



CONTRA COSTA COUNTY

AGENDA

Contra Costa County Planning Commission

Wednesday, January 8, 2025

6:30 PM

30 Muir Road, Martinez

Zoom: <https://cccounty-us.zoom.us/j/84769800896> | Call in: (888) 278-0254 Access code: 198675

CHAIR: Kevin Van Buskirk

VICE-CHAIR: Bhupen Amin

COMMISSIONERS: Jeffrey Wright, Donna Allen, Bob Mankin, Ross Hillesheim, Sanjiv Bhandari

The public may attend this meeting in person at the above location. The public may also attend this meeting remotely via Zoom or call-in. Login information and call-in information is provided below. Persons wishing to view the meeting but not participate may view the meeting live online at: <https://www.contracosta.ca.gov/4314/County-Planning-Commission>.

Persons who wish to address the Commission during public comment on matters within the Commission's jurisdiction that are not on the agenda, or who wish to comment with respect to an item on the agenda, may comment in person, via Zoom, or via call-in. Those participating in person should come to the podium when called upon. Those participating via Zoom should indicate they wish to speak by using the "raise your hand" feature in the Zoom app. Those calling in should indicate they wish to speak by pushing "#2" on their phone.

All public comments will be limited to 3 minutes per speaker. Public comments may also be submitted before the meeting by email at planninghearing@dcd.cccounty.us, or by voicemail at (925) 655-2860. Comments submitted by email or voicemail will be included in the record of the meeting but will not be read or played aloud during the meeting.

For assistance with remote access, please contact County staff at (925) 494-4516

Any disclosable public records related to an item on a regular meeting agenda and distributed by County staff to a majority of the Planning Commissioners less than 96 hours prior to the meeting are available for inspection at 30 Muir Road, Martinez, CA 94553, during normal business hours.

The Community Development Division of the Department of Conservation and Development will provide reasonable accommodations to those persons needing translation services and for persons with disabilities who wish to participate in County Planning Commission meetings. Please contact County staff at least 48 hours before the meeting at (925) 655-2860.

1. PUBLIC HEARINGS

- 1a. CHIEH AND KAYNE BARCLAY (Applicant and Owners) - HEMAN PATEL AND ADITI SHASTRI (Appellants), County File #CDDP24-03011: This is an appeal of the Zoning Administrator's decision to approve a Kensington Design Review for a new rooftop deck with railing, and a new Juliet balcony. The subject property is located at 2 Highland Blvd., in the Kensington area of Contra Costa County (Zoning: R-6 Single-Family Residential District, -TOV, Tree Obstruction of Views Combining District, and -K, Kensington Combining District) (Assessor's Parcel Number: 572-013-006). DRW 25-15

Attachments: [A. CDDP24-03011 Findings and COAs](#)
[B. CDDP24-03011 Appeal Letter on Zoning Administrator's Decision](#)
[C. CDDP24-03011 Maps](#)
[D. CDDP24-03011 ZA Staff Report](#)
[E. CDDP24-03011 Project Plans](#)
[F. CDDP24-03011 Site Visit Photos_7 Arlington_11.1.24](#)
[G. CDDP24-03011 PowerPoint Presentation](#)

2. PUBLIC COMMENTS

3. STAFF REPORT

4. COMMISSIONERS' COMMENTS

5. COMMUNICATIONS

**THE NEXT MEETING OF THE CONTRA COSTA COUNTY PLANNING COMMISSION
WILL BE WEDNESDAY, JANUARY 22, 2025, AT 6:30 P.M.**



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 25-15

Agenda Date: 1/8/2025

Agenda #: 1a.

Project Title:	Appeal of the Zoning Administrator Approval of a Development Plan for Addition of a Rooftop Deck and Juliet balcony.
County File(s):	CDDP24-03011
Appellants:	Heman Patel and Aditi Shastri
Applicants:	Chieh and Kayne Barclay
Owners:	Same as Applicants
Zoning:	R-6 Single-Family Residential District (R-6), Kensington Combining District (-K), Tree Obstruction of Views Combining District (-TOV)
General Plan:	Residential Medium Density (RM), formally Single-Family Residential-High Density (SH)
Site Address/Location	2 Highland Boulevard / APN: 572-013-006
California Environmental Quality Act (CEQA)	The proposed project is exempt under, CEQA Guidelines Section 15303(e)(1)
Status:	
Project Planner:	Dulce Reckmeyer-Walton, Planner II - phone: (925) 655-2854 and email: dulce.reckmeyer-walton@dcd.cccounty.us
Staff Recommendation:	Deny the Appeal and approve the application as identified in Section II (recommendation) of the staff report.

I. PROJECT SUMMARY

This is a hearing on an appeal of the Zoning Administrator's decision to approve a Development Plan to allow the addition of an approximately 568-square-foot rooftop deck extending towards the eastern property line above existing living space and a new approximately 7-square-foot Juliet balcony on the southwestern portion of an existing single-family residence. The new gross floor area will be 2,189 square feet, where 2,600 square feet is the maximum gross floor area.

II. RECOMMENDATION

The Department of Conservation and Development, Community Development Division (CDD) staff recommends that the Planning Commission:

1. OPEN the public hearing on the Development Plan permit to allow the construction of a rooftop deck and Juliet balcony, RECEIVE testimony, and CLOSE the public hearing.

2. DENY the appeal by Heman Patel and Aditi Shastri and APPROVE County File #CDDP24-03011, a Development Plan to allow the addition of a new rooftop deck with railing, and a new Juliet balcony, as recommended by staff.
3. FIND that the proposed project is exempt under CEQA Guidelines Section 15303(e)(1)
4. DIRECT the Department of Conservation and Development to file a Notice of Exemption with the County Clerk.

III. BACKGROUND

A Kensington Design Review application for the proposed exterior modifications was submitted to the Department on November 17, 2023. In accordance with the provisions of the Kensington Combining District Ordinance a notice was sent to neighboring property owners within 300-feet of the subject property. During the 34-day notification period, the Department of Conservation and Development received one letter requesting a public hearing and on April 1, 2024, the applicant submitted a Development Plan application to move forward with the project. The development plan application was heard by the Zoning Administrator on October 7, 2024. The Zoning Administrator opened the hearing for public comments, no speakers were present. The Zoning Administrator approved the project with a modification to Condition of Approval #3 - Landscaping for Privacy Screening. On October 17, 2024, an appeal to the Zoning Administrator's decision was submitted by Heman Patel and Aditi Shastri. The applicant decided to proceed with the project as proposed.

IV. California Environmental Quality Act (CEQA)

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 rooftop deck above the existing living space and a new Juliet balcony.

