

RESOLUTION NO. 5-2016

RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, INCORPORATING FINDINGS AND CONDITIONS OF APPROVAL FOR THE DEVELOPMENT PLAN PROJECT, LOCATED IN THE KENSINGTON AREA OF SAID COUNTY. COUNTY FILE NUMBER DP15-3011 (148 Highland Boulevard).

WHEREAS, Wade Skeels (Applicant), Dean Williams / Daryle Morgan (Owners) proposes a residential addition to an existing single-family residence which consists of converting 599 square-feet of unconditioned basement into living area as well as constructing a 154 square-foot addition to the basement level, for which an application was received on May 26, 2015; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, the project is Categorically Exempt, per CEQA Section 15301 (e)(1), which exempts “additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less”; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Zoning Administrator on September 21, 2015, where all persons interested therein might appear and be heard; and

WHEREAS, to allow time to consider the public testimony and visit the project site, the Zoning Administrator continued the matter to October 5, 2015; and

WHEREAS, the Zoning Administrator held a public hearing on October 5, 2015, at which time the matter was continued for a second time to October 19, 2015; to accommodate scheduling conflicts; so that all persons interested may have an opportunity to appear and be heard; and

WHEREAS, the Zoning Administrator held a public hearing on October 19, 2015, where all persons expressing interest in the project were given an opportunity to testify; and where after considering and evaluating all evidence presented, the Zoning Administrator determined that all applicable ordinance findings for the project had been made and approved the application subject to conditions; and

WHEREAS on October 29, 2015, Catherine de Neergaard filed an appeal of the Zoning Administrator decision; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Planning Commission on Tuesday, January 12, 2016, where all persons interested therein might appear and be heard; and

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WHEREAS, after having fully reviewed, considered and evaluated all the, public correspondence, testimony and evidence submitted in this matter;

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

1. FINDS that the proposed development of a residential addition which consists of converting 599 square-feet of unconditioned basement into living area as well as constructing a 154 square-foot addition to the basement level, is consistent with the Contra Costa County General Plan Policies for the Kensington area and Kensington Combining District Ordinance; and
2. DENIES the appeal of Catherine de Neergaard; and
3. SUSTAINS the Zoning Administrator's approval of the application as conditioned.

BE IT FURTHER RESOLVED that the County Planning Commission FINDS as follows:

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 increases the homes livable area without expanding on the existing footprint. Therefore, the overall scope of the project maximizes the use of existing interior space.

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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.

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 the motion of the County Planning Commission on Tuesday, January 12, 2016, by the following vote:

AYES:	Commissioner(s) -	Steele, Clark, Wright, Terrell, Stewart, Swenson
NOES:	Commissioner(s) -	None
ABSENT:	Commissioner(s) -	Snyder
ABSTAIN:	Commissioner(s) -	None

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

Within the 10 day appeal period allowed by law the Department of Conservation and Development, Community Development Division, received an appeal on January 22, 2016, of the County Planning Commission decision from Catherine de Neergaard.

ATTEST:



Aruna M. Bhat, Secretary
County Planning Commission
County of Contra Costa
State of California