

RESOLUTION NO. 14-2016

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, UPHOLDING THE APPEAL OF GEORGE & ANITA LUK (153 LAWSON ROAD, KENSINGTON), DENYING THE APPEAL OF EDWARD DEAN & DARLENE TONG (APPLICANTS/PROPERTY OWNERS), AND DENYING THE DECISION OF THE COUNTY ZONING ADMINISTRATOR TO APPROVE A DEVELOPMENT PLAN TO ALLOW A NEW, SINGLE-FAMILY RESIDENCE ON A VACANT PROPERTY IN THE KENSINGTON AREA. EDWARD DEAN & DARLENE TONG (APPLICANTS AND PROPERTY OWNERS). COUNTY FILE #DP15-3030.

WHEREAS, an application filed by Edward Dean and Darlene Tong (Applicants and Owners) was submitted on September 16, 2015, for a new single-family residence that totals 4,224 in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000), with variances for a 3-story residence and retaining walls, and a tree permit to remove 11 trees and work within the driplines of 2 trees. The subject property is located at the vacant lot at the end of Lawson Road in the Kensington area; 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 15303(a), which exempts the construction of one new single-family residence; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the County Zoning Administrator on March 21, 2016, where all persons interested therein might appear and be heard; and

WHEREAS, the Zoning Administrator received testimony, and continued the matter to April 4, 2016, to consider the public testimony received and to visit the subject property and 153 Lawson Road, Kensington; and

WHEREAS, the Zoning Administrator held a continued open public hearing on April 4, 2016, and after closing the public hearing, approved the application, including the variances for a 3-story residence and retaining walls, and the removal of 11 trees and work within the driplines of 2 trees, subject to modified findings and conditions of approval, including the added conditions requiring the overall height be reduced by 3-feet, that the applicant consult with the appropriate public agencies to ensure proper development in relation to public utilities, and that a geotechnical report be provided and peer reviewed by the County Geologist; and

WHEREAS, on April 14, 2016, within the time allotted by law, the Department of Conservation and Development received two appeals of the County Zoning Administrator's decision from George and Anita Luk (153 Lawson Road), and Edward Dean and Darlene Tong (applicants/property owners); and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the Board of Appeals (County Planning Commission) on Tuesday, August 9, 2016, where all persons interested therein might appear and be heard; and

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 single-family residence is inconsistent with the purpose and intent of the Kensington Combining District, and that the required findings for approval of variances for three stories and retaining walls, and tree removal cannot be made.
2. UPHOLDS the appeal of George and Anita Luk;
3. DENIES the appeal of Edward Dean and Darlene Tong; and
4. OVERTURNS the Zoning Administrator's approval of the Development Plan.

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, August 9, 2016, by the following vote:

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

DUANE STEELE
Chair of the County Planning Commission
County of Contra Costa, State of California

ATTEST:

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