V. SITE/AREA DESCRIPTION

The subject site is a 5,110-square-foot parcel located within a single-family residential neighborhood in the Kensington area, at an elevation of approximately 730 feet. The subject property, along with the residences on the same side of Highland Blvd., are on a higher elevation. The high elevation and residence designs that accommodate the hilly terrain provide expansive views towards the San Francisco Bay, showcasing landmarks such as the San Francisco skyline, the Golden Gate Bridge, and the Bay Bridge. Generally, the surrounding area consists of one-story, two-story, and some three-story houses. These homes range from 900 square feet to 6,000 square feet in gross floor area. Architectural styles in the neighborhood are diverse, including Minimal

Traditional, Bungalow, Craftsman, Shingle, Mid-Century, and Contemporary.

Based on County records, the existing single-family residence was built in 1948, consisting of one level. In 1968, there was a Variance that approved an attached carport and a partial second-story addition approved in 1972. The second story has sliding doors facing the eastern boundary line which leads to an exposed roof area. The total existing gross floor area is 2,182 square feet.

VI. PROJECT DESCRIPTION

The applicant requests approval of a Development Plan for a Kensington Design Review to allow the addition of an approximately 568-square-foot rooftop deck above existing living space on the eastern portion of the existing residence and a new approximately 7-square-foot Juliet balcony on the southwestern portion of the existing residence. The rooftop deck will span from the front to the rear of the property east of the existing residence.

The existing residence is 2,182 square feet and the proposed project will increase the gross floor area by 7 feet for the covered Juliet balcony. The total gross floor area of 2,189 square feet, which is under maximum threshold of 2,600 square feet.

VII. APPEAL OF ZONING ADMINISTRATOR'S OCTOBER 7, 2024 HEARING

During the appeal period following approval by the Zoning Administrator, one appeal was received from Heman Patel and Aditi Shastri. The concerns raised in the letter of the appeal, and staff's responses, are summarized as follows:

1. Summary of Appeal Point #1: Inadequate width of privacy fence.

The lattice privacy fence that was recommended by the Kensington Municipal Advisory Committee (KMAC) is only 4 feet 8 inches in width, which is grossly inadequate and barely provides any privacy at all for the proposed deck that is approximately 27 feet wide.

Staff Response: The Kensington Municipal Advisory Committee voted 5-1 to recommend approval of the project at their May 29, 2024, meeting. However, the minutes for the recommendation for approval did not include the condition that was agreed upon by the members and participants. The recommendation for approval was amended on the August 28, 2024, meeting to state the approval with the compromise of the construction of a trellis, an 8-foot by 4 feet 8-inches trellis, on the existing fence to protect the privacy of the neighboring property at 7 Arlington Avenue.

2. Summary of Appeal Point #2: Inadequate height of privacy fence:

During a meeting with the residents of 2 Highland Blvd., they placed an opaque plastic sheet that would more accurately reflect the coverage of the affected living areas. The residents of 2 Highland Blvd. did not want the screen to be as big, so they removed the plastic and left the smaller height poles. The poles gave the appearance of being a privacy fence, but it did not protect the privacy in any meaningful ways and provided full view of the various living areas that would be visible from the deck

Staff response: During the site visit to 2 Highland Blvd, conducted on August 29, 2024, Staff was shown the wooden poles on the fence for a visual representation of the area that will need to be covered to block the view from the subject property to the neighboring property at 7 Arlington Avenue. The exposed width of the space to cover the window view was approximately 5 feet wide and 8 feet tall. The other living area was not in consideration as the view was blocked by the existing maple tree.

After the site visit to 7 Arlington Avenue, conducted on November 1, 2024, the owners showed staff the opaque plastic sheet that was used as the experiment. They placed the opaque plastic sheet in the areas to be of high concern for privacy. The total height of the structure would be 73 inches (approximately 6 feet) above the existing fence.

3. Summary of Appeal Point #3: Inadequate screening by Maple Tree.

The maple tree on the subject property drops its leaves five months out of the year and further, it is not permanent, unalterable structure. The neighbor could trim or cut off branches at any time without consequence after the deck is built.

Staff response: During the site visit to 2 Highland Blvd., conducted on August 29, 2024, staff was able to walk through the roof area for the proposed rooftop deck. The view from the subject property to the residence located at 7 Arlington Avenue is partially blocked by an existing Maple tree. Even if the Maple tree sheds most of its leaves, there will be additional vegetation planted to provide privacy of views as part of the condition of approval.

4. Summary of Appeal Point #4: No privacy screening proposed for the Juliet balcony.

During the Kensington Municipal Advisory Committee (KMAC) meeting, the applicants indicated that they had dropped the Juliet balcony from the plans and thus no privacy screening was discussed or recommended by KMAC. The Community Development Department (CDD) staff recommendation also does not provide any privacy screening for the Juliet balcony that has a view of the son's bedroom, guest bathroom, and the only bathroom in the house.

Staff Response: The proposed plans received by the Department of Conservation and Development, Community Development Department (CDD) on April 1, 2024, were the same plans that were routed to the Kensington Municipal Advisory Committee. These plans included

the Juliet balcony as part of the scope of work.

During the site visit to 7 Arlington Avenue, staff was granted access to enter the bedroom and guest bathroom. This allowed Staff to observe the view from the windows facing the direction of the proposed rooftop deck. The view from both windows is showcased in the "Site Visit Photos" in the attachments. As stated in the Condition of Approval #3, the applicant shall provide vegetative screening along the property line between the subject property and the property located at 7 Arlington Avenue. Staff will confirm that the landscape screening will cover the exposed view areas to protect the view from these vantage points.

5. Summary of Appeal Point #5: Easily alterable vegetation privacy screening.

The screening as proposed with trees can be easily altered at any time by the owners of 2 Highland Blvd. It may take years before it gets the required height. We request a more permanent solution be added as a condition for approval that can't be so easily altered.

Staff Response: The applicant consulted with staff regarding the Kensington Municipal Advisory Committee (KMAC) recommendation for feasibility of including the trellis structure to the project plans. The recommendation to add a trellis structure to the existing fence will result in a variance component to the project that was not originally considered when the project was first submitted. After consideration, the applicant decided to find an alternative to the trellis. The applicant proposes vegetation along the southern property line. The recommendation for vegetation is included as a condition of approval to address the privacy concern that was raised by the neighboring property owners at 7 Arlington Avenue.

As such, the trees required for privacy screening will be code-protected under zoning code section 816-6.6004 (B) Any tree shown to be preserved on an approved tentative map, development or site plan or required to be retained as a condition of approval.

6. In addition to the appeal points, the appellants commented on the history of communication during this project. The appellants state that they did not receive the mailed notice for the Zoning Administrator hearing. They submitted a written appeal on February 20, 2024, and an email inquiry on June 18, 2024, and followed up on October 10, 2024, since there was no response.

