

RESOLUTION NO. 15-2011

RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DENYING AN APPEAL OF THE COUNTY ZONING ADMINISTRATOR'S DECISION TO APPROVE LAND USE PERMIT #LP09-2026 FOR A NEW 9,400-SQUARE FOOT FIRE STATION AND INCORPORATING FINDINGS AND CONDITIONS OF APPROVAL FOR THE FIRE STATION IN THE ALAMO AREA OF SAID COUNTY.

WHEREAS, ATI Architects (Applicant) and the San Ramon Valley Fire Protection District (Owner) proposes development of a new 9,400-square foot Fire Station #32 on a 1.1-acre property located at the corner of Stone Valley Road and Miranda Avenue in the Alamo area in Contra Costa County, for which an application was received on June 3, 2009; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State & County CEQA Guidelines, a Final Initial Study, a Final Mitigated Negative Declaration, Final Response to Comments and Final Mitigation Monitoring Program dated June 2011 was prepared to determine whether an environmental impact report should be prepared for the Project; and

WHEREAS, the Final Mitigated Negative Declaration/Initial Study identified potentially significant impacts related to aesthetics, air quality, biological resources, hazards and hazardous materials, cultural resources, geology and soils, hydrology and water quality, noise, transportation and traffic and utilities and service systems, and the Initial Study recommended mitigation measures which would reduce each identified impact to a less than significant level; and

WHEREAS, on December 22, 2010 and January 19, 2011 the County published a Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration, which Notice recited the foregoing facts, indicated that the applicant had agreed to accept each mitigation measure recommended by the Initial Study, started a period for public comments on adequacy of the environmental documents related to the Project until February 7, 2011; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Zoning Administrator on Monday, June 20, 2011, where all persons interested therein might appear and be heard; and

WHEREAS, after accepting testimony, the Zoning Administrator continued the public hearing to the July 11, 2011 hearing date; and

WHEREAS, after accepting public testimony and modifying the staff recommended conditions of approval, the County Zoning Administrator approved Land use Permit #LP092026 for Fire Station #32 and adopted the Final Initial Study, Final Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project; and

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WHEREAS, on July 18, 2011, within the time allotted by law, an appeal of the Zoning Administrator's decision to approve the Fire Station was received by the Department of Conservation and Development; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Board of Appeals (County Planning Commission) on Tuesday, August 23, 2011, where all persons interested therein might appear and be heard; and

WHEREAS, after having fully reviewed, considered and evaluated all the testimony and evidence submitted in this matter;

NOW, THEREFORE, BE IT RESOLVED, that the County Planning Commission:

FINDS that on the basis of the whole record before the County, including the June 2011 Final Initial Study, a Final Mitigated Negative Declaration, Final Response to Comments and Final Mitigation Monitoring Program, that the project will not result in a significant impact to the environment and that the proposed June 2011 Final Mitigated Negative Declaration reflects the County's independent judgment and analysis; and

DENIES the appeal submitted by Mr. Haller et al; and

UPHOLDS the July 11, 2011 County Zoning Administrator's approval of County File #LP09-2026 and adoption of the Final Initial Study, Final Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project; and

BE IT FURTHER RESOLVED that the County Planning Commission FINDS as follows:

A. LAND USE PERMIT FINDINGS

- 1) *The proposed conditional land use shall not be detrimental to the health, safety and general welfare of the county;*

Project Finding: The San Ramon Valley Fire Protection District's new Fire Station #32 is being built as an upgrade to the existing Fire Station #32 which is located approximately 0.4-miles west on Stone Valley Road. The construction of a new station will provide the district with an efficient, reliable, and self sustaining emergency response facility that will serve the needs of the residents of Alamo for the foreseeable future. Based on the information provided with the application and based on the Final Mitigated Negative Declaration prepared for the project, the new Fire Station will not be detrimental to the health, safety and general welfare of the County, but will instead benefit the County.

- 2) *The proposed conditional land use shall not adversely affect the orderly development of property within the county;*

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Project Finding: The fire station will be located on a 1.1-acre parcel located at the corner of Stone Valley Road and Miranda Avenue in a residential neighborhood. The fire station will be a 9,400 square foot single story building that incorporates many residential design features meant to maintain consistency with the character of the surrounding neighborhood. The fire station is consistent with the setback, side yard and height requirements of the R-20 Zoning District in which it is located.

- 3) *The proposed conditional land use shall not adversely affect the preservation of property values and the protection of the tax base within the county;*

Project Finding: The fire station is designed in a manner that is consistent with the character of the surrounding single family residential neighborhood. The building and accessory structures will meet all of the development standards of the R-20 zoning district in which the property is located. Fire stations are commonly found in single family residential neighborhoods and generally do not adversely affect surrounding property values.

