

**FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP23-03009,
JASMIT RANGR, RANGR STUDIO (APPLICANT), DEAN MICHAEL GRIDLEY (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 for the construction of a new single-family residence and detached garage on a vacant lot in the R-6 Single-Family Residential District. Detached single-family dwellings and the accessory structures and uses normally auxiliary to the dwellings are permitted uses in the R-6 district. Except for the variance request for the reduced front yard setbacks, the residence meets all other applicable yard setback distance requirements for the R-6 District as well as height restrictions for number of stories and measured total height. The detached garage does not exceed the size threshold for accessory buildings. Due to the topography of the lot, findings can be made for granting reduced front yard setbacks for the garage and the adjacent retaining wall. The proposed development will allow the property owners to establish a residence on the lot which has been vacant since the lot was created and provide additional off-street parking on Willamette Avenue.

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 proposed residence will have a gross floor area of 3,293 square feet including a 2,814-square-foot residence and a detached 499-square-foot garage. Other lots along the north side of Willamette Avenue in the immediate vicinity have residences that range in size from 1,700 to 3,500 square feet as well as attached and detached garages for off-street parking. The proposed residence will be congruent with adjacent residences that range in size from 2,300 to 2,500 square feet. Of note, the subject property has a larger lot size than the adjacent parcels and thus is afforded a higher gross floor area threshold as a result. The

proposed residence utilizes a tiered story design similar to other residences on the north side of Willamette Avenue that have a progressive upward sloped topography in order to not exceed the maximum height allowed. In addition, the residence meets all applicable front, side and rear yard setback minimum distances. The detached garage and adjacent retaining wall require variances to the front yard setback minimum distance. Due to the topographical challenges of lots on Willamette Avenue, granting the variance requests will be consistent with other off-street parking and accessory structures in the vicinity. The design consists of façade material finishes that are common in the Kensington area including wood siding and stucco. Thus, the project is compatible with the neighborhood in terms of bulk, scale, and design.

3. *Minimizing impacts upon surrounding neighbors.*

Project Finding: The project involves the construction of a new 2,814-square-foot residence and a 499-square-foot detached garage on a vacant lot that will be in conformance with all applicable development standards for the R-6 District with approval of a variance for reduced front yard setbacks for the garage and the adjacent retaining wall. 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, and residential noise levels. The project is consistent with these values.

- *Views:* The applicant has previously erected story poles to demonstrate the proposed height of the residence to confirm minimal impacts to the adjacent parcels with regards to protected scenic views. The highest elevation point of the proposed residence is at the 827'9" elevation above sea level contour and the natural grade at the rear property line is at approximately the 830' elevation above sea level contour. The proposed location of the residence is also set back further away from the front property line with regard to the residence on the adjacent lot to the east. Thus, the project will have minimal impact on scenic views to dwellings on adjacent lots located on Garden Drive and Purdue Avenue to the north or other lots on Willamette Avenue.
- *Privacy:* The proposed residence itself meets all applicable yard setback distance minimum requirements. The location of the proposed residence is set back further on the lot than the adjacent residences on Willamette Avenue and the project plans include elevation drawings showing the

outline of the proposed residence as it relates to the location of the existing residences at 245 and 255 Willamette Avenue. In addition, the proposed project, an existing fence is located on the shared property lines to further screen the properties from neighbors.

- Light and Solar Access: The residence and detached garage are to be located in the central portion of the lot that will not obstruct light and solar access to existing residences in the immediate vicinity. The residence is under the maximum allowed total height and does not include any design features that be inconsistent with other lots in the surrounding area with similar topography. No mature trees are to be planted with the project that could potentially restrict access to light and solar.

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

Project Finding: As previously mentioned, the construction of the new residence and detached garage will not significantly block any scenic views of surrounding lots or decrease privacy or access to sunlight. The project is a new single-family residence that does not include any aspect that would otherwise encourage marginal development or be inconsistent with the General Plan or Ordinance Code. Therefore, in the absence of significant impacts on neighboring parcels with regards to excessive or marginal development, the project will preserve the value and enjoyment of the neighbors' property.

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

Project Finding: As stated above, the project is a new single-family residence that does not include an incompatible land use that would be inconsistent with the General Plan or Ordinance Code or conflict with the surrounding residential community. The proposed residence will not substantially affect scenic views, privacy or solar access for neighboring parcels and does not encourage marginal development that may negatively affect property values. Therefore, the project will maintain the community's property values.

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

Project Finding: The subject parcel is vacant and this project is for the construction of a new single-family residence and detached garage. Therefore, this criterion does not apply.

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, does not adversely impact surrounding properties. Construction of the single-family residence improves the value of the lot. There are no side or rear yard encroachments and the project is under the maximum height limit. In addition, 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. Variance Findings

County Code Section 26-2.2006 states that all of the following findings must be made to approve the Variance permit application.