Staff Response: The public hearing notice was mailed on September 18, 2024. The perjury notification list included the address 7 Arlington Avenue for Hemang Patel and Aditi Shastri. Additionally, on August 27, staff emailed Mr. Patel in response to their concern about the projects and requested to do a site visit. No response was received. Staff was forwarded an email by Mr. Patel on October 10, 2024. Staff responded to that email the same day. Mr. Patel shared that there were personal matters he needed to attend to during the time of the hearing and the email was sent to the spam folder and stated their intent to appeal the Zoning

Administrator's decision. On October 30, 2024, Staff emailed Mr. Patel to schedule a site visit. Staff conducted a site visit on November 1, 2024, and clarified any miscommunication on the matter.

VIII. CONCLUSION

The proposed development is consistent with the RM, Residential Medium Density General Plan Land Use designation, and substantially complies with the intent and purpose of the R-6 Zoning District. The project is also consistent with the -K and -TOV Combining Districts; therefore, as proposed, the subject improvements to an existing residence are an appropriate use for the subject site and its characteristics. Staff recommends that the County Planning Commission approves County File #CDDP24-03011 based on the attached findings and conditions of approval.

Attachments:

- A. Findings and Conditions of Approval
- B. Appeal Letter on Zoning Administrator's Decision
- C. Maps - Parcel Maps, Aerial Map, Zoning Map, General Plan Map
- D. Zoning Administrator Staff Report and Attachments
- E. Project Plans
- F. Site Visit Photographs
- G. Power Point Presentation

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

CONTRA COSTA COUNTY

2024 OCT 17 PM 2: 57

APPLICATION & PERMIT
CENTER

Community Development Division (CDD)
Department of Conservation and Development
30 Muir Rd.
Martinez, CA 94553

Attn: Planning File # CDDP24-03011

Attn: Dulce Reckmeyer-Walton

Site Address: 2 Highland Blvd, Kensington, CA 94707
APN: 572-013-006

Subject: Appeal - Planning File # CDDP24-03011 on grounds of privacy

Sir/Madam,

We would like to appeal the approval for the project at 2 Highland Boulevard / APN: 572-013-006.

- *Requestor Names:* Hemang Patel and Aditi Shastri
- *Requestor Address:* 7 Arlington Avenue, Kensington, CA 94707
- *Requestor Contact Information:*
 - Hemang Patel - 510 516 8761 / hemang@berkeley.edu
 - Aditi Shastri - 510 495 5767 / aditishas@gmail.com

The planned changes at 2 Highland Blvd, Kensington CA would significantly intrude upon our privacy and provide the applicants (our neighbors) with an unobstructed view into our kitchen, dining room, bathroom, our son's bedroom, guest bedroom, and other living areas (see image below showing the numerous windows visible). We are very concerned about these changes and would like to appeal the decision.

COMMUNICATION HISTORY

We did not receive the mailed notice for the hearing to be held on October 7. We submitted a written appeal on Feb 20, 2024 and an email inquiry on June 18, and followed up on Oct 10, 2024 as we had not heard back. That's when we found out that the review meeting had been held on Oct 7, 2024.

KMAC and STAFF RECOMMENDATION:

The KMAC review meeting made their decision based on the incorrect assumption that residents at 7 Arlington would be allowed to grow vegetation to whatever width and height they wanted along the property line. This assumption that was given as one of the many reasons for their decision is incorrect as we learned from an email by Adrian Veliz.

The KMAC review board acknowledged during the review process that they were not sufficiently familiar with the applicable code and told us that the County would make its own determination independent of the KMAC decision.

Below are our concerns with the proposed privacy measures mentioned by KMAC which the staff at CDD also proposed:

1. *Inadequate width of privacy fence:* Thus, their assumption as told to us during the review meeting was that the lattice privacy fence needed to provide only bare minimum screening. The proposed deck is approximately 27 ft wide while the width of the recommended privacy fence is only 4 ft 8 inches which is grossly inadequate and barely provides any privacy at all.
2. *Inadequate height of privacy fence:* During our discussion with 2 Highland residents, in their presence, we placed an opaque plastic sheet that would more accurately reflect the coverage provided by any screen. During this experiment, 8ft x 4ft 8 inches barely provided any coverage of the affected living areas. Based on the experiment using the opaque plastic, a 10 ft high by 12ft wide screen would provide sufficient coverage of affected areas. But, the neighbor didn't want the screen to be as big so they removed the plastic promptly and left the smaller height poles up. The poles put up by 2 Highland give the appearance of being a privacy fence but do not protect our privacy in any meaningful way and provide full view of the various living areas that would be visible from the deck.
3. *Inadequate screening by Maple Tree:* The maple tree on the neighbors sheds most of its leaves five months out of the year and, further, it is not a permanent, unalterable structure. The neighbor at their choice could trim or cut off branches at any time without consequence after the deck has been built.
4. *No privacy screening proposed for Juliet balcony:* During the KMAC meeting, 2 Highland indicated that they had dropped the Juliet balcony from the plans and thus no privacy screening was discussed or recommended by KMAC. The CDD staff recommendation also does not provide any privacy screening for the Juliet balcony that has a view into our son's bedroom, guest bathroom, and the only bathroom in the house.
5. *Easily alterable vegetation privacy screening:* The screening as proposed with trees can be easily altered at any time by 2 Highland as per their desire and may not grow to the required height by the time the construction is completed. It may take years before it gets to the required height. We request a more permanent solution be added as a condition for approval that can't be so easily altered.

We hope the above has provided sufficient detail on our concerns with the proposed alterations at 2 Highland as well as the proposed solution of privacy screening. We are available for questions or clarifications. Please feel free to reach out.

We look forward to hearing from the office on next steps.

Sincerely, *Aditi Shastri*
Hemang Patel and Aditi Shastri

PICTURES OF PROPERTY FACING 2 HIGHLAND AND AFFECTED AREA AT 2 HIGHLAND



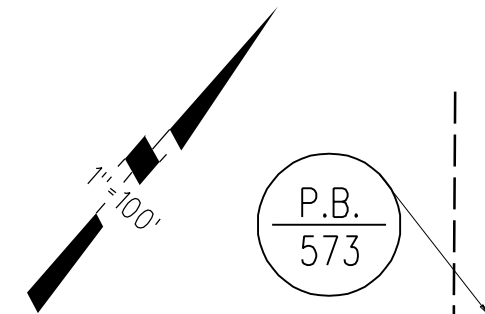
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1- 57P.M.29 & 30 8-31-77

