

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #DP17-3046; JORAM ALTMAN (APPLICANT) AND JEREMY PATRICIA STONE (OWNER)**

**I. FINDINGS**

**A. Growth Management Performance Standards**

1. Traffic: The project involves the remodel of a single-family residence, which includes replacing the roof, adding skylights and solar panels, replacing two trellises, and removing 8 square feet of floor area from the kitchen. No expansion of the gross floor area is proposed. Policy 4-c under the Growth Management Program (GMP) requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. The proposed improvements are residential in nature and will not change the density of residential development for the site. Therefore, the project will not generate any additional traffic trips to and from the project site and a traffic impact analysis is not required.
2. Water: The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. In a returned Agency Comment Request form, East Bay Municipal Utility District (EBMUD) has indicated that the proposed development may be served from existing main(s).
3. Sanitary Sewer: The GMP requires that new development demonstrate that adequate sanitary sewer quantity and quality can be provided. The subject property currently receives sanitary sewer service from the Stege Sanitary District, and is not anticipated to significantly increase the demand for sanitary sewer service in the area.
4. Fire Protection: The fire protection standards under the GMP require that a fire station be within one and one-half miles of development in urban, suburban and central business district areas, or requires that automatic fire sprinkler systems be installed to satisfy this standard. The project site is within the El Cerrito/Kensington Fire Department jurisdiction. The Fire Department's review and approval is required prior to building permits being issued to ensure compliance with all fire codes and regulations.
5. Public Protection: Public protection standards under the GMP require that a Sheriff Facility standard of 155 square feet of station area and support facilities per 1,000 in population shall be maintained within the unincorporated area of the County. Proposed construction will increase the height of the existing single-family residence, but will not increase the demand for police service facilities because the project will not increase the population.
6. Parks & Recreation: Parks and recreation standards under the GMP require three acres of neighborhood park area per 1,000 in population. The project will not increase the demand for parks or recreation facilities because the project will not increase the housing stock in the County.

7. Flood Control & Drainage: No portion of the subject property is located within a 100-year flood area as determined by the Federal Emergency Management Agency. In addition, the project does not involve the removal, construction, or alteration of any dams or levees within the County. Therefore, further analysis in relation to increased flood risks as a result of the project is not required.

## **B. KENSINGTON COMBINING DISTRICT FINDINGS**

Kensington Combining District (-K) requires that the additions and alterations to the single-family residence 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 involves an interior and exterior remodel of the existing single-family residence, which includes replacing the roof and adding elevated skylights. The new roof will increase the overall height of the house by 4 inches and the tallest skylight (23-foot long skylight located above the dining room) will extend 18 inches above than the new roof ridge, changing the overall height of the residence from 26 feet and 8 inches to 28 feet and 6 inches. The existing gas flue and fireplace chimney will be modified to extend 2 feet above the skylights above the dining room. New solar panels and a new kitchen exhaust fan will be added to the roof. In addition, this project includes the removal of 8 square feet of floor area from the kitchen on the eastern side of the residence, the replacement of existing glazing and sliding doors, the addition of new windows, decking repair, and the replacement of two trellises. No expansion of the gross floor area is proposed. The proposed development enhances the livability of the residence, 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;

Staff Finding: The subject property is not vacant, so this criterion does not apply.

3. Minimizing impacts upon surrounding neighbors;

Staff Finding: The subject property is located within an established, single-family, hillside residential neighborhood in Kensington. Most homes within the immediate vicinity of the subject site were built between the early 1940s and early 1960s. Due to the location, homes within this area are generally two-stories and designed to maximize views of the San Francisco Bay.

The new roof and insulation will expand the building envelope and increase the overall height of the subject house by 4 inches and the tallest skylight (located above the dining room) will extend 18 inches above the new roof ridge, changing the overall height of the

residence from 26 feet and 8 inches to 28 feet and 6 inches. The existing gas flue and fireplace chimney will be modified to extend 2 feet above the skylights above the dining room. New solar panels and a new kitchen exhaust fan will be added to the roof. Originally, the proposed 23-foot long skylight located above the dining room extended 36 inches above the new roof ridge (x-ref: County File #KR17-0022). In an attempt to alleviate the concerns expressed by a neighboring property owner, the applicant submitted revised plans on October 25, 2017 reducing the height of the skylight curbs. The revised plans show that the skylight above the dining room will extend no more than 18 inches above the new roof ridge. As shown in the attached skylight rendering from the applicant, the proposed development would minimally affect surrounding views as defined in Chapter 84-74–Kensington Combining District (-K), Section 84-74.404(r). The raised roof and new skylights would only cut off a sliver of the neighbor's view (who requested a public hearing and whose residence sits at a higher elevation), just above the current roof ridge of the subject residence, and most of which is foreground view of the land. The neighbor's second story view from the bedroom would not be affected. The view from the green roof, just outside of the second story bedroom would be minimally affected. The elevated skylights would not affect the appellant's views of the Bay Bridge, city skyline, or Golden Gate Bridge.