1. *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: The project involves the construction of a new single-family residence on a vacant lot including accommodations for off-street parking with a 499-square-foot garage and an adjacent retaining wall located in the front yard setback. The subject parcel as well as other parcels along the north side of Willamette Avenue are located in the R-6 Single-Family Residential District and have similar topography with similar limitations for off-street parking locations on the respective lots. The R-6 District requires a minimum front yard setback of twenty feet; however, other lots in the immediate vicinity have garages located within the front yard setbacks. Thus, the variance does not grant a special privilege inconsistent with the limitations on other properties in the vicinity in the R-6 District.

2. *That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of the rights enjoyed by other properties in the vicinity and within the identical land use district.*

Project Finding: Like other lots on the north side of Willamette Avenue, the subject

parcel has constraining topography with elevation that rises away from the street frontage by approximately 45 feet, including a 12 foot elevation rise within the front yard setback. The elevation change and the lack of flat developable land limits the area of the subject lot where the required two off-street parking spaces may be located with suitable access to Willamette Avenue. Therefore, strict application of the zoning regulations of the R-6 District will deprive the subject property of rights enjoyed by other properties in the vicinity.

3. *That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the property is located.*

Project Finding: The reduced front yard setbacks will allow the subject lot to have available off-street parking and reduce the need for on-street parking on Willamette Avenue, which is a narrow two-lane street. In addition, the development of the garage within the front yard setback will eliminate the need for additional yard variances or the potential for more intrusive development to accommodate two off-street parking spaces located entirely outside of the required yard setback. The garage is accessory to the proposed single-family residence and the adjacent retaining wall stabilizes the slope for the garage, and thus, the variance substantially meets the intent and purpose of the R-6 District in the unincorporated Kensington area.

C. Tree Permit Findings

1. Required Factors for Granting Tree Permit. The Zoning Administrator is satisfied that the following factors as provided by County Code Section 816-6.8010 for granting a tree permit have been satisfied:

- *Reasonable development of the property would require the alteration or removal of the tree and this development could not be reasonably accommodated on another area of the lot.*

The Arborist Report received on February 15, 2024 (*Tree report for 249-255 Willamette Ave. Kensington, CA Development Plan Number CDDP23-03009*, Arborinsights, LLC, February 15, 2024) that was prepared by a Certified Arborist identified a tree, approximately 4-12" in diameter, that was previously removed from the subject property sometime between 2015 and 2018. The report evaluated all current trees on the subject property and verified that they do not meet the size criteria for code-protection per

Section 816-6.6004 of Tree Protection and Preservation Ordinance of the County Ordinance Code. Due to the location of the previously removed tree, reasonable development of the property would have required the removal of the tree and this development could not be reasonably accommodated on another area of the lot.

2. Required Factors for Denying a Tree Permit. The Zoning Administrator is satisfied that none of the factors for denying a tree permit as provided by County Code Section 816-6.8010 apply.

D. Environmental Findings

Construction of the new single-family residence and detached garage with a gross floor area of 3,293 square feet is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303(a), New Construction, which provides a Class 3 exemption for the construction of one single-family residence in a residential zone. There is no substantial evidence that construction of the residence involves unusual circumstances, resulting in, or which might reasonably result in, a significant impact on the environment. None of the exceptions in CEQA Guidelines Section 15300.2 apply to the project.

CONDITIONS OF APPROVAL FOR COUNTY FILE CDDP23-03009

Project Approval

1. Kensington Design Review Development Plan CDDP23-03009 to construct a new single-family residence with a detached garage that has a gross floor area of 3,293 square feet (where 3,000 is maximum gross floor area permitted) on a vacant lot is APPROVED.
2. A Variance Permit to allow a 5-foot front yard setback (where 20 feet is the minimum required) for the 499-square-foot garage and 1-foot front yard setback (where 20 feet is the minimum required) for a retaining wall that exceeds 3 feet in height is APPROVED.
3. A Tree Permit for the prior removal of one code-protected Coast Live Oak tree up to 12" in diameter is APPROVED.

4. The project approvals 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 April 10, 2023.
 - Geotechnical Report (*Geotechnical Report for Parcel 09, Willamette Avenue, Kensington, California*; Summitt Engineering, July 18, 2022), received on April 10, 2023.
 - Project plans received on December 4, 2025.
 - Arborist Report (*Tree report for 249-255 Willamette Ave. Kensington, CA Development Plan Number CDDP23-03009*, Arborinsights, LLC, February 15, 2024) received on February 15, 2024.
5. Any change 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 or a Variance or both, if deemed necessary.

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.

Building Permits

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

Encroachment Permit

8. Any construction or improvements within the right of way of Willamette Avenue will require an encroachment permit from the Contra Costa County Public Works Department.

Geotechnical Report

9. Prior to the issuance of a building or grading permit, the applicant shall submit an updated supplemental geotechnical report for the review and approval by the CDD.

Construction Period Restrictions and Requirements

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

10. 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.
11. 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.
12. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
13. 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.
14. 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/policy-data-oversight/holidays-leave/federal-holidays/)

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

15. 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 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. 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:
- Department of Conservation and Development, Building Inspection Division
 - Public Works Department, Engineering Services Division
 - Contra Costa Health, Environmental Health Division
 - Stege Sanitary District
 - Kensington Fire Protection District
 - East Bay Municipal Utility District
 - Contra Costa Mosquito and Vector Control District