C- MARINA VISTA MB 43-43

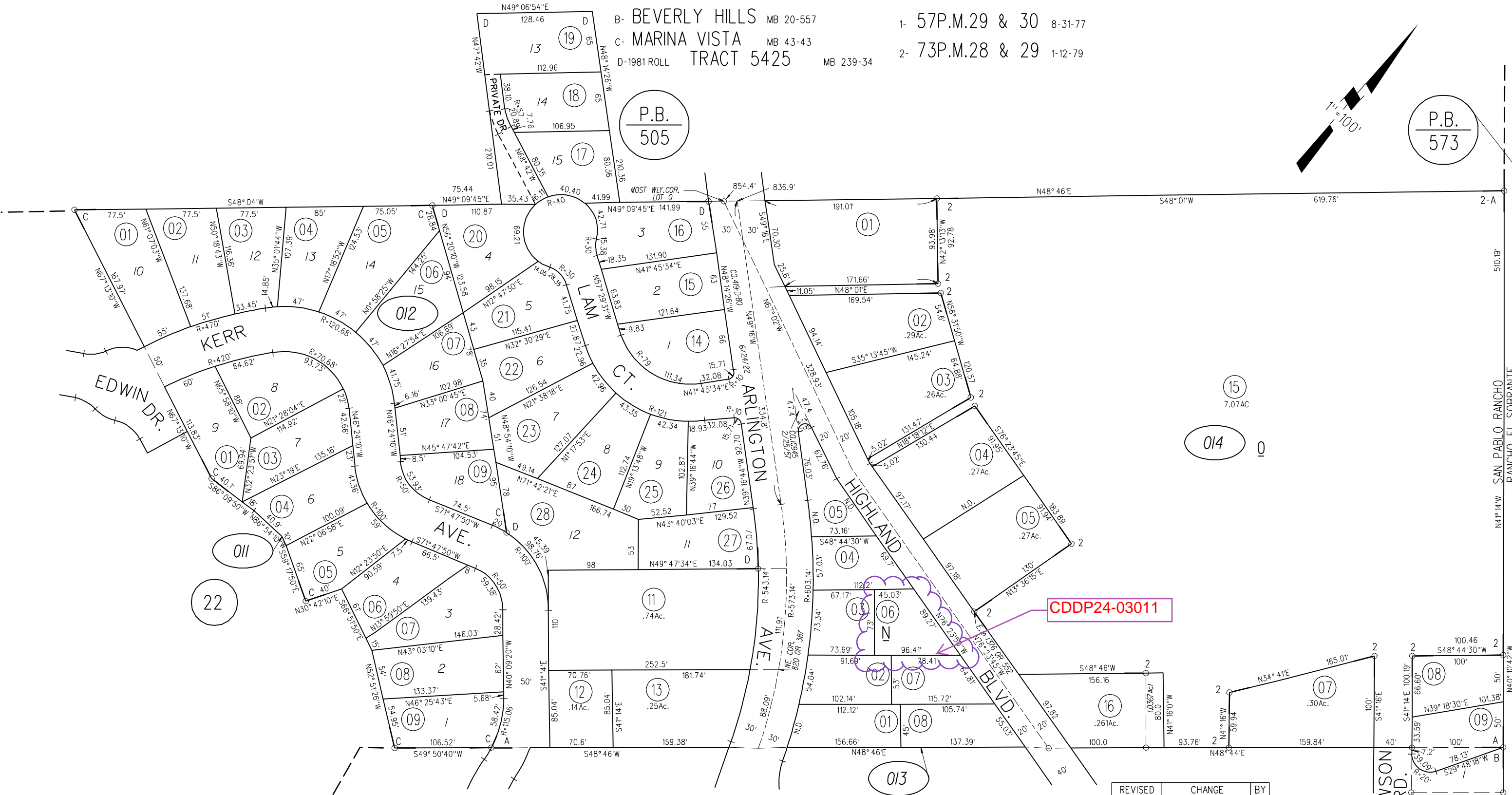
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D-1981 ROLL TRACT 5425 MB 239-34



