

**RESOLUTION NO. 8-2016**

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA FOR A KENSINGTON DESIGN REVIEW DEVELOPMENT PLAN TO ALLOW A SINGLE-FAMILY RESIDENTIAL ADDITION FOR A PROPERTY IN THE KENSINGTON AREA. PHOEBE KWAN AND RALPH LEIGHTON (APPLICANTS AND OWNERS). COUNTY FILE #DP15-3009.**

WHEREAS, an application filed by Phoebe Kwan and Ralph Leighton (Applicants and Owners) was submitted on May 13, 2015, to allow a residential addition to an existing single-family residence, which includes a bedroom, a bathroom, and a deck with a hot tub, and an expansion of the existing kitchen. The subject property is located at 285 Colusa Avenue 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 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 October 19, 2015, where all persons interested therein might appear and be heard; and

WHEREAS, the Zoning Administrator received testimony, closed the hearing and continued the matter to November 2, 2015, to consider the public testimony received and to visit the subject property; and

WHEREAS, the Zoning Administrator held a closed hearing on November 2, 2015, and determined that all applicable ordinance findings for the project had been made and approved the application subject to conditions and added a condition requiring vegetative screening along the northern property line starting from the addition to the deck area; and

WHEREAS, on November 9, 2015, within the time allotted by law, the Department of Conservation and Development received an appeal of the County Zoning Administrator's decision from David Gerstel; and

WHEREAS, after notice having been lawfully given, a public hearing was scheduled before the Board of Appeals (County Planning Commission) on Tuesday, February 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 development for a residential addition to an existing single-family residence, which includes a bedroom, a bathroom, and a deck with a hot tub,

and an expansion of the existing kitchen is consistent with the Contra Costa County General Plan Policies for the Kensington area and the Single-Family Residential Zoning District, R-6, Tree Obstruction of Views, -TOV and Kensington Combining District, -K Ordinance; and

2. DENIES the appeal of David Gerstel; and
3. SUSTAINS the Zoning Administrator's approval of the application as conditioned.

NOW BE IT RESOLVED that the Secretary of the County Planning 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.

The instructions by the County Planning Commission to prepare this resolution were given by motion of the County Planning Commission on Tuesday, February 9, 2016, by the following vote:


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

WHEREAS, following the February 9, 2016, decision of the County Planning Commission to approve the requested development plan application, on February 19, 2016, Amara L. Morrison, attorney for David and Sandra Gerstel (appellants), filed an appeal of the County Planning Commission's decision to the Board of Supervisors.

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

I, Aruna Bhat, Secretary of the County Planning Commission, certify that the foregoing was duly called and approved on February 9, 2016.

ATTEST:

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