

EXHIBIT 1

RESOLUTION NO. 5-2015

RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS AND RECOMMENDATIONS FOR, COUNTY FILES MS11-0006 & DP12-3029, IN THE ALAMO AREA OF SAID COUNTY.

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, located in 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.

NOW, THEREFORE, BE IT RESOLVED that the County Planning Commission ("this Commission") 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 Zoning Administrator's decision of August 4, 2014; and
3. UPHOLDS the Zoning Administrator's decision of August 4, 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.

NOW BE IT FURTHER RESOLVED that the reasons for these recommendations are as follows and as described in the Planning Commission Staff Report:

PROJECT FINDINGS

A. Growth Management Performance Standards

1. **Traffic:** A traffic study was conducted for the proposed project which concluded that both proposed Parcels A and B would have access from both Danville Boulevard and Stone Valley Road West from the existing driveways. A third access is from the Alamo Plaza shopping center, which has numerous driveways to the surrounding streets. There are currently two internal connections to Alamo Plaza parking lots from the undivided subject parcel, one of which will be displaced by the new commercial building on Parcel B. Nonetheless, the study concluded that the resulting traffic circulation will be very adequate. The traffic study also conducted a traffic-impact analysis of the Stone Valley Road/Danville Boulevard intersection. It was determined that in the a.m. peak hour, a total of 3,493 vehicles typically use the intersection, and that five additional a.m. trips are expected to be

generated by the proposed project, a 0.14 percent increase in traffic. In the peak p.m. hours, a total of 3,425 vehicles typically use the intersection, and that nine additional p.m. trips are expected to be generated by the project, a 0.26 percent increase in traffic. The study concluded that these increases would be insignificant. Therefore, based on these conclusions provided by the traffic study, the project will not adversely impact or increase traffic in the area.

2. **Water:** The subject parcel currently receives water service from the East Bay Municipal Utility District (EBMUD), and implementation of the project would require a new meter for each lot, once subdivided. The applicant is to avoid any construction within the EBMUD right-of-way located on the subject property without their review and approval. Implementation of the project will not burden water service to the subject parcels or surrounding properties.
3. **Sewage Disposal:** The proposed project is to subdivide an existing commercial parcel and construct a new 3,000-square-foot commercial building. The subject property is already serviced by Central Contra Costa Sanitary District and no comments were received from them that indicated that an expansion to the wastewater treatment system would be required for the project. Aside from tying into the existing sanitary sewer infrastructure, the project would not result in the construction of new sewage or wastewater treatment facilities or the expansion of existing facilities. Therefore, the project will not impact water-quality standards or waste-discharge requirements.
4. **Fire Protection:** The subject property is located within the service area of and currently receives fire protection services from the San Ramon Valley Fire Protection District (SRVFPD). In the event that any improvements are made on the proposed parcels in the future, those structures would also fall within the service area of, and be subject to the regulations of the SRVFPD. The closest fire station is located approximately 0.5 miles east of the project site at 1101 Stone Valley Road in Alamo. Therefore, the proposed project will not impact the County's ability to maintain the standard of having a fire station located within one and one-half miles of development in urban, suburban, and central business district areas.
5. **Public Protection:** The Growth Management Element standard is 155 square feet of Sheriff's facility/station area and support facilities for every 1,000 members of the population. The construction of the proposed commercial building would not induce a significant population increase within the County that would equal or exceed 1,000 people. Also, the scale and type of retail/office uses that could be established on the proposed parcels would not generate job opportunities for a workforce of 1,000 or more people. Therefore, the proposed project would not impact the County's ability to maintain the standard of having 155 square feet of Sheriff's station area and support facilities per 1,000 members of the population.

6. **Parks and Recreation:** Increased use of parks and other recreational facilities typically results from general population growth over time and from development of specific projects that increase the number of people in the immediate vicinity of such facilities. Impacts on public facilities such as parks are usually caused by increases in population. Implementation of the proposed project is not anticipated to induce population growth since no new residences are proposed. The proposal is to subdivide a commercial parcel of land and to establish a commercial building; no recreational facilities are proposed as part of the project which would create substantial additional service demands on local parks or have an adverse physical effect on the environment. Nonetheless, the new commercial building will be staffed with employees and frequented by clientele who may use nearby park and recreational facilities for breaks and lunch hours, but any such potential increase in the usage of parks and recreational facilities will be negligible due to the small scale of the project.
7. **Flood Control and Drainage:** The site is located within Drainage Area 13 and San Ramon Creek watershed. It appears that basic drainage infrastructure has been installed. According the vesting tentative map, the existing northern on-site storm drain system will connect to the existing 30-inch storm drain pipe on Danville Boulevard, while the southern on-site storm drain system will connect to the existing 42-inch storm drain pipe on Stone Valley Road. Therefore, the proposed project will not adversely impact or alter flood control and drainage patterns.

