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THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/08/2009 by the following vote:

AYES: ☒ 4
NOES: ☐
ABSENT: ☒ 1
ABSTAIN: ☐
RECUSE: ☐



Resolution No. 2009/555

RESOLUTION OF THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, REGARDING THE APPEAL BY SURINDER & VINITA SINGH (APPLICANTS/APPELLANTS/OWNERS), OF THE SAN RAMON VALLEY REGIONAL PLANNING COMMISSION DENIAL OF A REQUEST TO MODIFY THE BLACKHAWK FINAL DEVELOPMENT PLAN TO ALLOW APPROVAL OF AN EXISTING 11-FOOT TALL, APPROXIMATELY 1,000-SQUARE-FOOT DECK BUILT OUTSIDE OF THE PROPERTY BOUNDARIES WITHIN DESIGNATED OPEN SPACE; (COUNTY FILE #DP08-3051) AT 101 WILD OAK COURT IN THE BLACKHAWK AREA.

WHEREAS, after obtaining a building permit to construct a deck in the rear of the property at 101 Wild Oak Court, in the Danville/Blackhawk area (Permit #393301), County staff discovered that the permitted deck was not being built in the location represented on the permit plot plan; and that the location where the deck was sited does not comply with the Blackhawk Final Development Plan; and

WHEREAS, County staff advised the owner that he might be able to apply for and obtain approval of an application to modify the Blackhawk Final Development Plan to allow the deck to remain in the area where it has been built; and

WHEREAS, on July 22, 2008, the owners of 101 Wild Oak Court, Surinder & Vinita Singh, filed an application with the County to modify the Blackhawk Final Development Plan to allow the deck to be placed where it has been built, County File #DP08-3051; and

Contact: Francisco Avila, (925) 335-1266

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.

ATTESTED: December 8, 2009

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

By: , Deputy

cc: Jason Crapo, Kevin Dumford

WHEREAS, on Tuesday, December 3, 2008, after conducting a noticed public hearing beginning on October 22, 2008 and continued to December 3, 2008, the San Ramon Valley Regional Planning Commission determined that the applicant had not submitted sufficient evidence to support the required findings for granting a modification to the Blackhawk Final Development Plan, and denied the application; and

WHEREAS, on December 11, 2008, Surainder & Vinita Singh filed an appeal of the San Ramon Valley Regional Planning Commission's denial of this Development Plan application; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the Board of Supervisors on Tuesday, November 10, 2009, where at all persons interested therein might appear and be heard; and

After fully considering all evidence submitted and testimony offered, the Board of Supervisors of Contra Costa County finds that the applicant has not provided sufficient evidence to show that either of the required Planned Unit District findings necessary to grant a modification to the Blackhawk Final Development Plan can be made for this project. Those required ordinance findings are the following:

- a.) The proposed amendment is consistent with the intent and purpose of the Planned Unit District; and
- b.) The proposed amendment is compatible with other uses in the vicinity, both inside and outside of the Planned Unit District.

BE IT FURTHER RESOLVED, that this Board finds that the proposed deck has been built in an area which is not intended to be used for private residential structures, such as a residential deck, insofar as this portion of the Blackhawk project is located in a common open space area where such improvements are not authorized and not intended by the Blackhawk Planned Unit district.

BE IT FURTHER RESOLVED, that this Board of Supervisors DENIES the applicants' appeal; and SUSTAINS the San Ramon Valley Regional Planning Commission's decision to deny the development application (County File #DP08-3051).

2009/555