

FINDINGS AND CONDITIONS OF APPROVAL AS APPROVED BY THE ZONING ADMINISTRATOR ON APRIL 4, 2016 FOR COUNTY FILE #DP15-3030; EDWARD DEAN and DARLENE TONG (Appellant/Applicant/Owner); GEORGE and ANITA LUK (Appellant)

I. FINDINGS

A. KENSINGTON COMBINING DISTRICT FINDINGS

Kensington Combining District (-K) requires that the new single-family residence and auxiliary structures satisfy seven criteria before a project is approved:

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

Staff Finding: The project includes the construction of a new single-family residence and accessory building on a vacant lot. It is a 2,870 square-foot residence with a 955 square-foot parking level; which includes a carport, elevator, entryway, and utility room. The accessory building is 327 square-feet. As a result, the gross floor area is 4,224 square-feet. Since the subject property is vacant, the construction of a new, high quality residence will improve the overall value and enjoyment of the property.

- 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;*

Staff Finding: The property owner has the right to establish a new residence that is compatible with the neighborhood in terms of bulk, scale, and design. Originally, the maximum height of the residence, including the third story, was 34½-feet. Per the Zoning Administrator's modification to condition of approval #4, as measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation. This will lower the overall height by approximately 3-feet, reducing the bulk of the residence by 5,136 cubic feet.

The development of a new residence, even with a portion of it being three stories, is still consistent with the neighborhood in terms of bulk. The surrounding area contains two-story, and some three-story residences. The new residence's third story is minimal in floor area, and is designed for access purposes only. Neither the parking or utility room on the lower level create three stories. The lower level is hidden within the downslope of the property,

not visible from the northern properties. The residence has the bulk of a two story home because of the topography of the site.

The total livable area for the subject property is consistent with neighboring residences in regards to scale. The subject property's overall livable area is 3,197 square-feet. The average livable area for the surrounding properties is 3,000 square-feet.

Finally, the design of the new residence is of modern architecture. The surrounding neighborhood is primarily traditional architecture. However, with the new residence being at a lower elevation than the residences to the north, and separated by required vegetation, its visual impact is minimal. The subject property itself is not visible from the public road. Therefore, the project is compatible with the neighborhood in terms of bulk, scale and design.

In addition, at the Kensington Municipal Advisory Council (KMAC) December 1, 2016 meeting, the KMAC recommended approval of the overall project, including the three-story variance and tree removal, provided that certain conditions were met. The "storage room" on the parking level be eliminated, and the bay window on the top level be adjusted so that the room above does not create three stories per plans submitted to the KMAC September 16, 2015. These revisions are present in the attached plans. Therefore, the project is compatible with the neighborhood in terms of bulk, scale and design as determined by staff and the KMAC.

The project enhances views and solar access with the removal of overgrown and dying trees. The applicants will still maintain privacy between residences with newly planted Japanese maples as part of the required landscaping plan. The required vegetation will provide screening between residences, but will not grow to the height of the original trees, affirming that newly opened up views stay unblocked. The landscaping plan will be reviewed and approved by staff to ensure that the proposed placement of the required trees and vegetation compensate for the lack of privacy between residences created by the tree removal. Therefore, the proposed project meets the intent of the (-TOV) ordinance.

3) *Minimizing impacts upon surrounding neighbors;*

Staff Finding: The building sites, its design, and tree removal minimizes the impacts upon surrounding neighbors. Having the residence's footprint on the east side of the property maintains the views of the San Francisco Bay for

adjacent property owners. Also, the third story is tucked into the downslope of the property, hiding it from sight at street level.

None of the buildings encroach into the minimum (R-6) front yard setback, side yards, or rear yard. In addition, the northern face of the residence is set back 6-feet from the property line shared with 153 Lawson Road, rather than the minimum 5-feet. This is to provide additional cushion between the two residences.

