

# Department of Conservation and Development

## County Zoning Administrator

Monday, October 19, 2015 – 1:30 .P.M.

(Continued from October 5, 2015)

### STAFF REPORT

Agenda Item # \_\_\_\_\_

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<b>Project Title:</b>	Residential Addition Development Plan
<b>County File(s):</b>	#DP15-3011
<b>Applicant/Owner:</b>	Wade Skeels, Architect / Dean Williams
<b>Zoning/General Plan:</b>	R-6 Single-Family Residential District (R-6), Tree Obstruction of Views Combining District (-TOV), Kensington Combining District (-K) / Single-Family Residential High-Density (SH)
<b>Site Address/Location:</b>	148 Highland Blvd, Kensington; (APN: 572-090-009)
<b>California Environmental Quality Act (CEQA) Status:</b>	Exempt under CEQA Guidelines, Section 15301(e)(1), (additions to existing structures).
<b>Project Planner:</b>	Adrian Veliz, Planner I (925) 674-7798
<b>Staff Recommendation:</b>	Approve (See section II for full recommendation)

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#### **I. PROJECT SUMMARY**

The applicant is requesting approval of a Development Plan for a Kensington Design Review to construct a 154 square-foot addition to an existing single-family residence as well as conditioning of 559 square feet of existing basement area, resulting in a total gross floor area of 2,448 square-feet (where the gross floor area threshold is 2,100 square-feet). The property is located at 148 Highland Boulevard in Kensington.

## **II. BACKGROUND**

On September 21, 2015, the Zoning Administrator (ZA) received testimony from the project applicant and the property owner of 152 Highland Boulevard. Testimony provided by the applicant reiterated the Kensington Municipal Advisory Council's (KMAC) recommendation of approval for the project as well as offering general support for the residential addition. Testimony provided by the property owner of 152 Highland Boulevard included concerns regarding clarity of the project description and past development of the subject property. The ZA continued the Development Plan application to October 5, 2015 in order to consider the testimony presented. The item was then rescheduled to October 19, 2015 in order to accommodate scheduling conflicts.

## **III. RECOMMENDATION**

Staff recommends that the Zoning Administrator approve the proposed Development Plan, subject to the project findings and conditions of approval



# Department of Conservation and Development

## County Zoning Administrator

**Monday, October 05, 2015 – 1:30 .P.M.**

**(Continued from September 21, 2015)**

### **STAFF REPORT**

**Agenda Item # \_\_\_\_\_**

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<b>Project Title:</b>	Residential Addition Development Plan
<b>County File(s):</b>	#DP15-3011
<b>Applicant/Owner:</b>	Wade Skeels, Architect / Dean Williams
<b>Zoning/General Plan:</b>	R-6 Single-Family Residential District (R-6), Tree Obstruction of Views Combining District (-TOV), Kensington Combining District (-K ) / Single-Family Residential High-Density (SH)
<b>Site Address/Location:</b>	148 Highland Blvd, Kensington; (APN: 572-090-009)
<b>California Environmental Quality Act (CEQA) Status:</b>	Exempt under CEQA Guidelines, Section 15301(e)(1), (additions to existing structures).
<b>Project Planner:</b>	Adrian Veliz, Planner I (925) 674-7798
<b>Staff Recommendation:</b>	Continue to October 19, 2015 Hearing (See section III for full recommendation)

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### **I. PROJECT SUMMARY**

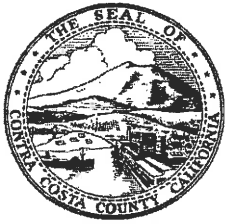
The applicant is requesting approval of a Development Plan for a Kensington Design Review to construct a 154 square-foot addition to an existing single-family residence as well as the conditioning of 559 square feet of an existing basement area, resulting in a total gross floor area of 2,448 square-feet (where the gross floor area threshold is 2,100 square-feet). The property is located at 148 Highland Boulevard in Kensington.

## **II. BACKGROUND**

On September 21, 2015, the Zoning Administrator (ZA) received testimony from the project applicant and the property owner of 152 Highland Boulevard. Testimony provided by the applicant reiterated the Kensington Municipal Advisory Council's (KMAC) recommendation of approval for the project as well as offering general support for the residential addition. Testimony provided by the property owner of 152 Highland Boulevard included concerns regarding clarity of the project description and past development of the subject property. The ZA continued the Development Plan application to October 5, 2015 in order to consider the testimony presented. Since the September 21, 2015 hearing, the project has been re-scheduled to be re-heard by the KMAC. It is anticipated that the project will be re-heard at the September 29, 2015 KMAC meeting

## **III. RECOMMENDATION**

Staff recommends that the Zoning Administrator continue the matter to October 19, 2015 in order to allow KMAC to re-hear the matter and provide a recommendation on the project.



