



Department of Conservation and Development

County Zoning Administrator

Monday, December 16, 2019 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Kensington Design Review for a 326-square-foot addition and deck replacement
County File(s):	#DP19-3019
Applicant:	Howard McNenny
Owner:	Mary Hanley
Zoning/General Plan:	Single-Family Residential (R-6), Tree Obstruction of Views (-TOV), and Kensington (-K) Combining Districts / Single-Family Residential-High Density (SH)
Site Address/Location:	120 St. Albans Road, Kensington / APN: 572-124-006
California Environmental Quality Act (CEQA) Status:	The proposed project is exempt under CEQA Guidelines Section 15301(e), which identifies additions to existing structures that are less than 2,500 square feet or do not exceed 50 percent of the existing structure as being exempt from review.
Project Planner:	Margaret Mitchell, Planner I (925) 674-7804
Staff Recommendation:	Approve (See Section II for Full Recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Kensington Design Review Development Plan for an approximately 326-square-foot two-story addition, an interior remodel of the upstairs, and replacement of an existing deck at the rear of the an existing single-family residence.

II. RECOMMENDATION

Staff recommends that the Zoning Administrator approve County File #DP19-3019, based on the attached findings and subject to the attached conditions of approval.

III. BACKGROUND

The Kensington design review request is for the construction of an approximately 326-square-foot two-story addition to the rear of an existing three-story single-family residence. The project was first submitted as County File #VR18-1032, requesting approval of a three-story addition (where two and a half stories is allowed) located towards the northern side of the rear of the residence where the existing residence is three stories due to a small basement/storage space. The project was then redesigned to a two-story addition relocated towards the southern side of the rear of the residence where the existing residence is two stories above a crawl space, thus eliminating the variance. A Kensington design review application (County File #KR19-0011) was then submitted on July 26, 2019. Two hearing requests were received during the required 34-day public comment period for the Kensington design review. A development plan application (County File #DP19-3019) was then submitted on September 18, 2019.

IV. GENERAL INFORMATION

- A. General Plan: The subject property is located within the Single-Family Residential- High Density (SH) General Plan Land Use designation.
- B. Zoning: The subject property is located within a Single-Family Residential (R-6), Tree Obstruction of Views (-TOV), and Kensington (-K) zoning district.
- C. California Environmental Quality Act (CEQA): The proposed project is exempt under CEQA Guidelines Section 15301(e), which includes additions to existing structures that are less than 2,500 square feet or do not exceed 50 percent of the existing structure, whichever is less.
- D. Lot Creation: The subject property is Lot 7 of Berkeley Highlands Terrace, Block 5. The existing single-family residence was constructed in 1938.

E. Previous Applications:

- a. VR18-1032: A variance application for a 371-square-foot three-story addition (where two and a half stories is allowed) at the rear of an existing three-story residence was submitted on October 31, 2018. The project was redesigned and submitted under County File #KR19-0011.
- b. KR19-0011: A Kensington design review application for a 326-square-foot two-story addition to the rear of an existing three-story residence was submitted on July 26, 2019. A hearing was requested and County File #DP19-3019 was filed.

V. SITE/AREA DESCRIPTION

The subject property is located within a residential neighborhood in the area of Kensington. The subject property is surrounded by residential lots ranging in size from 3,696 square feet to 8,400 square feet in area, all of which have been developed with residential dwellings and related accessory structures. Interstate 80 is located approximately 1.8 miles west of the property, the El Cerrito city limit is approximately 0.6 miles west and 0.6 miles north of the property, and the Richmond city limit is approximately 0.3 miles east of the property.

Properties within the surrounding neighborhood are rectangular in shape, are approximately 35 to 50 feet in average width, and are approximately 90 to 120 feet deep. As such, many of the surrounding parcels are substandard in size with respect to the 6,000 square-foot minimum lot size and 60-foot average width required for the R-6 Zoning District. Like the surrounding properties, the subject property is a rectangular shaped 4,641 square feet in size parcel, is 39 feet in average width, and is approximately 119 feet deep.

