

**RESOLUTION NO. 10-2016**

**RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS FOR THE APPROVAL OF THE TENTATIVE MAP AND A RECOMMENDATION FOR APPROVAL OF THE REZONING AT 20 ALAMO GLEN TRAIL IN THE ALAMO AREA OF SAID COUNTY.**

WHEREAS, Alamo Glen, LLC (Applicant and Owner) submitted a request for the approval of a tentative map for a four-lot minor subdivision, and rezoning of the 2.41-acre site identified as 20 Alamo Glen Trail, in the Alamo area of Contra Costa County, for which an application was received by the Department of Conservation and Development, Community Development Division, on May 28, 2015; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), and State and County CEQA Guidelines, the Department of Conservation and Development posted and circulated a Notice of Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration for public comment on March 1, 2016, which indicated that, as mitigated, the project would not result in significant environmental impacts; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on Tuesday, May 24, 2016, whereat, all persons interested in the matter might appear and be heard; and

WHEREAS, at the hearing, the Planning Commission accepted staff's recommendation that Conditions of Approval #61 and #62 should read as follows:

**Modified Condition of Approval #61:** Prior to *filing the Parcel Map*, the property owner(s) shall enter into a standard Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.

**Modified Condition of Approval #62:** Prior to *filing the Parcel Map*, the property owner(s) shall annex the subject property into Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities by property owners.

WHEREAS, on Tuesday, May 24, 2016, during which hearing the County Planning Commission fully reviewed, considered and evaluated all testimony and evidence submitted in this matter;

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

1. FINDS that on the basis of the whole record before the County (Department of Conservation and Development) that there is no substantial evidence that the project will have a significant effect on the environment, and that the March 1, 2016, Mitigated Negative Declaration prepared for the project reflects the County's independent judgment and analysis;
2. ADOPTS the March 1, 2016, Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project, and recommends that the Board of Supervisors adopts the same;
3. APPROVES the Tentative Map prepared by Apex Civil Engineering and Land Surveying, dated December 1, 2015 and received by the CDD on December 2, 2015, subject to the Conditions of Approval; and
4. RECOMMENDS that the Board of Supervisors ADOPT an ordinance to the rezone the subject 2.41-acre site from the General Agricultural (A-2) zoning district to the Single-Family Residential (R-20) zoning district.

BE IT FURTHER RESOLVED that the County Planning Commission's approval of the tentative map and recommendation to the Board of Supervisors is based upon the following findings:

**A. Growth Management Performance Standards**

1. Traffic: The project proposes to rezone the site from a General Agricultural (A-2) zoning district to a Single-Family Residential (R-20) zoning district, and subdivide the lot into four parcels, for future development with a single-family home on each parcel. Policy 4-c under the Growth Management Program (GMP) of the County General Plan requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The proposed project would not create 100 additional peak hour traffic trips to and from the site. Therefore, a traffic impact analysis is not required.

Temporary impacts on traffic may occur during the construction phase of the project. The project will be required, with a condition of approval, to provide a Traffic Control Plan for review and approval by the Public Works Department.

2. Water: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The proposed project has been reviewed by the East Bay Municipal Utility District (EBMUD). EBMUD requires that each new lot have a separate meter, and has advised that a main extension may be required.

Planting and irrigation plans required as mitigation for tree removal and impact will be subject to staff review and approval for compliance with the State/County Model Water Efficient Landscape Ordinance.

3. Sanitary Sewer: The GMP requires that new development demonstrate that adequate sanitary sewer quantity and quality can be provided. The proposed project has been reviewed by the Central Contra Costa Sanitary District (CCCSD). The District has advised that the project is not expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing facilities. The developer will also be required to submit plans to CCCSD for review and pay the appropriate fees.
4. Fire Protection: Fire protection standards under the GMP require that a fire station be within one and one-half miles of development in urban, suburban and central business district areas. The closest fire station to the subject property is located approximately 1.8 miles away at 1101 Stone Valley Road, in Alamo. The proposed project has been reviewed by the San Ramon Valley Fire Protection District, and is required to obtain approval from the district prior to any building permit issuance.
5. Public Protection: Public protection standards under the GMP require that a Sheriff facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained. The proposed project consists of subdividing the subject property into four parcels, for future development with a single-family home on each parcel. The construction of four dwelling units at the project site would not induce a significant population increase within the county that would equal or exceed 1,000 persons. Therefore, the proposed project will not increase the sheriff or support facility requirements for the area. To mitigate the minor increase in demand for police services, the applicant will be required to pay a police services fee at the time of building permit issuance for each new single-family residence.
6. Parks & Recreation: Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. The proposed project consists of subdividing the subject property into four parcels, for future development with a single-family home on each parcel. The construction of four dwelling units at the project site would not induce a significant population increase within the county that would equal or exceed 1,000 people. Therefore, the proposed project would not increase park and recreation facility requirements for the area. To mitigate the minor increase in demand for parks created by the project, the applicant will be required to pay a park dedication fee at the time of building permit issuance for each new single family residence.
7. Flood Control & Drainage: The Flood Control and Drainage section of the GMP provides standards for "major new development" and for development in flood-prone areas. No portion of the subject property is located within a 100-year flood area, as determined by the Federal Emergency Management Agency. Further, the proposed project does not involve the removal, construction, or alteration of any dams or levees within the County. Therefore, further analysis in relation to increased flood risks as a result of the proposed project is not required.