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P.B. 573



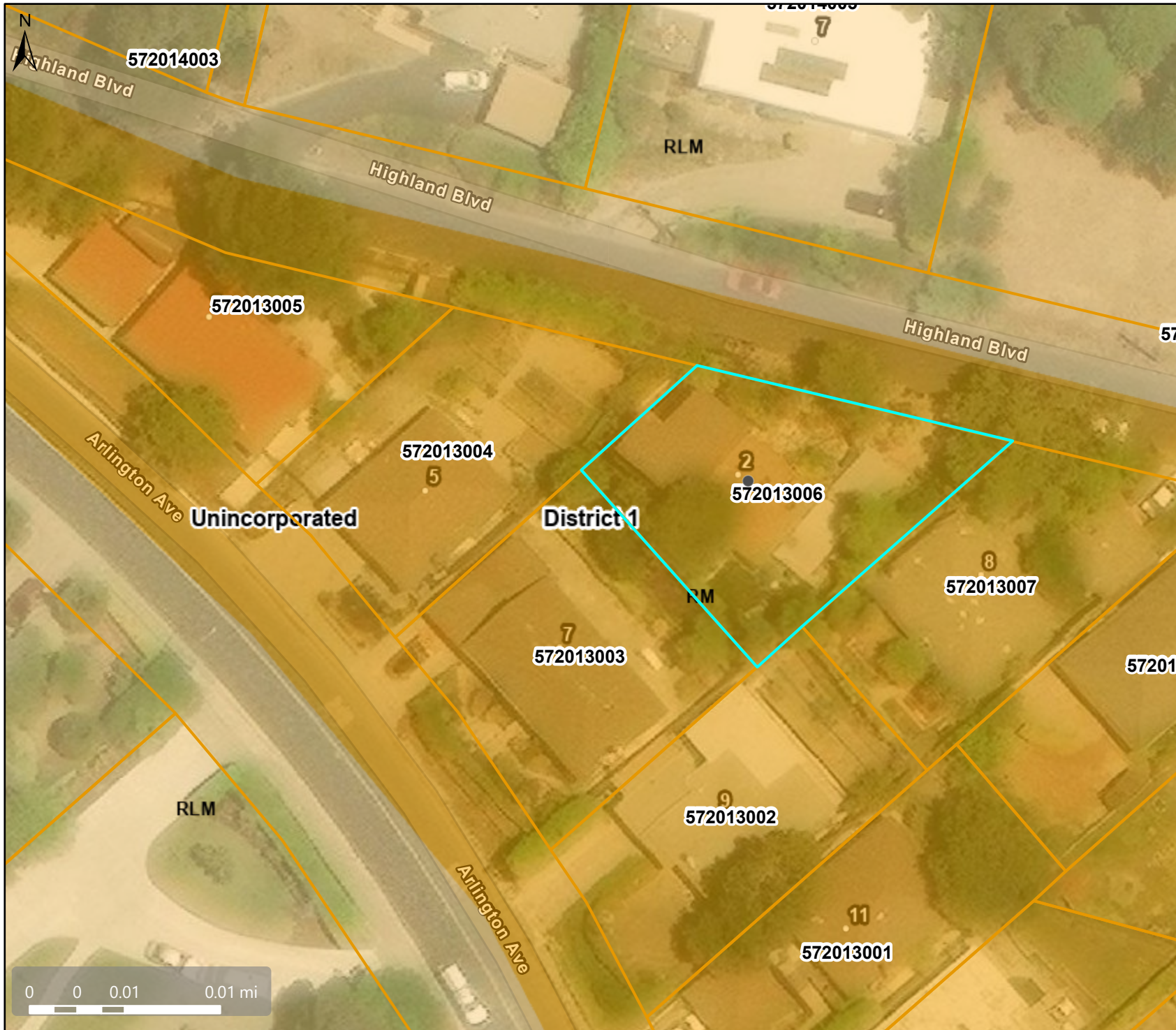
CDDP24-03011

REVISED	CHANGE	BY
09-21-93	SPLIT PCLS 15,16	MJ

2
011 012 013 014

1962 ROLL
ASSESSOR'S MAP
BOOK 572 PAGE 01

General Plan: RM, Residential Medium Density



Map Legend

- Assessment Parcels
- Planning Layers (DCD)**
- General Plan**
- RLM (Residential Low-Medium Density) (3-7 du/na)
- RM (Residential Medium Density) (7-17 du/na)
- Unincorporated
- Board of Supervisors' Districts
- Base Data**
- Address Points

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Spatial Reference
PCS: WGS 1984 Web Mercator Auxiliary S
Datum: WGS 1984



Map Legend

- Assessment Parcels
- Planning Layers (DCD)
- Zoning
- ZONE_OVER
 - R-6 -TOV -K (Tree Obstruction and Kensington)

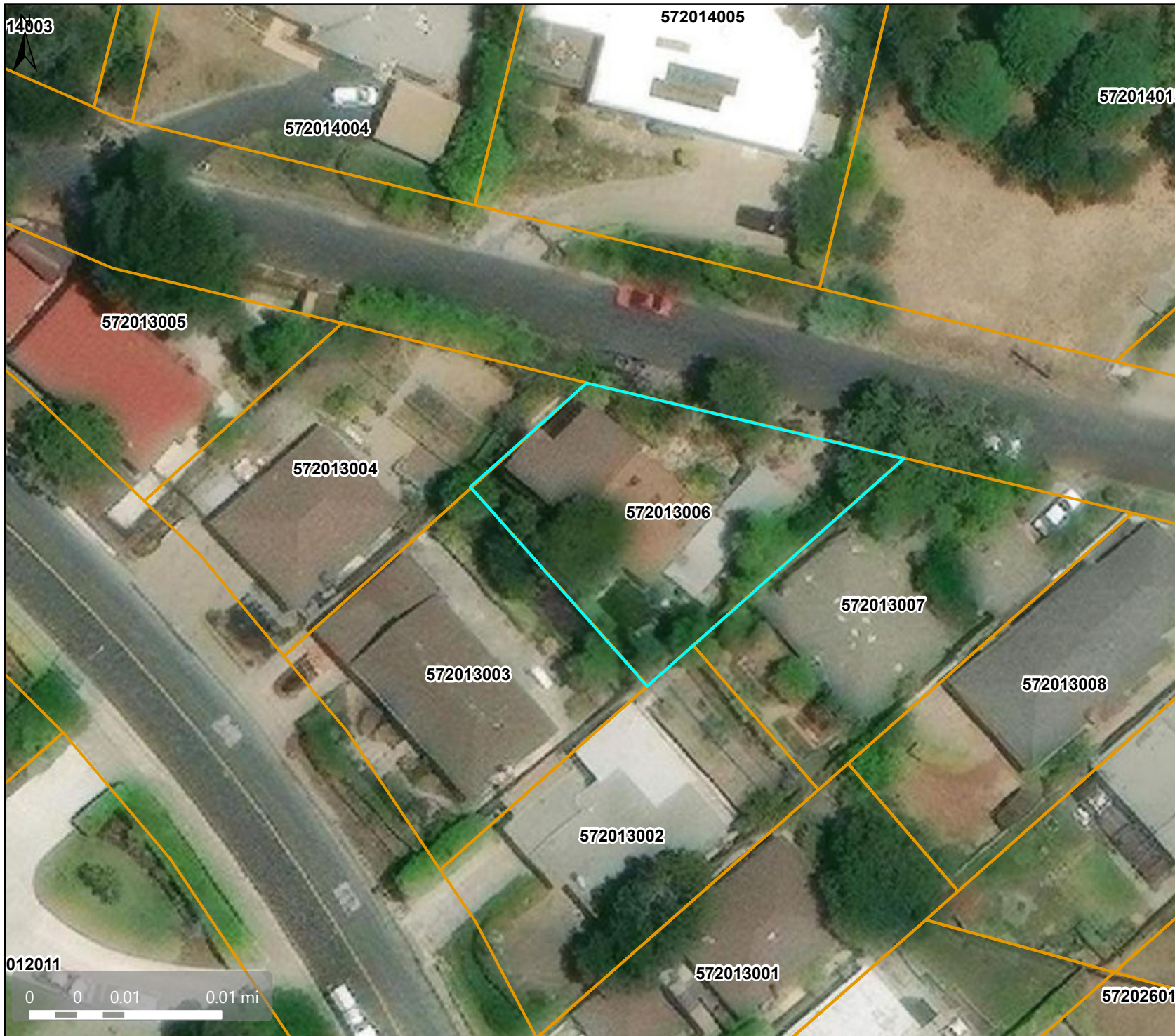


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Spatial Reference
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 Datum: WGS 1984



Map Legend

-  Assessment
-  Parcels



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Spatial Reference
 PCS: WGS 1984 Web Mercator Auxiliary S
 Datum: WGS 1984



Department of Conservation and Development

County Zoning Administrator

Monday, October 7, 2024 – 1:30 P.M.

STAFF REPORT

Agenda Item # _____

Project Title:	Development Plan for Addition of Deck and Juliet balcony to the Existing Residence
County File(s):	CDDP24-03011
Applicants:	Chieh and Kayne Barclay
Owners:	Same as Applicants
Zoning:	R-6 Single-Family Residential District (R-6), Kensington Combining District (-K), Tree Obstruction of Views Combining District (-TOV)
General Plan:	Single-Family Residential-High Density (SH)
Site Address/Location	2 Highland Boulevard / APN: 572-013-006
California Environmental Quality Act (CEQA) Status:	Categorical Exemption, CEQA Guidelines Section 15303(e)(1)
Project Planner:	Dulce Reckmeyer-Walton, Planner II – phone: (925) 655-2854 and email: dulce.reckmeyer-walton@dcd.cccounty.us
Staff Recommendation:	Approve (See section II for full recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Development Plan for a Kensington Design Review to allow the addition of an approximately 568-square-foot roof deck extending towards the eastern property line above existing living space and a new approximately 7-square-foot Juliet balcony on the southwestern portion of an existing single-family residence. The new gross floor area will be 2,189 square feet, where 2,600 square feet is the maximum gross floor area.

