

**FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE #CDDP24-03060, THOMAS BIGGS (APPLICANT) & ROBEL ASEFAW (OWNER)**

**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 is to construct a new single-family residence. The new single-family residence is on a parcel where the GFA exceeds the threshold because of the size of the existing accessory dwelling unit. The 1,643-square-foot residence will not be excessively larger than other dwellings in the neighborhood and would not deprive surrounding properties of views, privacy, natural light or parking. The construction of a new residence will increase the value of the property because it would allow an accessory dwelling unit and a new single-family residence to reside on the same lot, further increasing the property value of the site. This allows the property owners to enjoy the lot. Moreover, many properties in the Kensington area contain both accessory dwelling units and single-family homes. The project allows the owner of this property to utilize their property similar to that which has been enjoyed by nearby neighbors who also have two living units on their properties.

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 residence is to be constructed on a lot with a large upslope away from the street frontage. The development footprint of the residence will comply with all applicable setback requirements of the R-6 Zoning District. While the lot isn't vacant, the project is designed in a comparable height to nearby structures, has a similar roof shape that is a sloped gable roof which matches the low-sloping gables of the neighborhood and will utilize wood siding which is consistent with exterior materials of surrounding homes. Views from homes along Coventry Road directly behind the project will not be impacted because the building height of the residence is 25.1' and does not exceed the height limits of 35'. The bulk of the residence will be 1,643-square-foot of conditioned space which is compatible with other residences in the neighborhood in that homes along

Colusa Ave range in size from 1,000 sq ft to over 2,557 square feet.

3. Minimizing impacts upon surrounding neighbors.

Project Finding: The new residence is located towards the rear of the lot and meets all R-6 setback standards. The total height of the residence will be 25.1' which is well below the maximum building height of 35'. Additionally, the project design includes a gable roof form which allows the building to be low at the sides and thus, allow for more sunlight access to any surrounding neighbors. In order to maintain privacy, the windows along the side exterior are minimized and narrow to respect neighbors privacy. The project has no design aspect that would violate privacy views into neighboring properties. The project parcel currently has an existing garage that will provide the 1 off-street parking space required. Moreover, the residence will be constructed at the rear of the parcel, therefore, construction noise and impacts will be limited and will be screened from view from the frontage. The design of the second story roof line has been pulled back which creates a more stepped-back appearance at the upper level, helping to break up the building's vertical and horizontal scale. Therefore, the project is not expected to have significant impacts to adjacent neighbors with respects to privacy. The applicant provided a shadow study and the study determined that new house will cast a small shadow on the property to the north for a few hours and will not cast a shadow on the property to the south. Therefore, the project minimizes impacts upon 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. The project does not create any privacy concerns as the second story balcony is orientated away from any properties. Additionally, it does not substantially decrease access to sunlight for any surrounding properties, due to its siting and how great the elevation increase is from the subject parcel to the parcel directly behind it. The project will not infringe upon existing street parking as the project parcel has an existing garage that will be utilized. Moreover, a shadow study provided shows that the project will have a minimal impact on the parcel directly north and no impact on the parcel directly south. Thus, the project will protect the value and enjoyment of the neighbor's property.

5. Maintaining the community's property values.

Project Finding: The project is to construct a new single-family residence that generally complies with the R-6 zoning code standards and is consistent with the development pattern of the area. The construction of the new single-family residence will increase the value of the subject lot and maintain the values of the existing properties in the vicinity because a new single-family residence is an allowed use pursuant to the R-6 Zoning code. Moreover, the project will increase the housing stock of this area (1 SFR and 1 ADU). Property tax values will go up for this property and the area in general as residential appraisals will increase due to the new house.

6. Maximizing the use of existing interior space.

Project Finding: The existing residence will be converted into an accessory dwelling unit. The project is to construct a new residence, thus, there is no existing space and thus, this criteria does not apply to the project.

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, is not expected to impact surrounding properties. The new development improves the value of the neighboring properties as the construction of a new house will increase property values of the area and will increase the housing units in the area, thereby helping to address the housing shortage in the County. 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 project is exempt under CEQA Guidelines Section 15301(a) – New Construction of one single-family residence. The project is to construct a new single-family residence. Therefore, it qualifies for the CEQA Guidelines Section 15301(a).

## **CONDITIONS OF APPROVAL FOR COUNTY FILE #CDDP24-03060**

### **Project Approval**

#### **Development Plan for a Kensington Design Review**

1. Development Plan and Design Review Approval is granted to allow for the construction of a new approximately 1,643-square-foot, two-story single family residence.
2. The Development Plan and Design Review approval described above are granted based on or as generally shown on the following documents:
  - a. The application received by the Department of Conservation and Development, Community Development Division (CDD) on December 12, 2024;
  - b. Revised plans received on March 31, 2025.
3. 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.

### **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/federal-holidays/)

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