The new residence will be visible in the foreground of the residence at 153 Lawson Road, located upslope from the subject property. Privacy will be maintained with the proposed Japanese maples, as required under Condition of Approval #7, and additional tree/vegetation as stated on Condition of Approval #10 in between neighboring properties. The removal of the existing trees allows for more sunlight to enter neighboring properties, and expand views of the bay. The required vegetation will provide screening between residences, but will not grow to the height of the original trees, affirming that newly opened up views stay unblocked. The required landscaping and tree replanting will preserve privacy between residences.

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

Staff Finding: As previously mentioned, the overall project will have minimal impacts on surrounding properties. The project is not visually obtrusive, and its impacts on views and solar access are minimal. In addition, the removal of overgrown and dying trees will allow for more sunlight to enter neighboring properties, and open up the views of the San Francisco Bay. The new residence is visible from adjacent residences to the north of the subject property, but it is not readily visible from the street. The required landscaping and tree replanting ensures privacy between residences.

The views of the neighborhood skyline and the San Francisco Bay is toward the west. The applicants' new residence will be to the Luk's south. The portion of the new residence that is three stories is southwest of the Luk residence, and does not impact these views.

Both the residence and accessory building do not obstruct the primary view of the bay, minimally decrease access to sunlight, and have minimal effect on privacy for surrounding properties, and therefore, the project will preserve the value and enjoyment of neighboring properties.

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

Staff Finding: The proposed project has minimal impacts on views, light and solar access, privacy, parking, and residential noise levels. There have been four other residences along Lawson Road that have received variance approval for three stories because of the topographic challenges due to the hillside. The third story for the subject property is minimal in bulk and scale, and has no impact on neighboring residences. The subject property is not readily visible from the public road, and is at a lower elevation than properties to the north. The portion of the residence that is surrounded by neighboring residences is two-stories, and has been conditioned to have a 3-foot reduction, and not to exceed the 825-foot elevation, as measured from the top of the parapet. It is visible in the foreground to neighboring residences, but is comparable to them in terms of bulk and scale. As a result, existing community's property values are preserved. Furthermore, the addition of habitable floor area on the subject property improves the overall value of the residence, and property values as a whole.

The development of the overall subject site, consisting of a 2,870 square-foot residence with a 955 square-foot parking level, 327 square-foot accessory building, and new hardscaping and landscaping throughout, will bring a new, high quality residence to the neighborhood, which will improve the property value of the subject property and thereby increase the overall property value of the whole community.

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

Staff Finding: The lot is vacant, so there is no interior space currently. The project includes the construction of a new single-family residence consisting of 2,870 square-feet with a 955 square-foot parking level, and a 327 square-foot accessory building, for a gross floor area of 4,224 square-feet. The new residence will utilize all of the interior space for living space, as there will not be any unconditioned space within the residence other than the two car carport within the parking level. Therefore, the project serves to maximize the use of its interior space.

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

Staff Finding: The new residence, and overall scope of work, does not change the land use of the subject property and, as described earlier, has minimal impacts on surrounding properties. The subject site improves the value of the neighboring properties. Also, the project will not use or emit hazardous

substances beyond what is normal for a residential property. The project would be required to comply with applicable zoning standards and obtain building permits. Based on the foregoing reasons, the project promotes the general welfare, public health and safety of the Kensington community.

B. VARIANCE FINDINGS

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

- 1) *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located;*

Staff Finding: The variance to allow 184 square-feet of floor area that creates three consecutive stories (where 2 ½ stories is the maximum) does not constitute a grant of special privilege. The third story does not expand the building envelope, and would not change the current conditions of the surrounding area. The subject property is topographically challenged, which limits the buildable area of the lot. The west end of the lot is extremely difficult to develop because of the existing 5-foot wide sewer easement, and the average slope being approximately 57%. The granting of a variance in this situation would allow for access and parking in a manner that would not involve extensive grading or relocation of drainage lines. The new single-family residence is designed to follow the natural topography of the hillside, with the lowest level toward the bottom of the hill.