II. RECOMMENDATION

The Department of Conservation and Development, Community Development Division (CDD) staff recommends that the Zoning Administrator:

1. APPROVE the Development Plan (County File #CDDP24-03011), based on the attached Findings and Conditions of Approval; and
2. DIRECT staff to file a Notice of Exemption.

III. BACKGROUND

The application was submitted as a Kensington Design Review application on November 17, 2023. The project was noticed to the neighboring property owners within 300-feet of the subject property. The Department of Conservation and Development received one letter requesting a public hearing. The applicant submitted a Development Plan application to move forward with the project. The responses to the comments are discussed in Section VIII of this staff report.

IV. GENERAL INFORMATION

- A. General Plan – The subject property is located within a Single-Family Residential-High Density (SH) General Plan land Use designation.
- B. Zoning District – The subject property is located within the R-6 Single-Family Residential District (R-6), Kensington Combining District (-K), and Tree Obstruction of Views Combining District (-TOV).
- C. California Environmental Quality Act (CEQA) - 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 roof deck above existing living space and a new Juliet balcony.
- D. Lot Creation: The subject property was created as Lot 1 of the Land Division of a portion of Lot 'N' of San Pablo Racho, which was approved on January 16, 1907.

E. Previous Applications:

1. CDKR23-00004: A Kensington Design Review for an addition for the existing single-family residence was approved by the Zoning Administrator on March 21, 2013.
2. CDVR72-103: A Variance to have an 8-foot setback and a 7-foot side yard for a second story addition was approved by the Zoning Administrator on April 4, 1972.
3. CDLP68-362: A Land Use and Variance to have a 7-foot setback for an off-street parking space with a 10-foot setback for a carport was approved by the Zoning Administrator on December 2, 1968.

V. SITE/AREA DESCRIPTION

The subject site is a 5,110-square-foot parcel located within a single-family residential neighborhood in the Kensington area, at an elevation of approximately 730 feet. The subject property, along with the residences on the same side of Highland Blvd., are on a higher elevation. The high elevation and residence designs that accommodate the hilly terrain provide expansive views towards the San Francisco Bay, showcasing landmarks such as the San Francisco skyline, the Golden Gate Bridge, and the Bay Bridge. Generally, the surrounding area consists of one-story, two-story, and some three-story houses. These homes range from 900 square feet to 6,000 square feet in gross floor area. Architectural styles in the neighborhood are diverse, including Minimal Traditional, Bungalow, Craftsman, Shingle, Mid-Century, and Contemporary.

Based on County records, the existing single-family residence was built in 1948, consisting of one level. In 1968, there was a Variance that approved an attached carport and a partial second-story addition approved in 1972. The second story has sliding doors facing the eastern boundary line which lead to an exposed roof area. The total existing gross floor area is 2,182 square feet.

VI. PROJECT DESCRIPTION

The applicant requests approval of a Development Plan 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 existing residence and a new approximately 7-square-foot Juliet balcony on the southwestern portion of the

existing residence. The roof deck will span from the front to the rear of the property east of the existing residence.

The existing residence is 2,182 square feet and the proposed project will increase the gross floor area by 7 feet for the covered Juliet balcony. The total gross floor area of 2,189 square feet, which is under maximum threshold of 2,600 square feet.

VII. AGENCY COMMENTS

- A. Kensington Municipal Advisory Council (KMAC): The KMAC voted 5-1 to recommend approval of the project at their May 29, 2024, meeting. However, the minutes for the recommendation for approval did not include the condition that was agreed upon by the members and participants. The recommendation for approval was amended at their August 28, 2024, meeting to state the approval with the compromise of the construction of a trellis, an 8-foot by 4 feet 8-inches trellis, on the existing fence to protect the privacy of the neighboring property at 7 Arlington Avenue.

Staff response: The applicant consulted with Staff regarding the KMAC recommendation for feasibility of including the trellis structure to the project plans. The recommendation to add a trellis structure to the existing fence will result in a variance component to the project that was not originally considered when the project was first submitted. After consideration, the applicant decided to find an alternative to the trellis. The applicant proposes vegetation along the southern property line. The recommendation for vegetation is included as a condition of approval to address the privacy concern that was raised by the neighboring property owners at 7 Arlington Avenue.

- B. East Bay Municipal Utility District (EBMUD): In an email received on April 2, 2024, EBMUD staff stated that EBMUD has no comments on the proposed development.

No comments were received from the following agencies: Conservation and Development Building Inspection Division, Kensington Fire Protection District, Stege Sanitary District, City of Richmond, and City of El Cerrito.

VIII. PUBLIC COMMENTS

- A. The Department of Conservation and Development received a letter on February 20, 2024, requesting a public hearing on the project from Heman Patel and Aditi Shastri.

Below is a summary of the comment received and staff's response.

Heman Patel and Aditi Shastri of 7 Arlington Avenue, Kensington

Comment: The letter stated that the proposed project would significantly intrude upon the view and privacy of the neighboring property.

Staff response: During the site visit conducted on August 29, 2024, Staff was able to walk through the roof area for the proposed deck. The view from the subject property to the residence located at 7 Arlington Avenue is partially blocked by an existing Maple tree. The applicant placed wooden poles on the fence for a visual representation of the area that will need to be covered to block the view from the subject property to the neighboring property at 7 Arlington Avenue. The exposed width of the space to cover the window view was about 5 ft. wide and 8 ft. tall. The addition of a trellis on top of a fence would add a variance component to the project. As an alternative, the applicant agreed to plant trees as barriers to cover the portion of the area that will be in direct view of the proposed roof deck. This will satisfy the privacy concern that was mentioned by the neighboring property owner at 7 Arlington Avenue.

IX. STAFF ANALYSIS AND DISCUSSION

- A. Consistency with General Plan: The subject property is located within a Single-Family Residential, High-Density (SH) General Plan Land Use designation. The SH designation allows for a residential density between 5.0 and 7.2 single-family units per acre. The 5,110-square-foot lot was legally created and recorded in 1907. The existing residence was built in 1948. The project includes improvements to an existing single-family residence which is consistent with the land use designation.

