

FINDINGS & CONDITIONS OF APPROVAL FOR COUNTY FILE #DP15-3009;
PHOEBE KWAN AND RALPH LEIGHTON (APPLICANTS AND OWNERS)

Kensington Combining District Ordinance Findings

Ordinance Code Section 84-74.1206(b): Standards of consideration.

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

Finding: The applicant is requesting approval of a Kensington Design Review Development Plan for a one-story 370-square-foot addition to a single-family residence, which includes a deck. The current residence is approximately 1,906-square feet in area (garage included), and is proposed to be 2,276 square feet in area. The additional square footage will add one bedroom and one bathroom, resulting in a three bedroom and two-bathroom residence. The project also includes enlarging the existing kitchen. The addition recognizes the rights of property owners to improve the value and enjoyment of their property by allowing development to occur that is both considerate of neighbor's views and does not infringe on the privacy of adjacent properties.

- 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: This criterion does not apply as the subject property is not vacant.

- 3. Minimizing impacts upon surrounding neighbors;**

Finding: The applicant has minimized the impact of the addition by proposing a redesigned project that meets the required side yard of 3 feet, aggregate side yard of 8 feet, and rear yard of 15 feet, and is consistent with the height of the existing residence as well as surrounding homes. The addition is one-story and measures 18 feet 6 inches at the tallest point. Given that the addition is located at the rear of the residence, the addition will not be visible from the property's frontage. Overall, the project will blend in with the current design and architecture of the existing residence maintaining visual continuity of the developed site. Therefore, as redesigned, the project will allow the property owners an opportunity to improve upon the existing residence in a manner that will minimize impacts to surrounding neighbors.

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

Finding: The project is consistent with the development patterns for this area and is not expected to diminish home values in the area. The one-story addition will be constructed at the rear of the existing residence from the northern to the southern portion of the property. Homes in the surrounding area have either added onto the rear of the residence or added a second story. The one-story addition is located towards the rear of the property, which would have minimal impacts to the surrounding neighbors.

The closest portion of the addition will be 5 feet 3 inches from the northern property line. The addition will be adjacent to the yard area of the neighboring property to the north. The addition will have a bathroom window along the northern portion of the building; however, there is landscaping required (Condition of Approval #5) that would reduce any privacy concerns of the adjacent neighbor.

The project also includes a new rear yard deck with a hot tub. There is currently an existing deck located at the rear of the residence, which will be demolished to accommodate for the addition. Therefore, a new deck will be constructed and is not anticipated to create privacy issues with adjacent neighbors, since there is an existing fence that screens the rear yard and landscaping will be required along the northern property line. The project will not diminish the value and enjoyment of neighbors' properties in the immediate vicinity.

5. Maintaining the community's property values;

Finding: This project will not conflict with the property values of the neighborhood. The project will remain consistent in terms of height and bulk as other nearby residences. The project is not expected to block any views of adjacent neighbors. Furthermore, residential improvements typically increase property values, which positively affect neighborhoods in general.

6. Maximizing the use of existing interior space;

Finding: The project will be adding a bedroom and a bathroom, and expanding the existing kitchen. The one-story addition is approximately 370 square feet and is designed to provide continuity of the living area.

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

Finding: The proposed addition is consistent with the General Plan Policies for Kensington and is not anticipated to adversely impact the general welfare, public health and safety of the Kensington community. The addition is compatible (e.g., height, bulk and design) with other residences in the immediate vicinity. Additionally, the addition will be required to comply with applicable fire and building codes public health or safety risks. Therefore, as conditioned, the project will promote the general welfare, public health and safety of the Kensington area and County in general.

CONDITIONS OF APPROVAL

Project Approval

1. This Development Plan Permit for a single-family residential addition is APPROVED, as generally shown on the plans received by the Department of Conservation and Development, Community Development Division (CDD) and is subject to the conditions listed below and based on the following documents:

- Application submitted on May 13, 2015; and
 - Revised Plans submitted on April 11, 2017.
2. Any changes to the approved plans stated above must be submitted for review and approval of CDD, and may require the submittal of an application, if deemed necessary.

Application Fees

3. This application is subject to an initial application deposit of \$1,000, 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 you owe additional fees, a bill will be sent to you shortly after permit issuance.

4. *Construction Restrictions: The applicant shall comply with the following restrictions and requirements, which shall be stated on the face of all construction drawings:*

- A. All 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 specific details on the actual day the state and federal holidays occur, please visit the following websites:

Federal Holidays <http://www.opm.gov/fedhol>

California Holidays <http://www.edd.ca.gov/eddstholidays.htm>

- B. The applicant shall make a good faith effort to minimize project-related

disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.

C. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.

D. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.

5. The applicant shall provide vegetative screening along the northern property line starting from the bedroom addition to the deck area to reduce privacy impacts. The vegetative screening shall include drought tolerant plants and shall be consistent with the State's Model Water Efficient Landscape Ordinance or the County's Ordinance, if one is adopted.

At least 30 days prior to issuance of a building permit, the applicant shall submit landscaping plans that demonstrates compliance with the above requirement for vegetative screening for the review and approval of CDD.

ADVISORY NOTES

ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL, BUT ARE NOT CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED IN ORDER TO INFORM THE APPLICANT OF ADDITIONAL REGULATIONS, ORDINANCES, AND REQUIREMENTS THAT MAY BE APPLICABLE TO THE PROPOSED PROJECT.

A. NOTICE OF 90-DAY OPPORTUNITY TO PROTEST FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS PERMIT.

This notice is intended to advise the applicant that pursuant to Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations, and/or exactions required as part of this project approval. The opportunity to protest is limited to a 90-day period after the project is approved.

The ninety (90) day period, in which you may protest the amount of any fee or the imposition of any dedication, reservation, or other exaction required by this approved permit, begins on the date this permit was approved. To be valid, a protest must be in

writing pursuant to Government Code Section 66020 and delivered to the Department of Conservation and Development within 90 days of the approval date of this permit.

B. The applicant shall comply with the requirements of the following agencies:

- Department of Conservation and Development, Building Inspection Division
- Kensington Fire Protection District
- Stege Sanitary District
- East Bay Municipal Utility District