Also, it is typical for a crawl space with adequate ceiling height be a result from the construction of a residence on a hillside with such a steep slope. The third story is an understandable situation made possible by the topographic circumstances of the subject property. In addition, there have been four other residences along Lawson Road that have received variance approval for three stories because of the topographic challenges due to the hillside. Therefore, the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective (R-6) land use district in which the subject property is located.

There are also variances to allow:

- A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
- A 0-foot side yard (where 5-feet is required) for a retaining wall with a

maximum height of 4-feet;

- And a 0-foot rear yard (where 3-feet is required) for 15 linear feet of fencing with a maximum height of 6-feet, 9-inches.

The retaining walls are also due to the topographic challenges of the subject property. The retaining wall off of the private road is for the driveway in order to gain access to the residence. The other retaining wall is to replace an existing, wood retaining wall that is failing. 15 linear feet of fencing along the rear boundary line will have a maximum height of 6-feet, 9-inches because of the topography as well. The ground dips down at that area of the site, and keeping the fence at 6-feet would cause a break in the fencing. This would lower the fence line, and create a negative impact to privacy between the subject property and adjacent property. Thus, these additional variances would not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity.

- 2) *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district;*

Staff Finding: The variance is to allow three stories (where 2 ½ stories is the maximum). The third story is at the west end of the new residence, and the lowest level. The topography and surroundings of the subject property are special circumstances that deprive the subject property of rights enjoyed by other properties in the vicinity and within the Kensington Combining District (-K) and (R-6) Zoning District. The subject property is a hillside. The new residence is being constructed to follow the natural topography of the hillside, with the lowest level toward the bottom of the hill.

It is typical for a crawl space with adequate ceiling height be a result from the construction of a residence on a hillside with such a steep slope. The creation of the third story is an understandable situation made possible by the topographic circumstances of the subject property.

The property is accessed by a 15-foot wide private easement at the end of Lawson Road. The west half of the property is extremely difficult to develop with a steep average grade of 57%. If the applicants were to utilize this portion of the lot for parking and access into the home, the design would increase in footprint. This would create far too much massing and bulk, and potentially impede on views of the San Francisco Bay to the west. Furthermore, due to

these topographic challenges, grading and filling is considered infeasible. A third story is a sensible resolution.

The third story does not have the residence go over maximum height as conditioned by the Zoning Administrator. It does not further expand the envelope of the residence, or create additional bulk. It is also tucked into the downslope of the subject property, hiding it from sight at street level, and not impacting views. Using the existing footprint of the new residence is a reasonable request because of special circumstances applicable to the subject property. Thus, strict application of the (R-6) zoning regulations would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity.

As previously stated, there are also variances to allow:

- A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
- A 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet;
- And a 0-foot rear yard (where 3-feet is required) for 15 linear feet of fencing with a maximum height of 6-feet, 9-inches.

Due to the topographic challenges of the subject property, these structures are required for the overall improvement to the subject site. The retaining wall off of the private road is for the driveway in order to gain access to the residence. The other retaining wall is to replace an existing, wood retaining wall that is failing. 15 linear feet of fencing along the rear boundary line will have a maximum height of 6-feet, 9-inches because of the topography as well. The ground dips down at that area of the site, and keeping the fence at 6-feet would cause a break in the fencing. This would lower the fence line, and create a negative impact to privacy between the subject property and adjacent property.

All other retaining walls that are considered structures meet frontage setback, side yard, and rear yard requirements for the (R-6) Zoning District. All other fencing along the perimeter of the property does not go over 6-feet in height. As a result, strict application of the (R-6) zoning regulations would deprive the subject property of the rights enjoyed by other properties in the immediate vicinity.