There is one 2,006-square-foot single-family residence located towards the front (east side) of the property, there are no associated accessory structures, and there are two trees located in the front of the property. The subject property is gently sloped at the very front of the property, and then continues at a steeper slope downhill from the front of the existing residence to the rear of the property. The existing two bedroom, one and a half bathroom, three-story residence was built on the subject property in 1938. The main floor of the residence contains a small entry way, a living room (with access to a deck), a dining room, a kitchen with a breakfast nook, a half bathroom, and a one-car garage. The deck extends

approximately 9 feet from the rear of the residence. The upper floor contains a master bedroom, a smaller bedroom that is accessed through the office space (which has access to a small balcony at the rear of the residence), and a bathroom. The lower level contains a 140-square-foot storage room in the northwest corner of the residence, with the rest of the lower level containing unfinished and unconditioned crawl space that is less than seven feet in height to the floor above.

VI. PROJECT DESCRIPTION

The applicant requests approval of a Kensington design review development plan for an approximately 326-square-foot two-story addition at the rear of the existing three-story single-family residence, an interior remodel of the upper floor, and replacement of an existing deck at the rear of the residence. The addition to the main floor will extend the living room and dining room by five feet to the west, with a second access to the deck from the dining room. The existing deck will be replaced by a new deck that extends approximately 10.5 feet west from the addition. The addition to the upper floor will extend the master bedroom and bathroom approximately seven feet to the west, creating an approximately two-foot overhang over the new deck. The remodel of the existing interior space, plus the small addition, will allow for a master bedroom with an ensuite master bathroom and walk-in closet, three smaller bedrooms, and an additional bathroom. The addition to the lower level of the residence will add five square feet of space to the existing storage room (above which will only be one floor at this new addition), and the rest will contain unfinished and unconditioned crawl space that is less than seven feet in height to the floor above.

VII. AGENCY COMMENTS

- A. Department of Conservation and Development, Building Inspection Division: In a returned agency comment request form dated October 8, 2019, Building Inspection staff commented that compliance with current building codes is required and that a one-hour fire rated wall is required at new perimeter walls located five feet or less from the property line.
- B. Contra Costa Environmental Health (CCEH): In a letter dated October 28, 2019, CCEH stated that a permit will be required for any well or soil boring, and that abandoned wells and septic tanks must be destroyed under a permit from the CCEH.

- C. El Cerrito/Kensington Fire Protection District: No comments have been received to date.
- D. Stege Sanitary District: In a returned agency comment request form dated October 3, 2019, the Sanitary District approved the project “as-is”.
- E. East Bay Municipal Utility District (EBMUD): In a letter dated October 1, 2019, EBMUD indicated that if additional water service is needed, a request for a water services estimate to determine the costs and conditions of providing additional water service to the development will need to be submitted.
- F. City of El Cerrito: No comments have been received to date.
- G. Kensington Municipal Advisory Council (KMAC): At the KMAC meeting held on Tuesday, October 29, 2019, KMAC recommended approval of the project with no conditions.
- H. Contra Costa Mosquito & Vector Control District: In a returned agency comment request dated September 25, 2019, the District staff stated that they had no comments.

VIII. PUBLIC COMMENT

Staff received two letters in opposition to the Kensington Design Review application during the 34-day public comment period. An updated hearing request letter was also received, but after the 34-day public comment period. The following contains staff’s response to each public comment.

A. Donna Breger Stanton – 134 Windsor Ave., Kensington

Comment: The drawings are unclear as to what is existing versus what is new, and the deck is too close to the property line.

Staff Response: A full set of plans are available and can be viewed at the Department of Conservation and Development. The new deck is three feet from the property line, which meets the required three-foot minimum side yard setback and will have to meet fire safety standards required by building code.

B. Jillian Blanchard, representing Nicole Ashar and Joseph Petroziello – 118 St. Albans Rd., Kensington

Comment: A land use permit is required for the expansion of a nonconforming use.

Staff Response: The applicant proposes to expand the existing residential building, as allowed under the R-6 Zoning District. Contra Costa County (CCC) Section 82-8.006 requires a land use permit for expansion of non-conforming uses. The use in this case is residential, permitted by right in the R-6 Zoning District, and therefore, does not require a land use permit.

Comment: A variance is required due to the number of stories, height, setbacks, and exceedance of the Kensington Combining District's threshold standards.

