

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #DP15-3011; WADE SKEELS (Applicant), DEAN WILLIAMS (Owner)**

**I. FINDINGS**

**A. KENSINGTON COMBINING DISTRICT FINDINGS**

Kensington Combining District (-K) requires that the proposed addition and alterations satisfy seven criteria before a project is approved:

- 1) *Recognizing the rights of property owners to improve the value and enjoyment of their property;*

Finding: This project will add 753 square-feet of living space by converting 599 square-feet of unfinished basement into conditioned space and to construct a 154 square-foot residential addition adjacent to the converted basement. The increase of habitable floor area on the lower level will accommodate a new master bedroom and bathroom. The project enhances the livability of the property, and thereby improves the value and enjoyment of the residence.

- 2) *Recognizing the rights of property owners of vacant lots to establish a residence that is compatible with the neighborhood in terms of bulk, scale and design;*

Finding: The subject property is not vacant, so this criterion does not apply.

- 3) *Minimizing impacts upon surrounding neighbors;*

Finding: The addition has no significant impact to surrounding neighbors. The addition meets all required standards for the zoning district where the subject property is located. The addition does not expand the footprint of the residence, limiting the perception of added bulk. The subject property is on a hillside, sloping downward from Highland Boulevard. The addition is located on the western portion of the property. As a result, the proposed addition will not be visible as viewed from the property's frontage on Highland Boulevard, or any other properties at a higher elevation to the East. The additions' southern elevation is partially blocked from view by existing fencing and landscaping. The footprint of the addition will be located further west than the adjacent residence to the south's westernmost point, with no windows facing that direction other than a frosted bathroom window. This orientation and design minimizes the potential privacy impact to the maximum extent practicable

given the close proximity of the two existing homes. The residence adjacent to the northern property line will be minimally impacted because the portion of southern elevation that is visible over the shared fence will only be extending downward toward the ground and behind the fence. The addition itself is not visually obtrusive, is not blocking views, and is not impacting solar access. The project has minimal influence on the surrounding neighbors.

4) *Protecting the value and enjoyment of the neighbors' property;*

Finding: As previously stated, the addition is not visually obtrusive and does not impede on valuable views. The addition is compliant with all requirements of the area's zoning district. The addition minimally extends the residences envelope, and does not change its existing height. Therefore, the project as designed preserves the value and enjoyment of neighboring properties.

5) *Maintaining the community's property values;*

Finding: The addition has negligible impacts on views, light and solar access, privacy, parking, and residential noise levels. As a result, existing community's property values will be preserved. Furthermore, the addition of habitable floor area on the subject property improves the overall value of the residence, which typically has a buoyant effect on average property values in the area.

6) *Maximizing the use of existing interior space;*

Finding: Roughly 80% of the 753 square-feet this project adds to the gross floor area is gained through conditioning existing interior space. The main purpose of the addition is to make full use of the existing footprint of the building by converting storage space to habitable space. The existing unfinished basement area will be converted into conditioned space that, combined with the modest addition, dramatically increase the homes livable area without expanding on the existing footprint. Therefore, the overall scope of the project maximizes the use of existing interior space.

7) *Promoting the general welfare, public health, and safety.*

Finding: The current use of the subject property is a single-family residence and the scope of the proposed work does not change the residential nature of the property. Therefore, there is nothing being proposed that would adversely affect the general welfare, public health, and safety of the Kensington community.

## **II. CONDITIONS OF APPROVAL**

Condition #3 has been added by the Zoning Administrator at the public hearing on October 19, 2015.

### **Project Approval**

1. Development is approved as generally described in the application materials received by the Department of Conservation and Development, Community Development Division (CDD) on May 26, 2015 (revised plans dated August 11, 2015), and subject to the conditions listed below.

### **General Provisions**

2. Any development or expansion beyond the limits of this permit approved under this application may require the review and approval of CDD and may require the filing of an application for modification to the Development Plan and a public hearing, if deemed necessary. The following is approved with this permit:
  - a) The construction of a 154 square-foot addition to the existing single-family residence as well as conversion of 599 square-feet of basement space, resulting in a total gross floor area of 2,448 square-feet (where the threshold is 2,100 square-feet).
3. 15-days prior to the issuance of a building permit, the applicant shall submit an updated floorplan for the upper level illustrating the current bedroom configuration in the residence.

### **Payment of Fees**

4. This application is subject to an initial application deposit of \$1000.00, which was paid with the application submittal, plus time and material costs if the application review expenses exceed 100% of the initial deposit. Any additional costs due must be paid within 60 days of the permit effective date or prior to use of the permit, whichever occurs first. The applicant may obtain current costs by contacting the project planner. If the applicant owes additional fees, a bill will be sent to the applicant shortly after permit issuance.

## **Construction Period Restrictions and Requirements**

4. The applicant shall comply with the following restrictions and requirements:
- A. Construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (state and federal)  
Birthday of Martin Luther King, Jr. (state and federal)  
Washington's Birthday (federal)  
Lincoln's Birthday (state)  
President's Day (state and federal)  
Cesar Chavez Day (state)  
Memorial Day (state and federal)  
Independence Day (state and federal)  
Labor Day (state and federal)  
Columbus Day (state and federal)  
Veterans Day (state and federal)  
Thanksgiving Day (state and federal)  
Day after Thanksgiving (state)  
Christmas Day (state and federal)

For information on the calendar dates that these holidays occur, please visit the following websites:

Federal Holidays:

[http://www.opm.gov/Operating\\_Status\\_Schedules/fedhol/2015.asp](http://www.opm.gov/Operating_Status_Schedules/fedhol/2015.asp)

California Holidays:

<http://www.sos.ca.gov/holidays.htm>

- B. Transportation of large trucks and heavy equipment is subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
- C. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows.
- D. All internal combustion engines shall be fitted with mufflers that are in good condition and stationary noise-generating equipment such as air

compressors shall be located as far away from existing residences as possible.

- E. Construction equipment and materials shall be stored onsite.
- F. The construction site shall be maintained in an orderly fashion. Litter and debris shall be contained in appropriate receptacles and shall be disposed of as necessary.
- G. Any debris found outside the site shall immediately be collected and deposited in appropriate receptacles.

### **ADVISORY NOTES**

**ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.**

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Prior to applying for a building permit, the applicant is strongly encouraged to contact the following agencies to determine if additional requirements and/or additional permits are required as part of the proposed project:

- Contra Costa County Building Inspection Division
- Contra Costa County Environmental Health Division
- East Bay Municipal Utility District
- Stege Sanitary District
- Kensington Fire Protection District
- El Cerrito Fire Department