Department of Conservation and Development

County Zoning Administrator

**FILE COPY**

**Monday, September 21, 2015 – 1:30 .P.M.**

**STAFF REPORT**

**Agenda Item # \_\_\_\_\_**

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**Project Title:** Residential Addition Development Plan

**County File(s):** #DP15-3011

**Applicant/Owner:** Wade Skeels, Architect / Dean Williams

**Zoning/General Plan:** Single-Family Residential District (R-6), Tree Obstruction of Views Combining District (-TOV), Kensington Combining District (-K) / Single-Family Residential High-Density (SH)

**Site Address/Location:** 148 Highland Blvd, Kensington; (APN: 572-090-009)

**California Environmental Quality Act (CEQA) Status:** Exempt under CEQA Guidelines, Section 15301(e)(1), (additions to existing structures).

**Project Planner:** Adrian Veliz, Planner I (925) 674-7798

**Staff Recommendation:** Approve (See section II for full recommendation)

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**I. PROJECT SUMMARY**

The applicant is requesting approval of a Development Plan for a Kensington Design Review to construct a 154 square-foot addition to the existing single-family residence as well as conditioning of the existing basement, resulting in a total gross floor area of 2,448 square-feet (where the gross floor area threshold is 2,100 square-feet). The property is located at 148 Highland Blvd. in the Kensington area.

**II. RECOMMENDATION**

Staff recommends the Zoning Administrator approve County File #DP15-3011, based on the attached findings and subject to the attached conditions of approval.

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### **III. GENERAL INFORMATION**

- A. General Plan: The subject property is located within the Single-Family Residential, High-Density (SH) General Plan Land Use designation.
- B. Zoning: The subject property is located within the R-6 Single-Family Residential District (R-6), Tree Obstruction of Views Combining District (-TOV), and Kensington Combining District (-K) Zoning District.
- C. Environmental Review: The proposed project is exempt under CEQA Guidelines, Section 15301(e)(1), regarding "Existing Facilities", 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 structure before the addition or 2,500 square feet, whichever is less. The existing residence consists of 1,702 square-feet, and the proposed addition is 154 square-feet. The proposed addition is not increasing the floor area by more than 50 percent, nor is it larger than 2,500 square-feet in area. Therefore the project qualifies for an exemption under Section 15301(e)(1).
- D. Lot Creation: The subject property is Assessor's Parcel Number 572-090-009. This parcel was created as Lot 33 of Block 1 of the Berkeley Highlands Terrace Subdivision recorded in 1914.

### **IV. SITE/AREA DESCRIPTION**

The subject property is located within a developed residential neighborhood of detached single-family homes. The lots within the area are rectangular in shape, measuring between 40-50 feet in width and 100-110 feet in depth. The topography slopes upward from West to East. At 4,160 square-feet in lot area, the subject property is substandard in lot size (minimum 6,000 feet required) which is consistent with neighboring lots in the vicinity. The parcel fronts Highland Blvd. for  $\pm$  40.3 feet approximately 80 feet North of Kenyon Path. The property slopes upward from the western portion of the property where an existing retaining wall is located. One single family residence has been located on the subject property since 1953. A two-stall carport is existing on the Highland Boulevard frontage which provides vehicular parking for this site.

## V. PROJECT DESCRIPTION

The applicant requests approval of a Development Plan for a Kensington Design Review to construct a 154 square-foot addition to the existing single-family residence. The project also includes converting an additional 599 square-feet of unconditioned basement area into livable space, resulting in a total gross floor area of 2,448 square-feet (where the Kensington Combining District gross floor area threshold is 2,100 square-feet for the subject lot).

The project is an expansion and conversion of unfinished basement space on the lower level to accommodate a new master bedroom, master bathroom, mudroom, sitting area and laundry room. The design of the addition is consistent with the existing residence. The addition will have the same T-111 siding, color palate and window design. The addition will not increase the existing height of the residence, nor will it be visible from the front of the property.