Staff Response: The existing residence is three stories (where two and a half stories is allowed) due to a 140-square-foot storage room in the lower level of the northwest corner of the residence. The addition is expanding the southern portion of the west side of the residence, where the existing residence is two stories above an unfinished and unconditioned crawl space that is less than seven feet in height to the floor above. The addition is also two stories above a an unfinished and unconditioned crawl space that is less than seven feet in height to the floor above, and therefore, a variance is not required for the number of stories.

The existing residence is 31 feet 5 inches in height (where 35 feet maximum is allowed) and has a pitched roof. The proposed addition is 26 feet in height, is located downhill from the tallest portion of the existing residence, and has a flat roof. Overall, a variance is not required for the height of the project.

Since the lot was created prior to the establishment of the R-6 Zoning District standards and the front property line is 35 feet wide, a reduced side yard minimum of 3 feet and a reduced aggregate side yard of 8 feet is allowed for any new construction (CCC Section 82-14.004). The addition and deck meet the minimum 3-foot side yard setback required. Therefore, a variance is not required for the setbacks.

Based on the subject property's size of 4,641 square feet, the maximum gross floor area (GFA) allowed is 2,400 square feet. The existing residence is 2,006

square feet and the addition is 326 square feet, so the GFA will be 2,332 square feet. This GFA remains below the threshold.

Comment: The addition does not meet the intent and purpose of the Kensington Combining District, as the addition blocks their views, includes a window that would look directly into their house, and decreases their property values.

Staff Response: The 118 St. Albans Road property is north of the subject property. The views of the San Francisco Bay from the subject property and the 118 St. Albans Road property are to the west. The upper floor of the addition to the rear (west side) of the subject residence extends approximately two and a half feet beyond the existing residence, and the deck at the lower level extends an additional approximately 8.5 feet beyond the upper floor. The residence at 118 St. Albans Road extends approximately 20 feet further to the west than the subject residence, and will therefore remain approximately 17.5 feet further to the west than the subject residence. Photos of the south facing views from the master bathroom of the 118 St. Albans Road residence were submitted to planning staff to illustrate the impacts to their bay views. Based on these photos, a small portion of the views to the south will be slightly impacted, but none of the western facing bay views will be impacted by the addition at the subject property. Therefore, there will not be a significant impact to views.

The addition at the subject property includes a window in the master bathroom that faces northwest, which may impact the privacy of the Petroziello residence. In order to reduce privacy impacts, revisions to this window will be required for the review and approval of the Conservation and Development Department prior to the issuance of building permits (see Condition of Approval #3).

The Kensington combining district standards recognize the rights of property owners to improve the value and enjoyment of their property. In general, adding square-footage to a residence, creating a better floor plan, and increasing views adds enjoyment and value to a property. Since the addition will be increasing the enjoyment and value of the subject property, it will in turn increase the value of the neighboring properties. Therefore, the Petroziello property values will not decrease from the addition to the subject property.

Comment: The County failed to provide adequate notice regarding planning

applications pertaining to the subject property.

Staff Response: The County properly noticed neighbors within 300-feet of the subject property, which includes the property owners of 118 St. Albans Road for County File #KR19-0011. In accordance with the County Code, no other public notifications have been sent for the project other than the original notification for the Kensington design review, and the noticing for this hearing.

Comment: The project would be significantly improved if the applicant would remove the north facing window, eliminate or significantly reduce the deck, and avoid expansion beyond the existing nook.

Staff Response: Condition of Approval #3 has been added to address the privacy impacts due to the northern facing window in the addition to the subject residence. The existing deck of the subject residence extends 9 feet to the west. The new deck is to replace the existing deck and extends 10.5 feet to the west from the new addition, which is only one and a half feet more than the existing deck. Therefore, staff is recommending that the deck may remain as proposed. The addition extends approximately two and a half feet beyond the existing nook. As previously stated, the Petroziello residence will extend approximately 17.5 feet further than the proposed addition which means that the proposed addition will have a minimal impacts to south facing views and no impacts to views of the bay to the west.

IX. STAFF ANALYSIS AND DISCUSSION

- A. General Plan: The subject property is located in an area of the County with a Single-Family Residential-High Density (SH) Land Use designation. The primary uses permitted in this land use designation include detached single-family homes and accessory structures. The proposed project involves the construction of an approximately 326-square-foot two-story addition to the rear of the existing single-family residence, an interior remodel of the upper level, and replacement of an existing deck at the rear of the residence. The proposed addition and modifications to the existing single-family residence will not change the existing residential use, which is consistent with the primary uses permitted in this land use designation.

