

Attachment 5

CDDP23-03024 ZA Staff Report



Department of Conservation and Development

County Zoning Administrator

Monday, February 5, 2024 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	40 Anson Way Kensington Design Review Development Plan
County File(s):	CDDP23-03024
Applicant/Owners:	Cari Rosner Jelen (Applicant) / Elena Saxonhouse (Owner)
Zoning/General Plan:	R-6 Single-Family Residential District, -TOV Tree Obstruction of Views Combining District, -K Kensington Combining District / SH Single-Family Residential-High Density
Site Address/Location:	40 Anson Way in the Kensington area of unincorporated Contra Costa County (APN: 572-233-012)
California Environmental Quality Act (CEQA) Status:	Categorical Exemption, CEQA Guidelines Section 15301(e)(2)
Project Planner:	Adrian Veliz, Senior Planner, (925) 655-2879 adrian.veliz@dcd.cccounty.us
Staff Recommendation:	Approve (See section II for full recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Kensington Design Review Development Plan to allow a 993 square-foot two-story addition to the northern side of an existing single-family residence.

II. RECOMMENDATION

Department of Conservation and Development, Community Development Division (CDD) staff recommends that the County Zoning Administrator:

- A. FIND that the project is categorically exempt from CEQA under Section 15301(e)(2) of the CEQA Guidelines.
- B. APPROVE Kensington Design Review Development Plan CDDP23-03024 to allow a 993 square-foot two-story addition to an existing single-family residence, subject to the attached findings and conditions of approval.
- C. DIRECT staff to file a Notice of Exemption with the County Clerk.

III. GENERAL INFORMATION

- A. General Plan: SH Single-Family Residential – High Density.
- B. Zoning: R-6 Single-Family Residential District, -TOV Tree Obstruction of Views Combining District, -K Kensington Combining District.
- C. California Environmental Quality Act (CEQA): CEQA Guidelines Section 15301(e)(2) Existing Structures, Class I exemption for additions to existing structures of no more than 10,000 square feet in an area that is not environmentally sensitive and where all public services and facilities are available for maximum development permissible in the General Plan.
- D. Previous Application:

CDKR23-00010: This application for Kensington Design Review for a two-story residential addition was submitted on May 11, 2023. A Notice of Intent to Render an Administrative Decision was sent to property owners within 300 feet of the subject parcel on June 1, 2023. On June 7, 2023, the CDD received a written request for a hearing, and the applicant submitted an application for the CDDP23-03024 Development Plan on July 11, 2023.

IV. SITE/AREA DESCRIPTION

The property at 40 Anson Way is an 8,800 square-foot parcel located on the west side of Anson Way approximately 330 feet north of the intersection of Anson Way and Eureka Avenue. Eureka Avenue slopes downward to the west into the City of El Cerrito. The subject parcel slopes downward from northeast to southwest.

The project neighborhood, including the subject parcel, is comprised of single-family residences. The terrain in this part of Kensington consists of moderate to steeply sloped hillsides. Generally, elevation increases north and east of the site, whereas areas south and west of the site are located downslope. Due to the topography of the area many homes in the neighborhood have distant views to the west of city skylines, the San Francisco Bay, Golden Gate Bridge and/or Bay Bridge.

The subject parcel is rectangular in shape, having a width of 80 feet along Anson Way and a depth of 110 feet. The parcel includes a 1,357 square-foot single-family residence, which was originally constructed in 1946

V. PROJECT DESCRIPTION

The applicant requests approval of a Development Plan to allow a 993 square-foot two-story addition behind an existing garage on the northern side of the existing single-family residence. Currently, the northern side of the existing residence is one-story and approximately 13 feet in height. The two-story addition would expand the residential footprint and increase the northerly height of the home to 24 feet.

VI. AGENCY COMMENTS

An Agency Comment Request packet for the proposed residential addition was sent on March 14, 2023, to a number of public agencies, including Building Inspection Division, Kensington Fire Protection District, Stege Sanitary District, East Bay Municipal Utility District, and Kensington Municipal Advisory Council. Agency comments received by staff are included in Attachment 3. Following are summaries of the agency comments received.

