

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03023,  
UMA MOLDENHAWER (APPLICANT & OWNER)**

**FINDINGS**

A. Kensington Combining District Findings

County Code Section 84-74.1206(b) requires a project within the Kensington Combining District to satisfy seven criteria to be approved.

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

*Project Finding:* Legalization of the existing 1,123.40 square-foot conditioned space on the lower floor of the single-family residence will allow the property owners to utilize space within the residence without requiring additional exterior construction. The project does not include any new development at this time. There is no change to exterior windows or doors and the exterior finish will remain the same. The project will enhance the livability of the residence, and thereby will improve 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.*

*Project Finding:* The subject property is not a vacant lot, and this criterion does not apply.

3. *Minimizing impacts upon surrounding neighbors.*

*Project Finding:* The project will not expand the residence beyond the current footprint and does not increase the total height of the residence. The project will not include any new construction within yard setbacks as the project is to legalize existing conditioned space within the footprint of the existing residence. The legalization of the existing conditioned space on the lower floor of the residence will not decrease the amount privacy that the surrounding neighbors currently enjoy.

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

*Project Finding:* Legalization of existing conditioned space on the lower floor of the residence will not include any new construction or otherwise impact neighboring properties in any way. Legalization of the conditioned space will not obstruct any views and will not decrease privacy or access to sunlight for any surrounding properties. There are no changes to the exterior of the residence. Thus, the project preserves the value and enjoyment of neighboring properties.

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

*Project Finding:* As discussed above, the legalization of the existing conditioned space will not have any impacts to the surrounding neighborhood, while providing additional living space for the existing residence. The project does not involve a noncompatible land use that conflicts with the surrounding residential community in a manner that may negatively affect property values, and thereby, maintaining the residence on the subject property.

6. *Maximizing the use of existing interior space.*

*Project Finding:* The project will legalize existing conditioned space on the lower floor of the residence, and thereby, will maximize utilization of existing interior space within the residence.

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

*Project Finding:* The project does not change the land use of the subject property and as described earlier, has no impact on surrounding properties. Legalization of conditioned space on the lower floor of the residence enhances the interior living space and improves the value of the existing single-family residence. There are no façade changes or changes to any exterior windows and doors. Also, the project will not use or emit hazardous substances beyond what is normal for a residential property. Based on the foregoing reasons, the project promotes the general welfare, public health, and safety of the Kensington community.

B. Environmental Findings

Legalization of the existing 1,123.40 square feet of conditioned space on the lower floor of the single-family residence is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301(e)(1), Existing Facilities, which provides a Class 1 exemption for additions to an existing structure that will not result in an increase of

more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less.

### **CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP24-03023**

#### Project Approval

1. Development Plan CDDP24-03023 to legalize the existing 1,123.40 square-foot conditioned space on the lower floor of a single-family residence is APPROVED.
2. The project approval described above are granted based on, or as generally shown on the following documents:
  - Application and materials accepted by the Department of Conservation and Development, Community Development Division (CDD) on May 17, 2024.
  - Project plans received on May 17, 2024.
3. Any deviation from the approved plans shall require review and approval by the CDD and may require the filing of a new Kensington Design Review Development Plan application, if deemed necessary.
4. No construction is approved with this permit. Any construction resulting in an exterior change at the subject property shall be subject to review by the CDD and may require the filing of an application for a new Kensington Design Review Development Plan prior to application for a building permit.

#### Accessory Dwelling Unit

5. No accessory dwelling unit (ADU) is approved with this Development Plan permit. An application for an ADU must be submitted and approved separately.

#### Application Costs

6. The Development Plan application was subject to an initial application deposit of \$3,000.00 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to issuance of a building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution

Number 2019/553, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance in the event that additional fees are due.

### **ADVISORY NOTES**

**PLEASE NOTE ADVISORY NOTES ARE ATTACHED TO THE CONDITIONS OF APPROVAL BUT ARE NOT A PART OF THE CONDITIONS OF APPROVAL. ADVISORY NOTES ARE PROVIDED FOR THE PURPOSE OF INFORMING THE APPLICANT OF ADDITIONAL ORDINANCE AND OTHER LEGAL REQUIREMENTS THAT MUST BE MET IN ORDER TO PROCEED WITH DEVELOPMENT.**

**A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, 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 ninety-day (90) period after the project is approved.

The 90-day period in which you may protest the amount of any fee or 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 CDD within 90 days of the approval date of this permit.

- B. The applicant shall submit building plans to the Building Inspection Division and comply with Division requirements. It is advisable to check with the Division prior to requesting a building permit or proceeding with the project.
- C. The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.
- D. The applicant must submit building plans to the Kensington Fire Protection District and comply with its requirements. The applicant is advised that plans submitted for a

building permit must receive prior approval and be stamped by the Fire Protection District.

- E. The applicant is required to submit plans to the Stege Sanitary District for approval. Plans submitted for a building permit must receive prior approval and be stamped by the Sanitary District.
- F, The applicant must comply with applicable requirements of the East Bay Municipal Utility District.
- G. The applicant is responsible for contacting the Contra Costa Mosquito and Vector Control District regarding its requirements and permits.