The County General Plan has adopted policies for specific geographic areas of the County in addition to the countywide policies. Pursuant to the General

Plan's Map of Unincorporated Communities with Adopted Area Policies, the subject property is located within the Kensington specific geographical area. The policies for the Kensington area provide reasonable protection for existing residences, preservation of views of scenic natural features and the developed environment, design compatibility with nearby development, and provisions for adequate parking. The proposed development on the subject property will not increase the total height of the residence and is located at the rear of the residence which is downhill from the tallest portion of the existing residence. The views of the bay enjoyed by the neighboring properties are mainly to the west, so although the addition will be visible when looking north or south towards the neighboring properties, the bay views will not be impacted. The addition is located at the rear of the property and will not be visible from the street. The proposed project does not substantially alter the existing residence that has been located on the subject property since 1938 and will maintain the existing design of the residence, which includes painted wood siding that matches the existing residence. The addition will not increase the need for more parking or eliminate any of the existing parking. The addition is small enough that it will minimally impact light or solar access to the adjacent properties, especially the property to the north which extends approximately 20 feet further to the west than the subject property. Therefore, this project will not disturb the protections of existing residences with regard to views, design compatibility, parking, privacy and access to sunlight and thus will not conflict with the adopted policies of the Kensington specific geographic area.

- B. Zoning: The subject property is located within a Single-Family Residential (R-6) Zoning District, a Kensington Combining District (-K) and a Tree Obstruction of Views Combining District (-TOV). Generally speaking, the intent of the R-6 Zoning District is provide for orderly development of single-family residential uses, accessory structures and the uses normally auxiliary to them. The proposed project involves the construction of an approximately 326-square-foot two-story addition to the rear of the existing single-family residence, an interior remodel of the upstairs, and replacement of an existing deck at the rear of the residence.

The existing single-family residence is located within the R-6 Zoning District, and the addition continues the existing residential use of the property. The existing residence already consists of a third story due to the 140-square-foot storage room in the northwest corner of the lower level of the residence. The addition is on the southern portion of the west side of the residence where

there are two stories above an unfinished and unconditioned crawl space that is less than seven feet in height to the floor above. The addition is also two stories above an unfinished and unconditioned crawl space that is less than seven feet in height to the floor above. The existing residence is 31 feet 5 inches in height with a pitched roof. The addition is 26 feet in height, is located downhill from the tallest portion of the existing residence, and has a flat roof. The existing residence has a 1.5-foot side yard setback with a 3.5-foot aggregate side yard setback. Based on the year the lot was established, reduced side yard setbacks are allowed for new construction. The addition and deck meet the minimum three-foot side yard setback required. Overall, the project meets the required setbacks and the maximum height allowed in the R-6 zoning district.

In part, the intent of the Kensington (-K) Combining District is to provide specific regulations to fairly and efficiently implement the Contra Costa County General Plan policies for the Kensington Area. The regulations of the combining district are also intended to promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels and compatibility with the neighborhood with regard to bulk and scale. The existing views of the bay are to the west. The addition extends five feet to the west beyond the existing residence, and the new deck extends approximately 10.5 feet to the west beyond the addition. The additions are minimal and therefore, will not substantially impact views to the west. As the patterns of the sun are generally in an east to west direction, the small addition would not impact light or solar access to the adjacent properties. Although the new deck extends further west than the existing deck, the neighbors' privacy will be minimally impacted, since there is an existing deck and the same view of the neighboring homes can be seen from the back yard. There are new windows in the addition that face northwest and southwest, but they are angled such that the subject property owners will be able to enjoy the bay views without looking directly into the neighbors' homes.

The proposed project does not substantially alter the existing residence that has been located on the subject property since 1938 and will maintain the existing design of the residence, which includes painted wood siding that matches the existing residence. The proposed interior remodeling will not change the footprint or exterior design of the residence. As such, no part of this project will significantly affect the architectural appearance of the residence, or the neighborhood in general as seen from the public roadway. Based on the

parcel size of 4,641 square feet, the maximum gross floor area allowed is 2,400 square feet. Although the proposed project would increase the gross floor area of the residence from 2,006 square feet to 2,332 square feet, it is still below the allowed threshold. Therefore, the project is compatible with the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels and compatibility with the neighborhood with regard to bulk and scale.