- 3) *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

Staff Finding: The intent and purpose of the Single-Family Residential (R-6) land use district is to facilitate orderly development and maintenance of high-density, single-family residential neighborhoods. This includes a detached single-family dwelling and the accessory structures and uses normally auxiliary to it. The new residence, and accessory building and structures, fall under the permitted uses for the (R-6) Zoning District. The project requires the approval of variances to allow three (3) stories (where 2 ½ stories is the maximum), and structures not meeting the minimum frontage setback, side yard, and rear yard requirements. However, due to the topographic challenges to the subject site the granting of these variances is considered special circumstance, not a special privilege. Therefore, approval of the variances previously stated in order to construct the residence and auxiliary structures would meet the intent and purpose of the (R-6) land use district.

C. TREE PERMIT FINDINGS

Both the red and atlas cedar trees (trees #1-2 as labeled in the arborist report) are approved for removal. Staff has determined the eleven (11) trees requested for removal be allowed based on the Tree Findings below.

Required Factors for Granting Permit. The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a Tree Permit have been satisfied as marked:

- 1) The arborist report indicates that most of the subject trees are in poor health and cannot be saved;
- 2) Reasonable development of the property would require removal and/or work within the drip line of code-protected trees, and this development could not be reasonably accommodated on another area of the lot.
- 3) According to Section 816.6.2004, the purpose of the Tree Protection and Preservation Ordinance is to preserve trees on private properties in the interest of the public health, safety and welfare. As indicated by the applicant's physician, the applicant has serious allergies to cedar trees and notwithstanding the fact that these trees are protected; the preservation of these two cedar trees will be compromising the property owner's individual health and safety as stated on Section 816.6.2004.

II. CONDITIONS OF APPROVAL FOR COUNTY FILE #DP15-3030

Project Approval

1. Development approval is based on the following documents submitted to the Department of Conservation and Development, Community Development Division (CDD):
 - The application materials submitted on September 16, 2015;
 - Additional materials submitted January 20, 2016;
 - Revised plans submitted January 22, 2016 and February 16, 2016;
 - Arborist report dated December 10, 2015, prepared by Peter K. Rudy, certified arborist;
 - And subject to the conditions listed below.

Tree Removal

2. This permit is to allow the removal of eleven (11) code-protected trees only.

General Provisions

3. 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 a Development Plan and a public hearing, if deemed necessary. The following is approved with this permit:
 - A. The construction of:
 - A 2,870 single-family residence, with a 955 square-foot parking level, and a 327 square-foot accessory building, resulting in a total gross floor area of 4,224 square-feet (where the Kensington Combining District gross floor area threshold is 4,000 square-feet);
 - New retaining walls and fencing;
 - A 103 square-foot trellis;
 - And new landscaping and hardscaping throughout.
 - B. Variances to allow:
 - 3 stories (where 2 ½ stories is the maximum);
 - A 3-foot front yard setback (where 20-feet is required) for a retaining wall with a maximum height of 7½-feet;
 - A 0-foot side yard (where 5-feet is required) for a retaining wall with a maximum height of 4-feet;
 - And a 0-foot rear yard (where 3-feet is required) for 15-feet of fencing with a maximum height of 6-feet, 9-inches.

- C. A tree permit to remove 11 code-protected trees, and work within the drip lines of 2 code-protected trees.

Species	Trunk Diameter(s)	Status
3 Monterey Pines	42.5-inches; 29-inches; 6.5-inches	Remove all
2 Honey Locusts	10-inches; 20-inches	Remove all
2 Junipers	48-inches in total (multi-stemmed) 63-inches in total (multi-stemmed)	Remove all
California Live Oak	18-inches in total (multi-stemmed)	Preserve
Eugenia	48-inches in total (multi-stemmed)	Remove
Black Pine	10-inches	Remove
2 Cedars	16-inches and 24-inches	Remove all
Apple tree	10-inches	Preserve
Pear tree	6-inches	Remove – Not protected

Building Height Verification

4. **Prior to requesting a framing inspection**, but after completion of roof frame, the applicant shall submit evidence, for review and approval of CDD, from a licensed surveyor on the field elevations of the roof ridgeline points and the heights of the building as measured from existing grade indicated on building permit site plans for purposes of determining compliance with maximum height limits of the zoning district. In addition, the overall height of the residence shall be reduced by 3-feet. As measured from the top of the parapet, the height of residence shall not exceed the 825-foot elevation.