- A. East Bay Municipal Utility District: On July 28, 2023, the East Bay Municipal Utility District submitted a memorandum stating that if additional water service is needed, the applicant should contact their New Business Office and that new water service will not be provided unless applicable water efficiency measures are installed.

An Advisory Note is included in the Conditions of Approval and Advisory Notes whereby the applicant is responsible for contacting the East Bay Municipal Utility District regarding additional water service.

- B. Kensington Municipal Advisory Council (MAC): On October 26, 2023, the Kensington MAC submitted an email stating that at its meeting on October 25, 2023, the MAC recommended approval of the application by a vote of 3-1, with a fifth member abstaining.

VII. REQUEST FOR PUBLIC HEARING

On June 7, 2023, the neighboring property owner at 36 Anson Way, located adjacent to and north of the subject parcel submitted a letter requesting a public hearing on Kensington Design Review CDKR23-00010. The letter is included in Attachment 4. In the letter, the neighboring property owner requested an opportunity to discuss the compatibility of the proposed addition and its impact on adjacent residences.

VIII. STAFF ANALYSIS

- A. General Plan Consistency: The subject parcel at 40 Anson Way is located within the SH Single-Family Residential – High Density General Plan land use designation. The SH designation is intended to promote the orderly development of single-family residential neighborhoods. The project entails an addition to increase living area within an existing 1,357 square-foot single-family residence by 993 square feet. The proposed addition does not change the established residential use of the site, its residential density, or lot size. Thus, the single-family residential nature of the project does not conflict with the intent and purpose of the SH designation.

The project is also subject to the Policies for the Kensington Area, Policies 3-211 through 3-215 of the General Plan Land Use Element. Collectively, these policies provide for reasonable review of new residential development with protection for existing residences in the Kensington community. New residential projects are evaluated for view impacts, design compatibility, privacy, and solar access. The project's compliance with each of these policies is discussed below.

Additionally, this report includes discussion of the proposed design, including view impacts, design compatibility, parking, privacy, and solar access, as required by General Plan policies for the Kensington area. Therefore, the project is consistent with General Plan Policies 3-211 through 3-215.

Policy 3-211: *Allow for the review of new residential development that provides reasonable protection for existing residences in the Kensington community with*

regard to: views, design compatibility (including building bulk, size, and height), adequate parking, privacy, and access to sunlight.

This project was initially submitted to the CDD as administrative Kensington Design Review application CDKR23-00010. Upon the CDD's receipt of a written request for a public hearing on the CDKR23-00010 application in response to public notifications associated therewith, the applicant submitted the current CDDP23-03024 Development Plan application in order to continue the planning process. The processing of this application, culminating in a Zoning Administrator decision at a noticed public hearing, provides reasonable protection for neighboring property owners by providing a process including public notification and allowing additional opportunities for concerned neighbors to comment on the project before a decision is made. As discussed in detail within the Zoning Compliance section of this report, staff finds the proposed residential addition to be consistent and compatible with the surrounding neighborhood and does not anticipate that the addition would have a substantial impact on views, privacy, or solar access for neighboring properties.

Policy 3-212: *Preservation of views of scenic natural features (e.g. Bay, mountains) and the developed environment (e.g., bridges, San Francisco skyline) should be incorporated into the review of development applications.*

Section 84-74.404(r) of the Kensington Combining District Ordinance (County Code Chapter 84-74) defines "view" as *"a scene from a window in habitable space of a neighboring residence. The term 'view' includes both up-slope and downslope scenes, but is distant or panoramic range in nature, as opposed to short range."* The subject parcel and neighboring parcels are situated on a western facing slope that descends steeply to the west towards the City of El Cerrito. The topography of the area is such that it allows many homes on the hillside to enjoy distant westerly views of city skylines, the San Francisco Bay, Golden Gate Bridge and/or Bay Bridge. On October 6, 2023, at the request of the Kensington MAC, the applicant installed story poles on the subject parcel in order to simulate the height and building mass of the proposed addition. On October 20, 2023, staff was permitted to view the story poles from two neighboring residences at 36 Anson Way (adjacent to and north of the subject parcel) and 39 Anson Way (across the street to the east of the subject parcel) in order to assess potential view impacts. Aesthetically, the proposed addition would have the greatest impact on a southern facing window on the second story of the residence at 36 Anson Way. Existing views from this southern facing window

predominantly consist of neighboring residences and neighborhood trees. Since these existing views are not distant or panoramic in nature, they do not constitute a “view” as defined by the Kensington Combining District Ordinance. Based on the October 20, 2023 site visit, the proposed addition does not substantially degrade any existing “view” – as defined by the aforementioned County Ordinance – from within any neighboring residence. Therefore, the project preserves views in a manner consistent with Policy 3-212. Staff photographs depicting the story poles from neighboring residences are included in this report as Attachment 5.

Policy 3-213: *Review proposed residential development for design compatibility with nearby development (e.g. building mass, height, mechanical devices) and provisions for adequate parking.*

The project neighborhood consists of a mix of one- and two-story single-family residences. Considering that two-story residences presently exist on immediately adjacent parcels to the north, south, east, and west, the building mass of the proposed two-story addition is consistent and compatible with the design of existing residential development in the vicinity. Additionally, the proposed addition would have a height of 24 feet, which is substantially less than the 35-foot maximum for residential development in the R-6 Single-Family Residential District pursuant to Section 84-4.802 of the County Code. Further, the existing two-car garage on the subject parcel meets the off-street parking requirement for the R-6 District pursuant to Section 84-4.1202 of the County Code. Therefore, based on the foregoing discussion, the project is considered compatible with existing development in the vicinity in terms of design, height, and the provision of adequate parking.

Policy 3-214: *New residential development will be reviewed against realistic impacts of privacy and sunlight on surrounding neighbors.*

Staff has evaluated the project to determine whether realistic impacts of privacy and sunlight would expectedly arise from the addition. The addition is not expected to affect the privacy or solar access on neighboring parcels to any significant degree, as discussed in detail in the below Zoning Compliance Section B.3 below.

Policy 3-215: *Consideration will be given to review of non-residential development in the Kensington community with Policies 3-211 through 3-213 herein.*

The proposed project is a residential addition to an existing single-family residence. Thus, this policy does not apply.

- B. Zoning Compliance: The subject parcel is located in the R-6 Single-Family Residential District, -TOV Tree Obstruction of Views Combining District, and -K Kensington Combining District. The proposed project does not involve removal or addition of any tree, and therefore, the regulations of the Tree Obstruction of Views Combining District do not apply to this application.

The intent and purpose of the R-6 District is to facilitate orderly development and maintenance of high-density, single-family residential neighborhoods. The proposed residential addition conforms to all R-6 development standards (e.g. front setback, side and rear yards, building height, off- street parking). Therefore, the proposed addition to an existing single-family residence meets the intent and purpose of the R-6 District.

The Kensington Combining District includes seven criteria for approval of the Development Plan. As detailed below, the project satisfies all seven criteria.

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

Finding: The project is a 993 square-foot two-story addition to the northern side of an existing single-family residence in the R-6 Single-Family Residential District. The proposed addition is in conformance with minimum setback, minimum side and rear yards, maximum building height, and minimum off-street parking requirements applicable to development in the R-6 District. Construction of a residential addition conforming to these development standards is permitted following the application review procedures for the Kensington Combining District, absent substantial impacts to neighboring parcels in terms of views, privacy, or solar access. The property owners have indicated that the increased square-footage is necessary to accommodate the needs of their family, while also providing office areas to better accommodate working from home. Additionally, the proposed two-story configuration will allow for improved views of the San Francisco Bay and city skyline from within

the existing residence, similar to those enjoyed by residents of numerous other properties in the immediate vicinity.

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: The subject parcel is not a vacant lot. Therefore, this criterion does not apply.

3. *Minimizing impacts upon surrounding neighbors.*

Finding: The project involves a two-story residential addition that is in conformance with all applicable development standards for the R-6 District. Section 84-74.204(b) of the Kensington Combining District Ordinance specifies that the ordinance is intended to promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels. The project is consistent with these values as discussed below:

- Privacy: The project proposes a two-story addition to the northern side of the existing single-family residence on the subject parcel. The neighboring property nearest to the proposed addition is the adjacent property to the north at 36 Anson Way. All upper-level windows of the residence at 36 Anson Way are oriented either towards the street to the east, or towards the scenic San Francisco Bay to the west. Since the addition does not include any northern or southern facing windows, the project would not substantially impair privacy for next door neighboring parcels, including the residence at 36 Anson Way. Therefore, the project minimizes privacy impacts upon surrounding neighbors.
- Light and Solar Access: The potential for residential construction to limit light and solar access on neighboring properties are predominantly influenced by siting (i.e. setbacks), size, and height. The project includes a two-story addition behind an existing garage on the northern side of the existing single-family residence on the subject parcel. The northern side of the existing residence is presently one-story and approximately 13 feet in height. The two-story addition

would expand the residential footprint and increase the northerly height of the home to 24 feet.

The proposed addition would be located at least 42 feet 8 inches and 63 feet 2 inches from the western rear and southern side property lines respectively, and even further from homes located to the east across Anson Way. Therefore, the project would be expected to have negligible impacts to light or solar access on neighboring properties to the south, east, and west of the subject parcel.

The proposed addition would be located 8 feet 3 inches from the northern side property line (where 5 feet is the minimum required) and would be situated approximately 15 to 20 feet south of the existing adjacent residence to the north at 36 Anson Way. The 15 to 20 feet of separation between adjacent residences is typical for development in the R-6 District, where development standards allow for as little as 10 feet of separation. It is not uncommon for adjacent homes in the Kensington community to have less than 10 feet of separation due to lot dimensions and/or existing legal non-conforming residences constructed prior to the implementation of the County zoning code. Additionally, the 24-foot height of the proposed addition conforms to the 35-foot maximum permissible building height for residential development in the R-6 District.

In a letter dated September 18, 2023, included with this report as Attachment 6, the consultant to the owner of the neighboring adjacent property to the north at 36 Anson Way, expressed a concern, amongst others, that the project unreasonably impairs access to daylight by casting shadows on the 36 Anson Way property. The letter includes a diagram depicting shadows cast on the property at 9 AM, 12 noon, and 3 PM on the winter solstice, whereon the proposed addition is approximated to cast a shadow over the western portion of the 36 Anson Way residence and rear yard at 9am, and over the southernmost portions of this residence at noon. Notably, the shadow analysis provided by the neighbor's consultant is limited to conditions expected at a specific time of year when the daylight hours are shortest (i.e. the sun rises later and sets earlier than any other date) and when the sun rises at its southernmost location in the sky. Using a web-based application (www.suncalc.org) that shows the movement

of the sun for a certain date at a certain place, staff has prepared a Shadow Analysis (Attachment 7) to approximate the project's effect on solar access for the summer solstice, and at the equinox. The shadow analysis shows the sun rising further to the north and higher in the sky throughout the rest of the year, and the extent of shadows cast on the northerly parcel are typically much less throughout the year than depicted by the consultant. Therefore, the project is not expected to affect the neighboring residence's solar access to any significant degree.

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

Finding: As previously mentioned, the addition would not significantly block any views in the project neighborhood or decrease privacy or access to sunlight. Therefore, absent significant impacts on neighboring parcels, the addition would preserve the value and enjoyment of the neighbors' property.

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

Finding: The project involves an addition to an existing single-family residence in an established residential neighborhood. The proposal does not involve a incompatible land use that would conflict with the surrounding residential community in a manner that may negatively affect property values. Additionally, the project does not substantially affect scenic views, privacy, or solar access for neighboring parcels to any significant degree. Therefore, the project maintains the community's property values.

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

Finding: The existing single-family residence consists of a main floor at street level having approximately 1,202 square feet of living area and a 372 square foot two-car garage. A lower level beneath the southern end of the existing residence provides an additional 373 square feet of conditioned living space. There is no existing interior space within the residence that is not presently being utilized as part of the residence. Thus, the 993 square-foot increase in living space sought by the property owners could not feasibly be accomplished within the existing building envelope. Therefore, staff finds that the project maximizes the use of existing interior space.

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

Finding: The residential addition does not change the land use on the subject parcel and, as described above, would have minimal impact on neighboring properties. The project's compliance with applicable zoning standards and the requirement to obtain building permits will ensure that the addition does not present a hazard to public health and safety for the occupants or community at large. Thus, the project promotes the general welfare, public health, and safety of the Kensington community.

IX. CONCLUSION

- A. Construction of the proposed residential addition is consistent with the SH Single-Family Residential-High Density General Plan land use designation and complies with the intent and purpose of the R-6 Single-Family Residential Zoning District and the -K Kensington Combining District. Therefore, staff recommends approval of Kensington Design Review Development Plan CDDP23-03024 to allow a 993 square-foot two-story addition to an existing single-family residence, subject to the attached findings and conditions of approval.

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP23-03024;
CARI ROSNER JELEN (APPLICANT), ELENA SAXONHOUSE (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. The project is a 993 square-foot two-story addition to the northern side of an existing single-family residence in the R-6 Single-Family Residential District. The proposed addition is in conformance with minimum setback, minimum side and rear yards, maximum building height, and minimum off-street parking requirements applicable to development in the R-6 District. Construction of a residential addition conforming to these development standards is permitted following the application review procedures for the Kensington Combining District, absent substantial impacts to neighboring parcels in terms of views, privacy, or solar access. The property owners have indicated that the increased square-footage is necessary to accommodate the needs of their family, while also providing office areas to better accommodate working from home. Additionally, the proposed two-story configuration will allow for improved views of the San Francisco Bay and city skyline from within the existing residence, similar to those enjoyed by residents of numerous other properties in the immediate vicinity.

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 parcel is not a vacant lot. Therefore, this criterion does not apply.

3. *Minimizing impacts upon surrounding neighbors.*

Project Finding. The project involves a two-story residential addition that is in conformance with all applicable development standards for the R-6 District. Section

84-74.204(b) of the Kensington Combining District Ordinance specifies that the ordinance is intended to promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels. The project is consistent with these values as discussed below:

- Privacy: The project proposes a two-story addition to the northern side of the existing single-family residence on the subject parcel. The neighboring property nearest to the proposed addition is the adjacent property to the north at 36 Anson Way. All upper-level windows of the residence at 36 Anson Way are oriented either towards the street to the east, or towards the scenic San Francisco Bay to the west. Since the addition does not include any northern or southern facing windows, the project will not substantially impair privacy for next door neighboring parcels, including the residence at 36 Anson Way. Therefore, the project minimizes privacy impacts upon surrounding neighbors.
- Light and Solar Access: The potential for residential construction to limit light and solar access on neighboring properties are predominantly influenced by siting (i.e. setbacks), size, and height. The project includes a two-story addition behind an existing garage on the northern side of the existing single-family residence on the subject parcel. The northern side of the existing residence is presently one-story and approximately 13 feet in height. The two-story addition will expand the residential footprint and increase the northerly height of the home to 24 feet.

The proposed addition will be located at least 42 feet 8 inches and 63 feet 2 inches from the western rear and southern side property lines respectively, and even further from homes located to the east across Anson Way. Therefore, the project will have negligible impacts to light or solar access on neighboring properties to the south, east, and west of the subject parcel.

The proposed addition will be located 8 feet 3 inches from the northern side property line (where 5 feet is the minimum required) and will be situated approximately 15 to 20 feet south of the existing adjacent residence to the north at 36 Anson Way. The 15 to 20 feet of separation between adjacent residences is typical for development in the R-6 District, where development standards allow for as little as 10 feet of separation. It is not uncommon for adjacent homes in the Kensington community to have less than 10 feet of separation due to lot dimensions and/or existing legal non-conforming

residences constructed prior to the implementation of the County zoning code. Additionally, the 24-foot height of the proposed addition conforms to the 35-foot maximum permissible building height for residential development in the R-6 District.