The –TOV Combining District furthers the Kensington Combining District's goals, as its intent is to provide a method for property owners to gain restoration of views and sunlight lost due to tree growth by another property owner. The proposed development does not include any alteration, addition or removal of any trees; therefore the –TOV ordinance does not apply to the proposed project.

- C. Appropriateness of Use: The project site is within an established single-family residential neighborhood. The proposed project involves the construction of an approximately 326-square-foot two-story addition to the rear of the existing single-family residence, an interior remodel of the upstairs, and replacement of an existing deck at the rear of the residence. The proposed development is residential in nature and is an addition to an existing single-family residence. Therefore, the proposed project is consistent with the established use of the property.

X. CONCLUSION

The applicant requests approval of an approximately 326-square-foot two-story addition, to include an interior remodel of the upstairs and replacement of an existing deck, at the rear of the existing three-story single-family residence. The proposed development is consistent with the Single-Family Residential-High Density (SH) General Plan land use designation and complies with the intent and purpose of the Single-Family Residential (R-6), Kensington (-K) Combining, and the Tree Obstruction of Views (-TOV) Combining Districts. Therefore, staff recommends that the Zoning Administrator approve County File #DP19-3019, based on the attached conditions of approval.

Attachments:

- Findings and Conditions of Approval
- Maps – Parcel Map, General Plan, Zoning, and Aerial Photograph
- Public Comments
- Agency Comments
- Project Plans
- Photographs

File Path: G:\Current Planning\curr-plan\Staff Reports\Development Plans (DP)\DP19-3019\DP19-3019_SR_12_16_19.doc

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #DP19-3019;
HOWARD MCNENNY (APPLICANT) AND MARY HANLEY (OWNER).**

I. FINDINGS

A. Growth Management Performance Standards

1. Traffic: 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 addition to the existing residence will generate minimal traffic trips to and from the project site during construction and no additional traffic trips post construction. Therefore, 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. The subject property currently receives water service from the East Bay Municipal Utility District (EBMUD). EBMUD has reviewed the project, and the project is not anticipated to significantly increase the demand for water service in the area.
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. The project 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 and will be required to comply with current fire codes and regulations. The addition to the existing residence would not increase demand for fire services. The Fire Department will review the project for a building permit.
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. The addition to the existing residence and will not increase the demand for police service facilities as 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, as 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

The Kensington Combining District (-K) requires that any permit for development or expansion of the envelope of a building or structure 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 an approximately 326-square-foot two-story addition, an interior remodel of the upstairs, and replacement of an existing deck at the rear of the existing three-story single-family residence. The addition creates more living space and the interior remodel of the upstairs allows for additional bedrooms and an additional bathroom. The 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 development has been designed to minimally impact surrounding neighbors. Partly in response to comments from the neighbor to the north, the addition is located on the southern portion of the west side of the residence. The addition to the main floor will extend the living room and dining room by five feet to the west and the deck will extend another 10.5 feet. The addition to the upper floor will extend the master bedroom and bathroom approximately seven feet to the west, creating an approximately two-foot overhang over the new deck. The addition and deck meet the required minimum side yard setback, and have been designed so as to minimally impact the neighbors

while still allowing the enjoyment of the views. Therefore, the project has minimal influence on the surrounding neighbors.

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

Staff Finding: As previously mentioned, the overall project will have minimal impacts on the surrounding neighbors. The addition has been designed so as to extend the existing residence as little as possible, while still allowing for a remodel of the interior to increase the usability and enjoyment of the existing living space. Although the addition extends to the west and will be visible to the neighbors when looking north and south, the views of the San Francisco Bay are to the west, and will not be blocked by the addition. The existing house is located downhill of the neighbors to the east, and the addition will be lower than the existing residence, so the addition will not impact views of the San Francisco Bay visible from properties at a higher elevation. Therefore, the project preserves the value and enjoyment of neighboring properties.