Additionally, the applicant and owner agreed to re-orient the skylights over the bedroom hall so they align and create a more harmonious roof pattern and to paint the skylight curbs and metal frames gray to match the new roof color. Furthermore, the applicant and owner agreed to relocate the solar panels to the other side of the roof, over the subject property's master bedroom and away from neighboring property located at 65 Highgate Road in Kensington.

As part of the remodel, the applicant and owner are also proposing to remove a fixed glass panel and replace it with an operable metal sash within existing openings in all of the bedrooms. In the kitchen, a window will be added where the refrigerator bump out is removed and the window facing the dining room patio will be enlarged. These modifications are not expected to affect the privacy of any of the neighboring property owners. Additionally, the proposed improvements do not substantially alter the appearance or volume of the existing residence. Although the overall height of the residence is increasing, the applicant is removing 8 square feet of living area from the kitchen, which helps reduce the bulk of the existing residence. Removing 8 square feet of living area also reduces the gross floor area from 5,576 square feet to 5,568 square feet. Since no addition to the gross floor area of the residence is proposed as part of this project, the existing residence shall remain substantially compatible with neighboring homes with regard to size. There is a 433 square foot carport attached to the existing residence, which satisfies the off-street parking requirement. Pursuant to County Code Section 84-4.1202, only one off-street parking space is required where the lot was legally created before September 9, 1971. According to the Contra Costa County Assessor's records, the existing residence was built in 1960. Since new construction would only increase the overall height of the residence by 1 foot and 10 inches, this would negligibly affect access to sunlight for

any of the neighboring property owners. No new trees, nor removal, nor alteration of existing trees are proposed as part of this project.

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

Staff Finding: As previously mentioned, the overall project will minimally affect the views, light and solar access, privacy, and parking for neighboring property owners. Residential noise levels should not be affected since the proposed improvements are residential in nature and will not change the density of residential development for the site. Therefore, the project preserves the value and enjoyment of neighboring properties.

5. Maintaining the community's property values;

Staff Finding: The community's property values will be maintained because the proposed development would minimally affect surrounding neighbors. Although the overall height of the residence will increase, the project minimally affects surrounding views as defined in Chapter 84-74–Kensington Combining District (-K), Section 84-74.404(r). To the knowledge of Staff, the raised roof and new skylights would only cut off a sliver of one neighbor's view, just above the current roof ridge of the subject residence (from the first level living area), and most of which is foreground view of the land. There are multiple vantage points from both levels of this neighbor's home, many of which will be unaffected or minimally affected by the proposed construction. The neighbor's second story view from the bedroom would not be affected. The view from the green roof, just outside of the second story bedroom would be minimally affected. The elevated skylights would not affect the appellant's views of the Bay Bridge, city skyline, or Golden Gate Bridge. Additionally, remodeling a home will usually increase its value, which in turn adds value to the neighborhood.

6. Maximizing the use of existing interior space;

Staff Finding: No expansion of the gross floor area is proposed as part of this project, so this criterion does not apply.

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

Staff Finding: One single-family residence is located at the subject site. The proposed modifications will increase the height of the existing house and improve the overall appearance, which will not change the land use or residential nature of the property. All new construction will need to meet applicable building code and fire code before a building permit is issued and before an approved final inspection is received. Therefore, the proposed construction will substantially benefit the immediate neighborhood and promote the general welfare, public health and safety of the Kensington community.

## **II. CONDITIONS OF APPROVAL FOR COUNTY FILE #DP17-3046**

### **Project Approval**

1. Development for a remodel of a single-family residence, which includes replacing the roof, adding skylights and solar panels, replacing two trellises, and removing 8 square feet of floor area from the kitchen in the Kensington area is approved based on the plans received by the Department of Conservation and Development, Community Development Division (CDD) on December 11, 2017, revised site plan on March 1, 2018, and revised south elevation on June 14, 2018. No work on the elevated wooden deck (located along the eastern portion of the house) is approved as part of this application. Any proposed work (repair or reconstruction) may be subject to the Kensington Combining District Ordinance and must comply with all of the required development standards.

### **Payment of Fees**

2. 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.

### **Paint Color**

3. The skylight curbs and metal frames shall be painted to match the roof and be of low reflectivity. The applicant may consult with and provide the property owner of 65 Highgate Road with an opportunity to comment on the chosen color

### **Lot Line Adjustment**

4. Two tax assessor parcel numbers have been assigned to the subject site: the existing residence resides on the portion of the property assigned (APN: 572-181-017) and the pool and 816 square-foot accessory building (a single story carport/garage with a bathroom and pool equipment storage room) is located on the portion of the property assigned (APN: 572-181-016). Prior to issuance of building permits for the proposed construction, the applicant shall submit a lot line adjustment application to CDD Staff to merge the two parcel numbers. The lot line adjustment shall be recorded prior to issuance of building permits.

### **Construction Period Restrictions and Requirements**

5. 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: [http://www.opm.gov/Operating\\_Status\\_Schedules/fedhol/2018.asp](http://www.opm.gov/Operating_Status_Schedules/fedhol/2018.asp)

California: <https://www.ftb.ca.gov/aboutftb/holidays.shtml>

- 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
- El Cerrito/Kensington Fire Department