

FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE #CDDP26-03014, CINDY STERRY (APPLICANT) AND BARRY TORGAN (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 an approximately 45-square-foot addition to an existing sunroom on the main level, an approximately 15-square-foot bedroom addition on the upper level, an approximately 45-square-foot covered patio under the sunroom addition, and a new approximately 125.4 square-foot uncovered deck at the rear of an existing single-family residence. The new gross floor area exceeds the gross floor area threshold for the subject property. However, the project will not be excessively larger or taller than other dwellings in the neighborhood and is designed to not deprive surrounding properties of views, privacy, natural light or parking. The additions and new deck will increase the value of the property because it allows the property owner more space to enjoy the San Francisco Bay views. The project is designed to allow the property owner to improve the lot.

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 lot is not vacant. Therefore, this standard does not apply to the project.

3. Minimizing impacts upon surrounding neighbors.

Project Finding: The project is designed to minimize impacts upon surrounding neighbors. The project will not increase the existing height of the residence. The bedroom addition has a maximum height of 29'-6" and the sunroom addition has a maximum height of 18'-8" which is below the 35' height maximum. All components of the project exceed the R-6 setback requirements which maximizes space between the project and adjacent neighbors. The project is designed to not create privacy concerns as the design of the window in the new bedroom dormer

is higher and is designed to only allow light to come into the bedroom. The sunroom addition is designed at the same level as the main level which is well below the maximum height requirement. The deck is located at the rear and does not provide any views into neighboring yards due to its orientation on the downslope, away from both neighbors to the east and west.

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 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 there is existing off-street parking on site nor does the project require increased off-street parking as the project only marginally expands an existing bedroom and does not create an additional bedroom or new living unit. 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 add additions and a rear deck to an existing single-family residence. The project enhances the single-family residence by creating a deck at the rear that will allow property owners to enjoy views of the San Francisco Bay, creates a larger sunroom and enhances the upper level bedroom by allowing more light into the residence. These improvements will increase the property value of the existing residence by creating more spaces for the property owner to enjoy. Moreover, the project is residential in nature and is compatible to the surrounding community. By improving an existing single-family house, property values in the immediate vicinity will go up as well.

6. Maximizing the use of existing interior space.

Project Finding: The project will marginally expand (15 square feet) an existing upper-level bedroom, expand an existing sunroom 45 square feet and will create a new rear deck. The project maximizes the use of existing space by marginally expanding existing living areas while maintaining the existing building envelope. Lastly, the single-family residence does contain crawl space, however, the crawl space is under 4' and is too low to be utilized as interior space.

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 development improves the value of the neighboring properties as the construction of residential additions and a deck increases the property value of the project parcel. 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(e) – 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 existing single-family residence is 2,975 square feet. Therefore, 50% of the single-family residence is 1,486 square feet. The project will construct a 45-square-foot addition to the sunroom, a 15-square-foot addition to the upper level bedroom and a 125-square-foot deck. This total square-footage of all additions is 185 square feet which is under the 50% threshold. Therefore, the project is exempt under CEQA Guidelines Section 15301(e) which exempts additions to existing structures.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDDP26-03014

Project Approval

Development Plan for a Kensington Design Review

1. This DEVELOPMENT PLAN application for a KENSINGTON DESIGN REVIEW to allow for the construction of an approximately 45-square-foot addition to an existing sunroom on the main level, an approximately 15-square-foot bedroom addition on the upper level, an approximately 45-square-foot covered patio under the sunroom addition, and a new approximately 125.4 square-foot uncovered deck at the rear of an existing single-family residence, with a new gross floor area of 3,080 square feet (where 2,600 square feet is the Kensington threshold) 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 May 13, 2026.

- Revised plans received on June 18, 2026.
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.

Payment of Fees

3. 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 approval 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.

4. The applicant and their 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.
5. 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.
6. 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.

7. 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.
8. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
9. 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.
10. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 7:30 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)
Farmworkers 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: <https://www.sos.ca.gov/state-holidays>

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