Specific Area Policies: The Land Use Element of the County General Plan contains policies for specific geographic areas of the unincorporated County. The intent of the Specific Area Policies is to provide policies that pertain to the unique characteristics and needs of each identified area. Pursuant to the County General Plan, the project site is located within the Kensington Specific Policy Area. The Specific Area Policies 3-211 through 3-213 for the Kensington area are applicable to this proposed project. The project is consistent with each of the applicable goals. A detailed discussion of the proposed project's consistency with these policies follows:

3-211. Allow for the review of new residential development that provides reasonable protection for existing residences in the Kensington Community with regards to views, design compatibility (including building bulk, size, and height), adequate parking, privacy, and access to sunlight.

Staff Response:

1. Views: The construction of the outdoor improvements to an existing residence will not impact any surrounding views as defined in Chapter 84-74 – Kensington Combining District (-K), Section 84-74.404(r). The view of the San Francisco Bay is visible when looking southwest. Neither the new roof deck nor the Juliet balcony will have an impact on the existing views.
2. Design Compatibility; Bulk: The new roof deck and the Juliet balcony will slightly change the residence's bulk and will have insignificant impact on design compatibility with neighboring residences.
3. Design Compatibility; Size: The new roof deck and the Juliet balcony in size are marginal. As such, the scale of the existing residence will remain compatible with the neighborhood.
4. Design Compatibility; Height: The new roof deck and the Juliet balcony do not increase the overall height of the residence. Therefore, the residence as proposed remains compatible with the neighboring residences.
5. Adequate Parking: The R-6 Zoning District standards require two off-street parking spaces unless the parcel was created prior to September 9, 1971, in which case a single parking space would be required. The subject property was created in 1907, and therefore only one parking space is required. The proposed residence includes one covered off-street parking space, which satisfies the required off-street parking requirements.
6. Privacy: The new roof deck is being constructed above the first level of the existing residence. Therefore, it is higher above the ground. Being above level at the rear of the property, it does not have a significant impact on privacy to the neighboring properties to the southeast and southwest of the property. However, the privacy concern will be mitigated by the planting of tall trees that block the view from the subject property to the southwest neighbor. There will also be planters placed on the southeast side of the proposed roof deck to avoid any privacy views from the immediate neighbors.

7. Access to Light: The project to construct a roof deck and balcony will have no impact on neighboring residences' access to light.

3-212. Preservation of views of scenic natural features (e.g.: bay, mountains) and the developed environment (e.g.: bridges, city skyline) should be incorporated into the review of development applications.

Staff Response: San Francisco Bay and some natural and built-out features within it, like the bridges and city skylines, are visible from the neighborhood along Arlington Avenue. The new roof deck will be at a higher elevation towards the eastern portion of the property on a slope facing the San Francisco Bay. The Juliet balcony will be located on the southwestern portion of the residence. As such, the preservation of scenic views continues to be part of the property's design concept.

3-213. Review proposed residential development for design compatibility with nearby development (e.g.: building mass, height, mechanical devices) and provisions for adequate parking.

Staff Response: See Staff Response for policy 3-211 above.

3-214. New residential development will be reviewed against realistic impacts of privacy and sunlight on surrounding neighbors.

Staff Response: See Staff Response for policy 3-211 above.

3-215. Consideration will be given to review of non-residential development in the Kensington community with policies 3-211 through 3-213 herein.

Staff Response: The project includes exterior improvements to an existing single-family residence. Therefore, this policy does not apply.

B. Consistency with Zoning: The subject property is located within the R-6 Single-Family Residential District (R-6), the Kensington Combining District (-K), and the Tree Obstruction of Views Combining District (-TOV).

The R-6 District allows a single-family dwelling unit and the accessory structures and uses normally auxiliary to it. The project consists of exterior improvements to an existing residence and would remain consistent with the R-6 standards. The existing residence will remain with a height of 20-feet 6-inches, where 35 feet is

the maximum, since the project is to construct a deck and balcony that would not extend beyond the current height of the residence. The proposed roof deck will be at 18-feet 1-inch from the side property line, where 10 feet is required for an aggregate side yard of 15 feet, and 18-feet 8-inches from the rear property line, where 15 feet is required. The Juliet balcony will be 17-feet 2-inches from the rear property line, where 15 feet is required. Therefore, the proposed project will follow the R-6 Single-Family Residential District standards.

Section 84-74.802 of the County Code sets the gross floor area threshold standard for projects within the Kensington Combining District (-K). Projects that exceed the specific lot threshold require a Development Plan application and a public hearing. For a lot size of 5,100 square feet, the gross floor area threshold standard is 2,600 square feet. The existing residence is 2,182 square feet, which does not exceed this threshold. The proposed project will increase the total gross floor area by 7 feet for the covered Juliet balcony for a total of 2,189 square feet, which is below the threshold allowed for the property.

- C. Appropriateness of Use: The project is to construct improvements for an existing residence. No uses other than residential are included with the proposal. Since this portion of the County has been developed with residential uses since 1942, the residential addition is an appropriate at this location.

VIII. CONCLUSION

The proposed development is consistent with the SH General Plan Land Use designation, and substantially complies with the intent and purpose of the R-6 Zoning District. The project is also consistent with the -K and -TOV Combining Districts; therefore, as proposed, the subject improvements to an existing residence are an appropriate use for the subject site and its characteristics. Staff recommends that the Zoning Administrator approve County File #CDDP24-03011 based on the attached findings and conditions of approval.

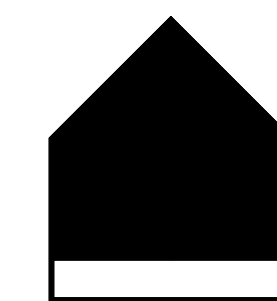
Attachments:

1. Findings and Conditions of Approval
2. Public Comments
3. Maps – Parcel Maps, Aerial Map, Zoning Map, General Plan Map
4. Agency Comments
5. Project Plans
6. Site Visit Photographs

Barclay Residence

Roof Deck Addition

RECEIVED on 9/4/2024 **CDDP24-03011**
 By Contra Costa County
 Department of Conservation and Development



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KLAVIER ARCHITECTURE
 929 DIAMOND STREET
 SAN FRANCISCO, CA 94114



PROJECT CONTACT
 NICK BUCCELLI
 646.393.6303
 NICK@KLAVIERARCH.COM

PROJECT:
BARCLAY RESIDENCE ROOF DECK ADDITION

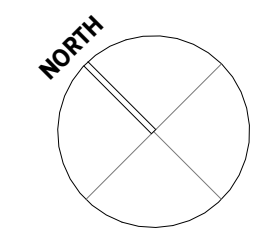
ADDRESS:
2 HIGHLAND BLVD. KENSINGTON, CA 94707