Fencing

5. No fencing shall be higher than 6-feet tall when measured from grade, except for the 15-feet of fencing (with a maximum height of 6-feet, 9-inches) allowed through this variance approval.

Model Water Landscape Ordinance

6. **Prior to the submittal of a building permit**, the applicants shall demonstrate that the landscaping plan provides compliance with the State Model Water Efficiency Landscape Ordinance or County Model Water Efficiency Landscape Ordinance, whichever ordinance applies.

Landscaping

7. **Prior to the submittal of a building permit**, a landscaping plan for all landscaped areas, including placement of Japanese maples, shown on the plan shall be submitted for review and approval of CDD. Such landscaping shall specifically serve for screening for privacy areas along the northwest, south and southwest.

Payment of Fees

8. 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 applicants may obtain current costs by contacting the project planner. If the applicants owes additional fees, a bill will be sent to the applicants shortly after permit issuance.

Contingency Restitution for Work within the Dripline of Trees

9. Pursuant to the requirements of Section 816-6.1204 of the Tree Protection and Preservation Ordinance, to address the possibility that tree removal and construction activity nevertheless damages these trees, the applicants shall provide the County with a security (e.g., bond, cash deposit) to be submitted prior to filing a building permit, to allow for replacement of trees intended to be preserved that are significantly damaged by tree removal and/or construction activity. The security shall be based on:
 - A. **Extent of Possible Restitution Improvements:** The planting of up to four (4) drought-tolerant trees, minimum 15-gallons in size, in the vicinity of the affected trees, or equivalent planting contribution, subject to prior review and approval of CDD.
 - B. **Determination of Security Amount:** The security shall provide for a breakdown of all of the following costs:
 - Preparation of a landscape/irrigation plan by a licensed landscape architect or arborist.
 - A labor and materials estimate for planting the four (4) 15-gallon-size trees and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - An additional 20% of the total of the above amounts to address inflation costs.
 - C. **Acceptance of Security:** The security shall be subject to review and approval of CDD. The County ordinance requires that the applicants pay fees for all staff time

and material costs associated with processing a tree protection security. The applicants shall pay an initial fee deposit of \$100 at time of submittal of a security.

- D. Duration of Security: The security shall be retained by the County for a minimum of 12 months and up to 24 months following completion of work within the trees' driplines. A prerequisite of releasing the bond between 12 and 24 months shall be to have the applicants arrange for the consulting arborist to inspect the trees and prepare a report on the trees' health. In the event that CDD determines that the trees intended to be preserved have been damaged by development activity, and CDD determines that the applicants have not been diligent in providing restitution of the damaged trees, then CDD may require that all or part of the security be used to provide for mitigation of the damaged tree(s).

Required Restitution for Approved Tree Removal

10. The following measures are intended to provide restitution for the eleven (11) trees that have been approved for removal:

- A. Tree Restitution Planting/Irrigation Plan: Prior to filing a grading permit or building permit, or prior to removal of trees, whichever occurs first, the applicants shall submit a tree planting and irrigation plan prepared by a licensed arborist or landscape architect for the review and approval of CDD. The plan shall provide for the planting of at least eleven (11) drought-tolerant trees, minimum 15-gallons in size. The plan shall be accompanied by an estimate prepared by a licensed landscape architect or arborist of the materials and labor costs to complete the improvements on the plan. This tree restitution plan may be considered along with the landscaping requirement stated under Condition of Approval #7.

The tree restitution planting plan shall be incorporated into the plans filed for a building permit and shall comply with the requirements of the State Model Water Efficient Landscape Ordinance or County Model Water Efficiency Landscape Ordinance, whichever ordinance applies. Information relating to this ordinance is available at the Application and Permit Center.

