deny the requested Final Development Plan Modification application, on December 11, 2008, Surainder & Vinita Singh filed an appeal of the San Ramon Valley Planning Commission's decision to the Board of Supervisors.

NEAL MATSUNAGA,
Chairman of the San Ramon Valley Regional
Planning Commission,
County of Contra Costa, State of California

I, Catherine O. Kutsuris, Secretary of the San Ramon Valley Regional Planning Commission, certify that the foregoing was duly called and denied on December 3, 2008.

ATTEST:



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