- 4) *The proposed conditional land use shall not adversely affect the policy and goals as set by the general plan;*

Project Finding: Based on the submitted building and site plans, the attached conditions of approval and the mitigation monitoring program prepared for the project, the fire station will not adversely affect the policy and goals as set by the County General Plan. The fire station application was processed according to the provisions of the County General Plan and was reviewed for consistency with all relevant General Plan goals and policies.

- 5) *The proposed conditional land use shall not create a nuisance and/or enforcement problem within the neighborhood or community;*

Project Finding: The fire station will not create a nuisance or enforcement problem within the neighborhood or community. The fire station will house six firefighters and will provide the neighborhood and community with a new, safe, and updated emergency response facility. A mitigated negative declaration was prepared for the fire station and information in the MND indicates that the fire station will not result in any noise or traffic impacts or nuisances.

- 6) *The proposed conditional land use shall not encourage marginal development within the neighborhood;*

Project Finding: The fire station will be located on the corner of Stone Valley Road and Miranda Avenue in a residential neighborhood. The fire station incorporates many residential design features and will be compatible with the character of the neighborhood. The fire station complies with the development standards of the R-20 Zoning District in which it is located including all height, setback and sideyard requirements. A fire station

is a use that is not uncommonly found in residential neighborhoods throughout the County and is not considered a marginal use.

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

Project Finding: The subject 1.1-acre site is located at the intersection of Stone Valley Road and Miranda Avenue in the Alamo area. The intersection is signalized which is one of the main reasons that the Fire District selected this location since they would have the ability to control traffic at the intersection with signal pre-emption. The site's location on Stone Valley Road, which is one of the main thoroughfares in the Alamo area, will also provide the Fire District with easy quick and easy access to any emergencies within the station's service area.

B. GROWTH MANAGEMENT PERFORMANCE STANDARDS

- 1) Traffic: The fire station will house six firefighters who will work 48-hour shifts. The only traffic generated by the fire station will be during shift changes and when going on emergency calls. According to the Fire District, the average amount of call for the fire station will be 1.5 per day.
- 2) Water: The fire station will not result in a significant increase in demand for municipal water.
- 3) Sanitary Sewer: The fire station will not result in a significant increase in sanitary services.
- 4) Fire Protection: Relocation of Fire Station #32 will not increase the need for fire protection services in the area.
- 5) Public Protection: Relocation of Fire Station #32 will not result in an increased need for police services or protection.
- 6) Parks & Recreation: Relocation of Fire Station #32 will not result in an increased need for recreational facilities.
- 7) Flood Control & Drainage: A portion of the subject property is located within the 100-year flood zone but none of the new building will be located within the flood zone. The runoff generated by the fire station will be collected, cleaned and then conveyed into the existing storm drain facilities located within Miranda Avenue.

C. TREE PERMIT REMOVAL FINDINGS

- 1) Required Factor for Granting Tree Permit: The County Zoning Administrator is satisfied that the following factor as provided by County Code Section 816-6.8010 for granting a tree permit has been satisfied:

Project Factor: Reasonable development of the property would require the alteration or removal of the trees and this development could not be reasonably accommodated on another area of the lot.

D. EXCEPTION TO TITLE 9 (SUBDIVISION ORDINANCE) FINDINGS

- 1) *There are unusual circumstances or conditions affecting the property.*

Project Finding: The creek structure setback line as calculated using the formula in the Rights-of-Way and Setbacks Chapter (Chapter 914-14) of the County Subdivision Ordinance (Title 9) rendered a large portion of the subject property unbuildable and unusable.

- 2) *The exception is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

Project Finding: In order for the Fire District to utilize the property in a reasonable manner, an exception to the creek structure setback is required. The District is not requesting that the creek structure setback requirement be eliminated just that the line be moved beyond the footprint of the proposed fire station. The Fire District has provided evidence in the form of a Geotechnical Exploration Study prepared by ENGEO, dated December 9, 2009 and Creek Setback Recommendations Report prepared by ENGEO dated January 13, 201 providing evidence and support for granting the exception to the setback.

- 3) *The granting of the exception will not be materially detrimental to the public welfare or injurious to other property in the territory in which the property is located.*

Project Finding: The Geotechnical Exploration Study prepared for the site indicates that the creek bank is stable; therefore allowing an exception to the creek structure setback will not be materially detrimental to the public welfare or injurious to other property owners in the area. The exception will only allow the creek structure setback line to be moved, at a maximum 10-feet north from its calculated location.

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NOW BE IT RESOLVED that the secretary of this Commission will sign and attest the certified copy of this resolution all in accordance with the Government Code of the State of California.

This Resolution was approved upon motion of the Planning Commission on Tuesday, August 23, 2011 by the following vote:

AYES: Clark, Sloan, Terrell, Peterson and Snyder

NOES: None

ABSENT: None

ABSTAIN: Gaddis and Steele

Don Snyder, Chair
County Planning Commission
County of Contra Costa, State of California

ATTEST:



ARUNA BHAT, Secretary
County Planning Commission,
County of Contra Costa,
State of California