- B. Required Security to Assure the Completion of Plan Improvements: Prior to filing a grading permit or building permit, or prior to removal of trees, whichever occurs first, the applicants shall submit a security (e.g., bond, cash deposit) that is acceptable to CDD to ensure that the restitution plan is implemented.

Determination of Security Amount: The security shall provide for a breakdown of all of the following costs:

- A labor and materials estimate for planting the eleven (11) 15-gallon-size trees and related irrigation improvements that may be required, prepared by a licensed landscape architect or landscape contractor.
 - An additional 20% of the total of the above amounts to address inflation costs.
- C. Initial Fee Deposit for Processing a Security: The County ordinance requires that the applicants pay fees for all staff time and material costs associated with processing a landscape improvement security. At the time of submittal of the security, the applicants shall pay an initial deposit of \$100.
- D. Duration of Security: The security shall be retained by the County for a period of 24 months following the completion of construction activity to ensure that the restitution plan is successfully implemented. If CDD determines that the applicants has not been diligent in implementing the plan, then CDD may require that part or all of the security be used to implement the plan.

Arborist Expense

11. The expenses associated with all required arborist services shall be borne by the developer and/or property owner.

Compliance with Arborist Recommendations

12. The applicants shall implement all measures recommended by the consulting arborist that are intended to mitigate potential tree construction-related impacts.

Construction Period Restrictions and Requirements

13. Site Preparation - Prior to the start of construction or any clearing, stockpiling, trenching, grading, compaction, paving or change in ground elevation on site with trees to be preserved, the Applicants shall install protective fencing at or beyond the drip line of the trees to be preserved (one California live oak and one apple tree) and along the boundaries of all other protected trees within the vicinity of construction. The fencing shall remain in place for the duration of construction activities. Prior to grading or issuance of any permits, the fences may be inspected and the location thereof approved by the Building Inspection Division or Community Development Division staff. *Construction plans shall stipulate on their face where temporary fencing is to be placed. The required fencing shall be installed prior to the commencement of any construction activity.*

14. The applicants 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/2013.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.
 - H. The applicants shall immediately notify the CDD of any damage that occurs to any tree during the removal of the coast live oak tree. Any tree not approved for destruction or removal that dies or is significantly damaged as a result of this project shall be replaced with a tree or trees of equivalent size and of a species as approved by the CDD to be reasonably appropriate for the situation.
 - I. No parking or storage of vehicles, equipment, machinery, or construction materials and no dumping of paints, oils, contaminated water, or any chemicals shall be permitted within the drip line of any tree to be preserved.
 - J. No grading, compaction, stockpiling, trenching, paving, or change in ground elevation shall be permitted within the drip line of any tree intended for preservation unless such activities are indicated on the improvement plans approved by the County and addressed in the arborist report. If any of the activities listed above occur within the drip line of a tree to be preserved, an arborist may be required to be present. The arborist shall have the authority to require implementation of measures to protect the trees.
15. The geotechnical and/or soils report, prepared for or required for this project, will address the concerns raised in the April 4, 2016 Webster's letter (to the extent feasible). Once concerns are addressed, response(s) shall be prepared and peer-reviewed by the County geologist.
16. All of the proposed utilities of the residential project shall be placed underground.
17. Existing Utilities/Easements:
- a) The applicant shall obtain information from the appropriate County Department (Public Works, Flood Control, etc.) in order to identify property location of the storm drain easement within the property. To the extent feasible, the applicant shall seek and obtain information to determine the requirement and/or need of proper party/entity responsibility in addressing the realignment of such easement.
 - b) The applicant shall obtain information from the Stege Sanitary in order to clarify

potential location of a sewer line located along the north/northwest portion of the property. The applicant will be responsible to ensure this project will not impact such potential easement and accommodate the project in order to avoid impact to such sewer line/easement, as needed.

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