

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 05/05/2015 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2015/121

The appeal of the County Planning Commission's decision to approve a Vesting Tentative Map for a 2-Lot Minor Subdivision in Alamo (County Files MS11-0006 & DP12-3029).

WHEREAS, Albert Rubey (Applicant and Owner) proposes to subdivide a developed 58,326-square-foot parcel into two lots, and a Final Development Plan for construction of an approximately 3,000-square-foot, two-story commercial building, and to modify the site's off-street parking configuration. The applicant also requests approval of a Tree Permit to work within the driplines of five (5) code-protected Valley Oak trees for the construction of the proposed commercial building, within the community of Alamo of Contra Costa County, for which applications were received by the Department of Conservation and Development, Community Development Division on November 14, 2011 and October 23, 2012; and WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), and State and County CEQA Guidelines, staff has determined that the proposed action is Categorically Exempt under Government Code Sections 15303(c), Class 3 exemption, for new construction or conversion of small structures, and 15315, Class 15 exemption, for minor land divisions; and WHEREAS, after notice having been fully given, a public hearing was scheduled before the County Zoning Administrator on Monday, July 7, 2014, during which hearing the Zoning Administrator continued the hearing to August 4, 2014; and WHEREAS, after notice having been fully given, a public hearing was scheduled before the County Zoning Administrator on Monday, August 4, 2014, during which hearing the Zoning Administrator fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter, changed the CEQA status from a Negative Declaration to Categorically Exempt and approved the Project; and WHEREAS, on August 14, 2014, the Department of Conservation and Development, Community Development Division received an appeal by TRH Holdings LLC of the Zoning Administrator's decision citing the right of the Appellants to shared use of deeded parking spaces in the Alamo Plaza Shopping Center and for changing the CEQA status of the Project from a Negative Declaration to Categorically Exempt; and WHEREAS, after notice having been fully given, a public hearing was scheduled before the County Planning Commission on Tuesday, December 16, 2014, during which the Commission fully reviewed, considered, and evaluated all the testimony and evidence submitted in this matter; and WHEREAS, on December 24, 2014, the Department of Conservation and Development, Community Development Division received an appeal by TRH Holdings LLC of the County Planning Commission's decision citing the right of the Appellants to shared use of deeded parking spaces in the Alamo Plaza Shopping Center and for changing the CEQA status of the Project from a Negative Declaration to Categorically Exempt.

The Board of Supervisors takes the following Actions.

1. FINDS for purpose of compliance with the California Environmental Quality Act, that the proposed action is Categorically Exempt under Government Code Sections 15303(c), Class 3 exemption, for new construction or conversion of small structures, and 15315, Class 15 exemption, for minor land divisions; and
2. DENIES the appeal of TRH Holdings LLC of the Planning Commission's decision of December 16, 2014; and
3. UPHOLDS the Planning Commission's decision of December 16, 2014; and
4. APPROVES the Vesting Tentative Map for County File MS11-0006 based on the Growth Management Performance Standards and Tentative Map Findings, subject to the conditions of approval; and
5. APPROVES the Development Plan for County File DP12-3029, based on the Growth Management Performance Standards and Development Plan Findings, subject to the conditions of approval.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Gary Kupp (925) 674-7799

ATTESTED: May 5, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: