

FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE #CDDP24-03011, KAYNE AND CHIEH BARCLAY (APPLICANTS AND OWNERS)

FINDINGS

A. Kensington Combining District Findings

Kensington Combining District (-K) requires the project 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 includes the addition of a 568-square-foot roof deck above existing living space on the eastern side of the existing single-family residence spanning from the front to the rear of the property and a new 7-square-foot Juliet balcony on the southwestern portion of the existing residence. Approval of this Development Plan will allow the property owner an opportunity to enhance the outdoor space and visually improve the property, which improves the value and enjoyment of the subject property.

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 project does not change the bulk, scale, or design of the existing residence. The roof deck is consistent with raised decks located at neighboring properties that have decks designed to follow the natural sloping of the terrain. The modest craftsman design of the subject residence is consistent with other residences on Highland. Therefore, the roof deck remains compatible with the neighborhood in terms of bulk, scale, and design.

3. Minimizing impacts upon surrounding neighbors.

Project Finding: The existing residence has a partial second-story that has a sliding door and windows on the southern and eastern side of the residence. The new roof deck is an extension of the living space on the second story that will be accessed through the existing sliding doors. The roof deck will be above existing living space, minimizing its impact on the surrounding areas. The closest neighbor in the direction visible from the deck is approximately 20 feet away, situated on the same elevation as the neighbor directly to the east, and approximately 30 feet away from the neighbor on a downward slope with the new vegetation in between.

Additionally, the roof deck will be uncovered, therefore not obstructing any views. The new deck is approximately 568 square feet in size and the Juliet balcony is approximately 7 square feet in size, located respectively on the eastern and southwestern portion of the residence. Therefore, the project is expected to have minimal impact on the surrounding neighbors.

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

Project Finding: The project does not obstruct any views, predominantly of the San Francisco Bay, from surrounding vantage points. Additionally, it does not substantially decrease access to sunlight for any surrounding properties, due to its siting and being a roof deck and balcony. Therefore, the project is expected to preserve the value and enjoyment of neighboring properties.

5. Maintaining the community's property values.

Project Finding: The project has insignificant impact on views, light and solar access, and privacy of nearby residences. Once completed, the improved space is expected to make the subject property more visually attractive. Development of this type is anticipated to slightly increase the value of the subject property and, in turn, is expected to increase property values in the area as well.

6. Maximizing the use of existing interior space.

Project Finding: The new deck and balcony are extensions of the living area to outdoor space. The project is intended to complement the interior by providing an outdoor space extension and visually pleasing, thereby improving the overall use and functionality of space.

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

Project Finding: The improvements to a single-family residence do not change the land use of the subject property and have a miniscule impact on surrounding properties. The project does not include hazardous substances beyond what is normal for a residential property. The project is required to comply with all applicable building and fire codes. Based on the foregoing reasons, the project will maintain the general welfare, public health, and safety of the Kensington community.

B. California Environmental Quality Act (CEQA) Findings

The proposed project is exempt under CEQA Guidelines Section 15301(e)(1) – Existing Facilities, additions to existing structures provided that the addition will not result in an increase of more than “50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.” The project is to build a 568-square-foot roof deck above existing living space and a new 7-square-foot Juliet balcony.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDDP24-03011

Project Approval

Development Plan for a Kensington Design Review

1. This DEVELOPMENT PLAN application for a Kensington Design Review to allow the addition of an approximately 568-square-foot roof deck above existing living space on the eastern portion of the residence and a new approximately 7-square-foot Juliet balcony on the southwestern portion of the residence, with a new gross floor area of 2,189 square feet (where 2,600 square feet is the maximum gross floor area) is APPROVED, as generally based on the following:
 - The application and project plans received by the Department of Conservation and Development, Community Development Division (CDD) on April 1, 2024.
 - Revised site plan received on September 4, 2024.
2. Any change from the approved plans shall require review and approval by the CDD and may require the filing of an application to modify this Development Plan.

Landscaping for Privacy Screening

3. The applicant shall provide vegetative screening along the property line between the subject property and the property located at 7 Arlington Avenue to reduce privacy impacts. The vegetative screening shall include drought tolerant plants and shall be consistent with the County’s Water Efficient Landscapes Ordinance.

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

Payment of Fees

4. This Development Plan Permit application is subject to an initial application deposit of \$3,000.00, which was paid with the application submittal, plus time and materials 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 Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the date of judgement. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance.

Construction Period Restrictions and Requirements

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

5. The applicant and his contractor shall make a good faith effort to park any construction related vehicles on the project driveway and existing asphalt parking area at the front of the parcel.
6. 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.
7. The project sponsor 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.
8. Transportation of heavy equipment and trucks shall be limited to weekdays between the hours of 9:00 A.M. and 4:00 P.M. and prohibited on Federal and State holidays.
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 day the State and Federal holidays occur, please visit the following websites:

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

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

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
- Kensington Fire Protection District