

RESIDENTIAL BUILDING PROJECTS in KENSINGTON

GUIDELINES FOR OWNERS AND NEIGHBORS

Although this document appears in the KMAC section of AboutKensington web site, it is *not* a KMAC document. It was prepared by several Kensington citizens whose intention is to provide helpful information and suggestions to individuals planning a building project in Kensington or to neighbors wishing to minimize the impact of such a building project.

Prepared by Kensington citizens for the benefit of residents and prospective residents, this document is intended to provide helpful information. The planning process in Kensington is governed by county ordinances, resolutions and state law. This document is not legally controlling.
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ABBREVIATIONS

KMAC – Kensington Municipal Advisory Council
CDD – Community Development Department
FAR – Floor-Area-to-Lot Ratio (Floor Area Ratio)
ZA – Zoning Administrator

General Information

Owner Questions:

- What if I want to add a room, build a deck, convert a storage area into living space, add a door, build a fence, replace old windows, etc.?
- What are the building rules?
- Where do I find the latest rules?
- When am I required to apply for a permit?
- What is required to obtain a permit?
- When and how will the Kensington Municipal Advisory Council (KMAC) be involved?

Neighbor Questions:

- How do I work with my neighbors to encourage them to consider my concerns in their building plans?
- What recourse do I have if we can't resolve differences?

Government Oversight

Kensington is in an unincorporated area. For planning and building, Contra Costa County's five-person Board of Supervisors is our governing body. Planning in Contra Costa County is coordinated by the County Community Development Department (CDD) in Martinez.

To encourage community involvement and advise the Community Development Department on planning issues in Kensington, the Board of Supervisors has appointed five members and two alternates to the Kensington Municipal Advisory Council (KMAC). The KMAC reviews project applications and forwards its recommendations on variances and Development Plans to the CDD. The official decision is made by Contra Costa County, either in an administrative action or a hearing with the Zoning Administrator (ZA).

What are the Planning and Building Rules?

There are two principal ordinances that govern residential building projects in Kensington: the Kensington Combining District Ordinance (*County Code Chapter 84-74*) and the County Zoning Ordinance (*Chapter 84-4, R-6 Zoning*). These ordinances are the legal framework under which the KMAC and the CDD evaluate building applications. Both ordinances may be viewed on the county website. (See *Additional Resources at the end of this document*.)

The purpose and intent of the Kensington Combining District Ordinance is:

- To provide specific regulation to fairly and efficiently implement the Contra Costa County General Plan Policies for the Kensington Area;
- To ensure that future development recognizes the rights of property owners to improve the value and enjoyment of their property while minimizing impacts upon surrounding neighbors and not substantially impairing the value and enjoyment of their neighbors' property;
- To maintain the community's property values;
- To promote the general welfare, public health and safety;
- To promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels, and compatibility with the neighborhood with regard to bulk and scale. ***Features of a development that could influence these values include, but are not limited to, siting, size, bulk, building envelope, height, setbacks, relative scale, off-street parking spaces, window placement, artificial lighting, and location of mechanical devices such as motors, fans, and vents.***

Guidelines for Owners

When should I apply for a permit?

All construction (structural, electrical, plumbing) requires a Building Permit issued by the Building Inspection Department in Martinez. If planning approval is also required, application should first be made to the CDD. If you are not sure if planning approval is needed, call the CDD.

Construction requiring Planning Permits includes buildings, retaining walls over 3' high, fences over 6' high, and fences on top of retaining walls where the combination exceeds 6' high.

Unless your plan falls into an exception of the Kensington Combining District Ordinance (*See Section 84-74.604*), you **must** apply for a planning permit with the County.

What is required to get planning approval?

To obtain planning approval, your plan must be approved by the Contra Costa County Zoning Administrator.

NOTE: Building permits cannot be issued until the plan is approved by the Zoning Administrator.

When and how will KMAC be involved?

Building proposals that request a variance or exceed the Floor-Area-to-lot Ratio (FAR) in *Article 84-74.8* of the *Kensington Combining District Ordinance* require a design review by the County, which forwards it to KMAC. Neighbors may also request a design review on any proposal. This five-member Council will make a recommendation to the Contra Costa County Zoning Administrator.

What will KMAC and the Community Development Department consider when evaluating my Application?

These agencies will consider the project's impacts upon your neighbors regarding:

- Existing views
- Privacy
- Access to sunlight
- Adequate parking
- Design compatibility including building bulk, size, and height
- Residential noise levels

KMAC encourages you to take these steps:

- Make sure your architect or project designer understands the building rules for Kensington. Kensington's rules may be different from those governing other areas.
- Review alternate schemes with potentially impacted neighbors and actively seek their input and comment.
- Evaluate neighbors' comments and suggestions, and incorporate them to the maximum extent feasible into your design.
- Design a project that does not need variances. Typical Variances include substandard setbacks (front, sideyard and rear) and height (2-1/2 stories maximum allowed without a Variance).
- Design your home within the recommended Floor-Area-to-Lot Ratio (FAR), though this is not required.
- Before investing a lot of time or money, take your proposed project to the CDD to ensure that your plan is feasible.

How do I get planning approval from Contra Costa County?

- Contact the CDD for application requirements, such as the number of plan sets, the application fee, and parcel number.
- Once you have determined the scope of your project, submit your plans at the Application and Permit Center in Martinez. **Note:** you may need to visit other offices, too (e.g., Stege Sanitary, El Cerrito Fire, etc.).
- If your proposed building expansion falls under the Floor-Area- to-lot Ratio (FAR) thresholds of Art. 84-74.8 (*see Appendix*), and if no variance to Zoning Law is requested, the CDD will mail notices to your neighbors offering them the opportunity to request a design review. A KMAC review will **not** be scheduled unless specifically requested by a neighbor within 34 days.
- If your proposed expansion exceeds the FAR threshold or requires granting of a variance, a KMAC review is mandatory.