5. Maintaining the community's property values;

Staff Finding: The project has minimal impacts on views, light and solar access, privacy, parking, and residential noise levels. The addition will increase the property value of the subject property by adding more living space to the existing residence, including more bedrooms and an additional bathroom, and will therefore increase the property value of the surrounding neighborhood. As a result, existing community's property values are preserved.

6. Maximizing the use of existing interior space;

Staff Finding: The addition will add approximately 326-square-feet of living space to the existing residence, which allows for an interior remodel of the upper floor, including the addition of bedrooms and another bathroom. The overall scope of the project maximizes the use of existing interior space, and minimally increases the existing footprint of the residence.

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

Staff Finding: The project does not change the land use of the subject property and, as described earlier, has minimal impact on surrounding properties. The new development 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 will be required to comply with applicable building and fire

codes. Based on the foregoing reasons, the project promotes the general welfare, public health and safety of the Kensington community.

I. CONDITIONS OF APPROVAL FOR COUNTY FILE #DP19-3019:

Project Approval

1. Development is approved as generally described in the application materials received by the Department of Conservation and Development, Community Development Division (CDD) on September 18, 2019, and is subject to the conditions listed below.

General Provisions

2. 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.
3. The applicant shall provide revisions to the northwestern facing master bathroom window (such as removing the window, frosting the window, orienting the window horizontally, etc.), to be reviewed and approved by CDD prior to obtaining a building permit.

Payment of Fees

4. 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.

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 Holidays:

http://www.opm.gov/Operating_Status_Schedules/fedhol

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.

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



Department of Conservation and Development

County Zoning Administrator

Monday, January 6, 2020 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

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Owner:	Mary Hanley
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California Environmental Quality Act (CEQA) Status:	The proposed project is exempt under CEQA Guidelines Section 15301(e), which identifies additions to existing structures that are less than 2,500 square feet or do not exceed 50 percent of the existing structure as being exempt from review.
Project Planner:	Margaret Mitchell, Planner I (925) 674-7804
Staff Recommendation:	Approve

I. PROJECT DESCRIPTION Continued Open Public Hearing Item

This is a continued public hearing for a Kensington Design Review Development Plan application. The applicant requests approval of an approximately 326-square-foot two-story addition, an interior remodel of the upstairs, and replacement of an existing deck at the rear of the an existing single-family residence.

II. BACKGROUND

At the December 16, 2019 meeting, the Zoning Administrator opened the public hearing for this item. Public comments were heard, and the item was left open and continued to the January 6, 2020 hearing.

III. CONCLUSION

Staff recommends that the Zoning Administrator APPROVE County File #DP19-3019.



Department of Conservation and Development

County Zoning Administrator

Wednesday, January 22, 2020 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

CONTINUED CLOSED PUBLIC HEARING ITEM

Project Title:	Kensington Design Review for a 326-square-foot addition and deck replacement
County File(s):	#DP19-3019
Applicant:	Howard McNenny
Owner:	Mary Hanley
Zoning/General Plan:	Single-Family Residential (R-6), Tree Obstruction of Views (-TOV), and Kensington (-K) Combining Districts / Single-Family Residential-High Density (SH)
Site Address/Location:	120 St. Albans Road, Kensington / APN: 572-124-006
California Environmental Quality Act (CEQA) Status:	The proposed project is exempt under CEQA Guidelines Section 15301(e), which identifies additions to existing structures that are less than 2,500 square feet or do not exceed 50 percent of the existing structure as being exempt from review.
Project Planner:	Margaret Mitchell, Planner I (925) 674-7804
Staff Recommendation:	Approve

I. PROJECT DESCRIPTION

This is a continued public hearing for a Kensington Design Review Development Plan application. The applicant requests approval of an approximately 326-square-

foot two-story addition, an interior remodel of the upstairs, and replacement of an existing deck at the rear of the an existing single-family residence.

II. BACKGROUND

At the December 16, 2019 meeting, the Zoning Administrator opened the public hearing for this item. Public comments were heard, and the item was left open and continued to the January 6, 2020 meeting. At the January 6, 2020 meeting, additional public comments were heard. The Zoning Administrator closed and continued the item to the January 22, 2020 meeting.

III. CONCLUSION

Staff recommends that the Zoning Administrator APPROVE County File #DP19-3019.