B. Tentative Map Findings

1. ***The Zoning Administrator shall not approve a tentative map unless he shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the applicable general and specific plans required by law.***

Project Finding: The subject property is located in the downtown commercial center of Alamo, and has a General Plan land use designation of Commercial (CO). The CO designation allows a broad range of commercial uses typically found in smaller-scale neighborhood, community and thoroughfare commercial districts, including retail and personal-service facilities, limited office, and financial uses. The proposed use on the newly created Parcel B will be for the construction of a commercial building which is consistent with the Commercial General Plan designation. The CO designation requires a site-coverage maximum of 40%, a maximum floor-area ratio of 1.0, and a building-height maximum of 35 feet. The subdivision site coverage for Parcel A will be 23.4%, and the subdivision site coverage for Parcel B will be 21.6%. The floor area ratio for Parcel A will be 0.5, and the floor area ratio for Parcel B will be 0.4. The proposed new building on Parcel B will be 26 feet in height. Based on the project plans and data, the proposal is consistent with the overall goals and policies of the General Plan.

2. ***When approving a tentative map for a minor subdivision, the Zoning Administrator shall make findings as required concerning the fulfillment of construction requirements.***

Project Finding: The applicant will be required to comply with all requirements for access and drainage improvements that have been provided as conditions of approval for the project. Additionally, the applicant will also need to comply with any construction/development requirements imposed by the San Ramon Valley Fire Protection District, the Building Inspection Division and all applicable building codes, the Contra Costa Environmental Health Division, the East Bay Municipal Utility District, and the Central Contra Costa Sanitary District at the time of Building Permit issuance. These agencies were all solicited for their comments on the proposed minor subdivision and none have responded in opposition to the project.

C. Development Plan Findings

That the proposed project is consistent with the purpose of the Retail Business District (R-B) and that it is architecturally compatible with other uses in the vicinity, both inside and outside the district.

Project Finding: The subject parcel is zoned Retail Business District (R-B), which allows under County Code Section 84-52.402(1) *"[t]he carrying on of a retail business...provided all sales, demonstrations, displays, services and other activities of the retail business are conducted within an enclosed building...."* A commercial building, such as proposed as part of this project, is consistent with this purpose of the R-B zoning district. The subject property is a flat lot and it is located in close proximity to other commercial and retail buildings in Alamo Plaza shopping center. The surrounding commercial area is made up of offices, gas stations, and retail stores of varying ages and architectural styles. The proposed conceptual professional building will be generally architecturally compatible with the commercial character of the downtown Alamo area and with the surrounding commercial buildings. There are no architectural elements of this proposal that would diverge or detract from the character of the other properties in the vicinity.

D. Tree Permit Findings

Criteria for Review of a Tree Permit

- i. **Required Factors for Granting Permit:** The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied as marked:

1. ☐ The arborist report indicates that the subject trees are in poor health and cannot be saved.
2. ☐ The tree is a public nuisance and is causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.).
3. ☐ The tree is in danger of falling and cannot be saved by some other means (such as pruning).
4. ☐ The tree is damaging existing private improvements on the lot such as a building foundation, walls, patios, decks, roofs, retaining walls, etc.
5. ☐ The tree is a species known to be highly combustible and is determined to be a fire hazard.
6. ☐ The tree is a species or the form of the tree does not merit saving (i.e. a tree stunted in growth, poorly formed, etc.).
7. ☒ Reasonable development of the property would require the alteration or removal of the tree, and this development could not be reasonably accommodated on another area of the lot.
8. ☐ The tree is a species known to develop weaknesses that affect the health of the tree or the safety of people and property. These species characteristics include but are not limited to short-lived, weak-wooded and subject to limb breakage, shallow-rooted and subject to toppling.
9. ☒ Where the arborist or forester report has been required, the Deputy Director of the Community Development Division is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.
10. ☐ None of the above factors apply.

ii. **Required Factors for Denying a Tree Permit:** The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for denying (or modifying) a tree permit application have been satisfied as marked:

1. ☐ The applicant seeks permission for the alteration or removal of a healthy tree that can be avoided by reasonable redesign of the site plan prior to project approval (for nondiscretionary permits).

2. ☐ It is reasonably likely that alteration or removal of the tree will cause problems with drainage, erosion control, land stability, windscreen, visual screening, and/or privacy and said problems cannot be mitigated as part of the proposed removal of the tree.
3. ☐ The tree to be removed is a member of a group of trees in which each tree is dependent upon the other for survival.
4. ☐ The value of the trees to the neighborhood in terms of visual effect, wind screening, privacy and neighboring vegetation is greater than the hardship to the owner.
5. ☐ If the permit involves trenching or grading and there are other reasonable alternatives including an alternate route, use of retaining walls, use of pier and grade beam foundations and/or relocating site improvements.
6. ☐ Any other reasonable and relevant factors specified by the Deputy Director of the Community Development Division.
7. ☒ None of the above factors apply.

WHEREAS, in a letter dated December 24, 2014, Miller Starr Regalia filed an appeal of the Commission's decision to approve the Minor Subdivision and Development Plan applications, citing objections to the project's use of deeded parking spaces and the project's Categorical Exemption from CEQA; and

NOW BE IT RESOLVED that the secretary of this 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.

This Resolution was approved upon motion of the County Planning Commission on Tuesday, December 16, 2014 by the following vote:

AYES: Commissioners Terrell, Snyder, Steele, Stewart, Swenson, Clark, and Wright

NOES: None

ABSENT: None

ABSTENTIONS: None

Don Snyder

Chair of the County Planning Commission
County of Contra Costa, State of California

ATTEST:



Aruna Bhat, Secretary
County of Contra Costa
State of California