How can I prepare for a KMAC Design Review meeting?

You will need to demonstrate to KMAC that your plan minimizes impacts upon neighbors as listed above. In addition, if you request a variance from zoning law, you will need to make a case for such exception. You, your architect, or your designer must be present at the meeting to present your plan to the five-member KMAC.

- Read the Kensington Combining District Ordinance.
- Identify those elements of the project that will impact your neighbors.
- Prepare documents for your presentation at the KMAC meeting. Photos, qualitative and quantitative comparison to nearby properties, maps, diagrams, etc., will help describe your project.
- Discuss your plan with impacted neighbors and seek to develop solutions to their concerns. This will strengthen your position.

If KMAC recommends and the Zoning Administrator approves your plan, the planning permit is usually available about 60 days after the KMAC meeting. With the planning permit in hand, you may apply for the building permit(s).

If you follow the provisions and “purpose and intent” of the Kensington Combining District Ordinance, and work in advance with potentially impacted neighbors, your application stands a very good chance of being recommended for approval by KMAC.

Guidelines for Neighbors

My neighbor has proposed building or remodeling that will impact my home. What can I do?

Some applications automatically require public hearings, while others are subject to them only if neighbors request them. If an application requires a KMAC review, notices will be delivered to neighbors by the KMAC at least 34 days before the meeting. Meetings are normally held at the Kensington Community Center.

However, if a proposed project falls below the Floor-Area-to-lot Ratio (FAR) described in the Combining District Ordinance (*see Appendix*) and no Variance to the Zoning Ordinance is requested, the Community Development Department will notify neighbors that they have 34 days to request a public hearing if they have concerns.

In such a case, if you want your concerns (e.g., impacts on solar access, views, privacy) to be considered in the planning process, you ***must*** request a public hearing. If a neighbor requests a hearing, CDD will request KMAC's review and recommendation. Since the County's notice will have already provided neighbors with a 34-day period to evaluate an application, ***KMAC will usually give only a 10-day advance notice to neighbors of its review meeting.***

What to do in advance of a KMAC meeting

In order to prepare a compelling presentation of your concerns to the KMAC:

- Read the Kensington Combining District Ordinance
- Review the neighbor's building plan carefully. A copy of the plan (exactly as it was submitted to the County's Community Development Department) will be available at the Kensington Library shortly after the KMAC distributes its meeting notices to the applicant's neighbors. The plans may be reviewed *at the library* during regular library hours. You may also purchase a photocopy of the plans from the CDD in Martinez.
- Prepare documents for your presentation at KMAC's meeting: Photos, qualitative and quantitative comparisons to nearby properties, maps, diagrams, etc.
- Work with other neighbors who will be impacted. This will strengthen your position.

Remember, *you* must take the initiative. The case you present to KMAC must be thorough and compelling. Should you fail to make your point to KMAC and they recommend approval of the project, it will be more difficult at the next step, which will be the hearing before the County Zoning Administrator.

What if I observe a neighbor undertaking a building or remodeling project that appears to violate building or planning codes?

Concerns should be reported to the County's Building Inspection Department. Building Inspection Dept. does not release the names of those who initiate complaints. You may also contact our District Supervisor's office directly, (510) 374-3231.

ADDITIONAL RESOURCES

Important Phone Numbers:

County Community Development Department: (925) 335-1210

KMAC: (510) 273-9926

Building Inspection Dept: (925) 335-1113

Contra Costa County Website: www.co.contra-costa.ca.us

Complete Zoning Ordinance may be found under **Title 8 (zoning)** and **Divisions 82 and 84 under County Code**.

Kensington Website:

www.aboutkensington.com

Look under: **Government, KMAC, and Ordinances**

(http://www.aboutkensington.com/kmac_ordinances.html)

For more planning questions regarding:

Residential Second Units in Kensington:

See the letter regarding such under “Ordinances” on the KMAC webpage and Chapter 82-24 of the County Code (accessible through the KMAC webpage, which is on the aboutkensington website: www.aboutkensington.com).

Home Occupations Use Permits:

Home Occupations require Use Permits. See Articles 82-4.240 and 84-4.404 of the County Code in the Ordinance section of the KMAC webpage, which is at the Kensington website: www.aboutkensington.com. Applications are made through CDD.

Trees Obstructing Your View:

If now blocked by trees, you have the right, via arbitration or litigation, to request restoration of views existing at the time you purchased your residence. See County Ordinance Chapter 816-2 (Tree Obstruction of View Combining District). This is accessible through the KMAC webpage, on the aboutkensington website: www.aboutkensington.com

APPENDIX

Thresholds that Trigger Mandatory Public Hearings (in square feet)

Parcel Size	Gross Floor Area
1-200	100
201-400	200
401-600	300
601-800	400
801-1000	500
1001-1200	600
1201-1400	700
1401-1600	800
1601-1800	900
1801-2000	1000
2001-2200	1100
2201-2400	1200
2401-2600	1300
2601-2800	1400
2801-3000	1500
3001-3200	1600
3201-3400	1700
3401-3600	1800
3601-3800	1900
3801-4000	2000
4001-4200	2100
4201-4400	2200
4401-4600	2300
4601-4800	2400
4801-5000	2500
5001-5438	2600
5439-6000	2700
6001-7000	2800
7001-7396	2900
7397-7821	3000
7822-8279	3100
8280-8783	3200
8784-9346	3300
9347-10,000	3400
10,001-10,491	3500
10,492-11,016	3600
11,017-11,583	3700
11,584-12,206	3800
12,207-12,902	3900
12,903-13,708	4000