## VI. AGENCY COMMENTS

- A. Kensington Municipal Advisory Council (KMAC): KMAC provided a unanimous recommendation for approval of the proposed addition. Please see the attached e-mail with the July 28, 2015 meeting notes.
- B. Building Inspection Division: On June 19, 2015, the Division returned an Agency Comment Request form indicating that the addition/alteration is to meet current code requirements. Also, the existing concrete slab-on-grade at basement level shall have a capillary break per California Green Building Standards Code, Section 4.505.2.1
- C. Contra Costa Environmental Health Division: In a letter dated June 16, 2015, the Division advised that standard procedures are to be observed regarding wells.
- D. Kensington Fire Protection: In a letter dated June 21, 2015, the Kensington Fire Department provided advisory on codes for building construction, addressed guidelines and indicated the property is located within a Very High Fire Hazard Severity Zone.
- E. Stege Sanitary District: In a returned Agency Comment Request form dated June 9, 2015, the District indicated they have no comments.

- F. East Bay Municipal Utility District (EBMUD): In a letter dated June 22, 2015, the District advised that the standard procedures for requesting water service be observed.
- G. City of El Cerrito: No comments were received prior to the preparation of this report.

## **VII. STAFF ANALYSIS**

- A. Appropriateness of Use: The addition is consistent with the permitted use of a detached single-family dwelling within the R-6 Single-Family Residential (R-6) Zoning District in which it is located. The proposed project does not increase the footprint of the existing residence, rather, it extends the lower level to match the footprint of the existing upper floor. The overall project is architecturally consistent with the main residence. The addition will not be visually obtrusive and will not alter the residential character of its surroundings.
- B. General Plan Consistency: The subject property is located within the Single-Family Residential High-Density (SH) General Plan Land Use designation. The proposed addition of living area to the existing residential use is consistent with this designation. Located in the Kensington Area, it is also subject to the specific policies in the General Plan (2005 – 2020), Land Use Element 3-206 through 3-210, "Policies for the Kensington Area", and will be reviewed under these policies below and in the attached Findings.
- C. Zoning Compliance: The subject property is located within the R-6 Zoning District, the Tree Obstruction of Views Combining District (-TOV), and the Kensington Combining District (-K). The minimum lot size for the R-6 zoning district is 6,000 square-feet. At 4,160 square feet, the subject property is substandard in lot area. Despite the lot's substandard size, the existing residence and proposed addition meet front and rear setback requirements for the R-6 zoning district as well as the reduced side yards required by Section 82-14.004 (sliding scale) for lots established before the effective date of the zoning district. One off-street parking space is required by the R-6 zoning district, currently there are no parking spaces fulfilling this requirement. An existing 2-stall carport is located within the front setback. A variance is not being required at this time because the carport is unaffected by the proposed construction. The existing residence does not exceed 35-feet in height or 2.5 stories, the maximum allowable in the R-6 zoning district. The addition is an infill project beneath the footprint of the existing upper floor,



leaving the elevation relatively unchanged with the proposed alterations comfortably below the allowed maximums.

The Tree Obstruction of Views Combining District (-TOV) regulations do not apply to the proposed project, because no new trees, nor removal, nor alteration of existing trees are proposed which would alter views in the neighborhood.

Section 84-74.802 of the County Code determines the threshold standard for the Kensington Combining District (-K), which triggers a hearing requirement if the development exceeds the threshold standard. Based on the parcel size of 4,160 square-feet, the threshold for the gross floor area ratio for this parcel is 2,100 square-feet. The addition will make the total gross floor area for the subject property 348 square-feet over the designated threshold size.

The intent of the threshold requirement is to ensure development will promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels and compatibility within the neighborhood with regard to bulk and scale. The addition will not be obtrusive and will not impact any sightlines throughout the neighborhood. There are no scenes of skylines, bridges, distant cities, or distinctive hillsides that could be blocked due to the proposed addition. Privacy will not be impacted by the project. The proposed addition is on the lower level of an existing two-level residence that is simply utilizing the area underneath the home's existing footprint. The addition is architecturally consistent with the existing residence. The addition will have the same T-111 siding, color palate, and window design. The Kensington Combining District (-K) requires that the proposed addition satisfy seven criteria before the project is approved. The proposed project satisfies all seven of the criteria, further described in the following staff findings.

## **VIII. CONCLUSION**

The proposed development is consistent with the Single-Family Residential High-Density General Plan Land Use designation and complies with the intent and purpose of the R-6 Single-Family Residential Zoning District, Tree Obstruction of Views Combining District, and Kensington Combining District. Therefore, staff recommends the Zoning Administrator approve County File #DP15-3011, subject to the attached findings and conditions of approval.

**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: The project proposal of a 154 square-foot residential addition increases the total habitable floor area, expanding the lower lever to 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 blocked from view by the existing fencing and landscaping. 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 residence 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 minimal, if any, 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 can have 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 to any greater extent than the current residence already does.

## **II. CONDITIONS OF APPROVAL**

### **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, 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).

### **Payment of Fees**

3. 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