If approved, the proposed subdivision would result in further development at the subject property, which may impact drainage patterns at the site, and possibly increase the total

amount of impervious surface area for the site. However, when a building permit is required for any physical or structural improvements, the Building Inspection Division will review the proposal for compliance with drainage standards. In addition, projects of a certain scale are also subject to review by the Public Works Department for compliance with C.3 standards.

**B. Tentative Map Approval Findings**

1. *The advisory agency shall not approve a tentative map unless it 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 within a Single Family Residential – Low Density (SL) General Plan Land Use designation. The SL designation allows between 1.0 and 2.9 single family units per net acre on lots up to 43,560 square feet. Based on a net acreage of 1.81 acres for the subject lot (75% of the gross acreage of 2.41 acres), the density range for the site was calculated to be between 1.81 units and 5.25 units. Thus, the proposal of 4 units to be developed in the future on this site will be consistent with the existing density in the area and with the General Plan.

The subject property is located within a General Agricultural (A-2) zoning district. The project proposes rezoning the property from A-2 to R-20, and subdividing the property into four parcels, each to be developed later with a detached single-family home. Upon rezoning the property from A-2 to R-20, the zoning designation will become consistent with those of the other properties in the area, and with the underlying SL General Plan land use designation in the area. As proposed in the tentative map, all resultant parcels comply with the use, lot size, average width and average depth requirements for the R 20 zoning district. Any future development must comply with all R-20 zoning district requirements, and is subject to separate review and approval by CDD staff.

2. *The advisory agency 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 by the Public Works Department as conditions of approval for the project. Additionally, the applicant will need to comply with any construction/development requirements imposed by the San Ramon Valley Fire Protection District, the Building Inspection Division, the East Bay Municipal Utility District, the Central Contra Costa Sanitary District, and other appropriate agencies prior to building permit issuance. Relevant agencies were solicited for their comments on the proposed minor subdivision and none have responded in opposition to the project.

### **C. Tree Permit Findings**

**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:

1. 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.
2. Where the arborist or forester report has been required, and the Deputy Director, Community Development Division is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.

### **D. Rezoning Findings**

1. *The change proposed will substantially comply with the general plan.*

Project Finding: The subject property is located within a Single-Family Residential, Low (SL) General Plan land use designated area, and within a General Agricultural (A-2) zoning district. The current zoning district for the site is not consistent with its General Plan land use designation. Approval of the rezoning from A-2 to R-20 (Single-Family Residential) will bring the site into consistency with the Single-Family Residential land use designation for the area. No other applicable General Plan policies are affected by the project.

2. *The uses authorized or proposed in this land use district are compatible within the district and with uses authorized in adjacent districts.*

Project Finding: The subject property is currently located within a General Agricultural (A-2) zoning district. The project proposes dividing the property into four parcels, each to be developed later with a detached single-family home. Though the A-2 district allows one single-family home for each lot, the district is intended for agricultural uses and not for residential uses. Additionally, the developments surrounding the subject site are all in single-family residential zoning districts. By rezoning from A-2 to R-20, the proposed lots will become consistent with zoning districts in the area (R-20 and residential P-1), and with the underlying SL General Plan land use designation. As proposed in the minor subdivision tentative map, all four resultant parcels comply with the use, lot size, average width and average depth requirements for the R-20 zoning district.

3. *Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.*

Project Finding: The subject site is surrounded on all sides by single-family residential zoning districts (P-1 and R-20) and single-family residential developments – a demonstration of the continuing need for such a use in the area for the foreseeable future.

Rezoning the subject site from A-2 to R-20, to be consistent with the surrounding zoning district designations, will further fulfill this demonstrated need in the community.

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, May 24, 2016 by the following vote:

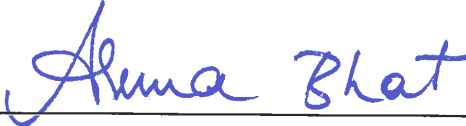
AYES: Snyder, Terrell, Wright, Steele, Clark

NOES: None

ABSENT: Swenson

ABSTAIN: None

Duane Steele, Chair  
County Planning Commission  
County of Contra Costa, State of California



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ATTEST:

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