In a letter dated September 18, 2023, the consultant to the owner of the neighboring adjacent property to the north at 36 Anson Way, expressed a concern, amongst others, that the project unreasonably impairs access to daylight by casting shadows on the 36 Anson Way property. The letter includes a diagram depicting shadows cast on the property at 9 AM, 12 noon, and 3 PM on the winter solstice, whereon the proposed addition is approximated to cast a shadow over the western portion of the 36 Anson Way residence and rear yard at 9am, and over the southernmost portions of this residence at noon. Notably, the shadow analysis provided by the neighbor's consultant is limited to conditions expected at a specific time of year when the daylight hours are shortest (i.e. the sun rises later and sets earlier than any other date) and when the sun rises at its southernmost location in the sky. Using a web-based application (www.suncalc.org) that shows the movement of the sun for a certain date at a certain place, staff has prepared a Shadow Analysis to approximate the project's effect on solar access for the summer solstice, and at the equinox. The shadow analysis shows the sun rising further to the north and higher in the sky throughout the rest of the year, and the extent of shadows cast on the northerly parcel are typically much less throughout the year than depicted by the consultant. Therefore, the project is not expected to affect the neighboring residence's solar access to any significant degree.

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

Project Finding: As previously mentioned, the addition will not significantly block any views in the project neighborhood or decrease privacy or access to sunlight. Therefore, absent significant impacts on neighboring parcels, the addition will preserve the value and enjoyment of the neighbors' property.

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

Project Finding: The project involves an addition to an existing single-family residence in an established residential neighborhood. The proposal does not involve a noncompatible land use that conflicts with the surrounding residential community in

a manner that may negatively affect property values. Additionally, the project does not substantially affect scenic views, privacy, or solar access for neighboring parcels to any significant degree. Therefore, the project maintains the community's property values.

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

Project Finding: The existing single-family residence consists of a main floor at street level having approximately 1,202 square feet of living area and a 372 square foot two-car garage. A lower level beneath the southern end of the existing residence provides an additional 373 square feet of conditioned living space. There is no existing interior space within the residence that is not presently being utilized as part of the residence. Thus, the 993 square-foot increase in living space sought by the property owners cannot feasibly be accomplished within the existing building envelope. Therefore, staff finds that the project maximizes the use of existing interior space.

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

Project Finding: The residential addition does not change the land use on the subject parcel and as described above, will have minimal impact on neighboring properties. The project's compliance with applicable zoning standards and the requirement to obtain building permits will ensure that the addition does not present a hazard to public health and safety for the occupants or community at large. Thus, the project promotes the general welfare, public health, and safety of the Kensington community.

D. Environmental Findings

The 993 square-foot two-story addition to the northern side of an existing single-family residence is categorically exempt under CEQA Guidelines Section 15301(e)(2), which provides a Class 1 exemption for additions to existing structures of no more than 10,000 square feet in an area that is not environmentally sensitive and where all public services and facilities are available for maximum development permissible in the General Plan..

CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP23-03024

Project Approval

1. Development Plan CDDP23-03024 to allow a 993 square-foot two-story addition to the northern side of an existing single-family residence is **APPROVED**.

2. The Development Plan approval describe above is based on the application and project plans received by the Department of Conservation and Development, Community Development Division (CDD) on July 11, 2023.
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 application.

Building Permits

5. No construction is approved with this permit. Any construction at the subject parcel will require issuance of building permits from the Department of Conservation and Development, Building Inspection Division, prior to commencement of work.

Application Costs

6. This application was subject to an initial application deposit of \$3,000.00, 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 fee due must be paid prior to an application for a grading or 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 from the date of approval, the application shall be charged interest at a rate of ten percent (10%). 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.

Construction

All construction activity shall comply with the following restrictions, which shall be included in the construction drawings.

7. 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.

8. 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.
9. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
10. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.
11. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, 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)
 - Cesar Chavez Day (State)
 - Memorial Day (State and Federal)
 - Juneteenth National Independence Holiday (Federal)
 - Independence Day (State and Federal)
 - Labor Day (State and Federal)
 - Columbus Day (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 date the State and Federal holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov)

California Holidays: [State Holidays \(sos.ca.gov\)](https://sos.ca.gov)

12. Large trucks and heavy equipment are 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.

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 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 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 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.
- D. 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.
- E. The applicant is responsible for contacting the Health Services Department Environmental Health Division regarding its requirements and permits.
- F. The applicant is required to comply with the 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.