APN:
572-013-006

ISSUED FOR:
DESIGN REVIEW

DATE:
2023.11.01

REVISION: _____ DATE: _____



TITLE

T1

GENERAL CONDITIONS

- A.I.A. Document A201 - General Conditions for the Performance of a Contract, is hereby incorporated into these drawings and shall be considered as part of the requirements for the completion of work.
- The Work included under this contract shall include all labor, materials, transportation, temporary facilities, tools and equipment necessary for the construction of the project, leaving the Work ready for use.
- The Contractor shall be responsible for providing all materials and workmanship in accordance with all applicable codes and regulations, including state and local building codes, local amendments and ordinances in effect at the time and location of construction.
- All work shall be in accordance with manufacturer's specifications and installation requirements, and applicable industry and building standards.
- Any errors, omissions, and conflicts found in these construction documents shall be brought to the attention of the Architect and Owner for clarification before proceeding with work.
- All drawings and notes are considered complementary, and what is called for by either will be as binding as if called for by all.
- The Contractor shall thoroughly examine the project site and premises, and shall base their bid on the existing conditions. The Contractor shall notify the Architect immediately of any discrepancies between the drawings and the actual field conditions. The Contractor shall verify and be responsible for existing dimensions and field conditions, to the extent that they are discoverable prior to commencement of demolition or construction.
- Each trade shall examine the project site and premises to ensure that conditions are appropriate for their work to commence, prior to commencing work. Areas not appropriate shall be brought to the attention of the Contractor, who shall notify the Architect. Commencing work implies acceptance of existing conditions.
- The Contractor shall take care not to damage existing construction and shall be responsible for repairing all damages caused by Contractor and Subcontractors.
- Contractor is responsible for shoring and bracing as required for the execution of excavation, demolition, and new construction work, including shoring engineering as required by the Agency Having Jurisdiction, the structural drawings and specifications, and the Geotechnical Report (if applicable). Do not demolish any items that appear structural, unless specifically indicated to be demolished in the construction documents, without prior review and written approval by the Architect and Structural Engineer.
- These plans indicate the general extent of demolition and new construction necessary for the work, but are not intended to be all inclusive. All demolition and all new work necessary to allow for a finished job in accordance with these documents shall be included regardless of whether explicitly shown on the documents.
- Sealant, weatherstripping, and flashing locations illustrated in drawings are not intended to be all-inclusive. Contractor shall follow applicable industry standards to provide a complete, weathertight building envelope.
- The Contractor shall verify that no conflicts exist in the location of mechanical, electrical, telephone, lighting, plumbing and fire sprinkler work (including piping, ductwork and conduit), and that all clearances for installation and maintenance are provided. Conflicts among systems and discrepancies between architectural and engineering drawings shall be promptly reported to the Architect.
- The Contractor shall be responsible for procurement, delivery and complete installation for fixtures and appliances as occur in the project, unless specifically noted otherwise.
- The General Contractor shall assist in the coordination of N.I.C. items where noted in the documents, including but not limited to furniture, equipment, and telecommunication systems. General Contractor shall be responsible for installation of Owner-provided items where noted in the documents.
- The Contractor shall provide a schedule for construction as required to meet the Owner's phasing requirements and substantial completion date, including on-site delivery or arrival dates for each component of the work. Contractor shall notify the Architect in writing of any delays affecting occupancy.
- The Contractor shall maintain a current and complete set of construction documents on the job site during all phases of construction for use by all trades and shall provide all Subcontractors with current construction documents as required for the completion of their work.
- No work defective in construction or quality or deficient in any requirement of the contract documents will be acceptable in consequence of the Owner's or Architect's failure to discover or point out deficiencies or defects during construction. Defective work revealed within the time required by guarantees shall be replaced by work conforming to the intent of the contract. No payment, either partial or final, shall be construed as acceptance of defective work or improper materials.
- The Contractor shall review, approve, stamp and submit with reasonable promptness and in such sequence as to cause no delay in the work, product data, shop drawings and samples for the project. By delivering submittals to the Architect for review, the Contractor represents that he has determined and verified materials, field measurements, and field construction criteria related thereto, and that he has checked and coordinated the information within such submittals with the requirements of the work and contract documents.
- The Contractor shall not be relieved of responsibility for any deviation from the requirements of the contract documents by the Architect's review of the shop drawings, product data or samples, unless the Contractor has specifically informed the Architect in writing of such deviation at the time of submission and the Architect has given written approval to the specific deviation.
- The Architect assumes no responsibility for dimensions or quantities on reviewed submittals.
- Substitutions, revisions and/or changes in the work must have prior written approval by the Architect.
- Work under this Contract shall be warranted by the Contractor against all defects for one (1) year from the date of substantial completion of the work. In the case of items remaining uncompleted after the date of substantial completion, the one-year warranty period shall be from date of acceptance of such items.

SYMBOLS LEGEND

PROJECT GRID	
EXT ELEV	
BLDG SECT	
INT ELEV	
DTL PLAN	
DTL SECT	
WNDW TAG	
DOOR TAG	
WALL TAG	
REV TAG	
SPOT ELEV	
CENTERLINE	
OVERHEAD	
HIDDEN BELOW	
BREAK LINE	

MATERIALS LEGEND

DIMENSIONAL WD FRAMING SSD	
DIMENSIONAL WD BLOCKING SSD	
ENGINEERED WD FRAMING SSD	
PLYWOOD	
CONCRETE SSD	
STEEL	
ALUMINUM	
GLASS	
EARTH	
GRAVEL / DRAINAGE FILL	
GYPSUM WALL BOARD / STUCCO	
BATT INSULATION	
RIGID INSULATION	
SPRAY FOAM INSULATION	
HARDWOOD	
MARBLE	

PARCEL MAP



AERIAL VICINITY MAP



PROJECT INFORMATION

PARCEL (APN)	572-013-006
YEAR BUILT:	1948
ZONING	R-6
CONST TYPE	TYPE V-N, NON-SPRINKLERED
OCCUPANCY	R-3
STORIES	(2) STORIES
FIRE SPRINKLERS	NO
LOT COVERAGE	
LOT AREA	5110 SQ FT
(E) LOT COVERAGE %	29.4%
PRPSD LOT COVERAGE	NO CHANGE
BLDG HEIGHT	
	NO CHANGE
EXISTING BUILDING AREA (NO CHANGE)	
MAIN LEVEL	1233 SQ FT
SECOND LEVEL	477 SQ FT
TOTAL CONDITIONED SPACE	1710 SQ FT
GROSS FLOOR AREA (84-74.404 (sq))	
TOTAL CONDITIONED SPACE	1710 SQ FT
GARAGE	247 SQ FT
COVERED CARPORT	225 SQ FT
TOTAL GFA	2182 SQ FT
PROPOSED (N) UNCOVERED DECK AREA	
ROOF DECK	568 SQ FT
TOTAL (N) UNCOVERED DECK AREA	568 SQ FT

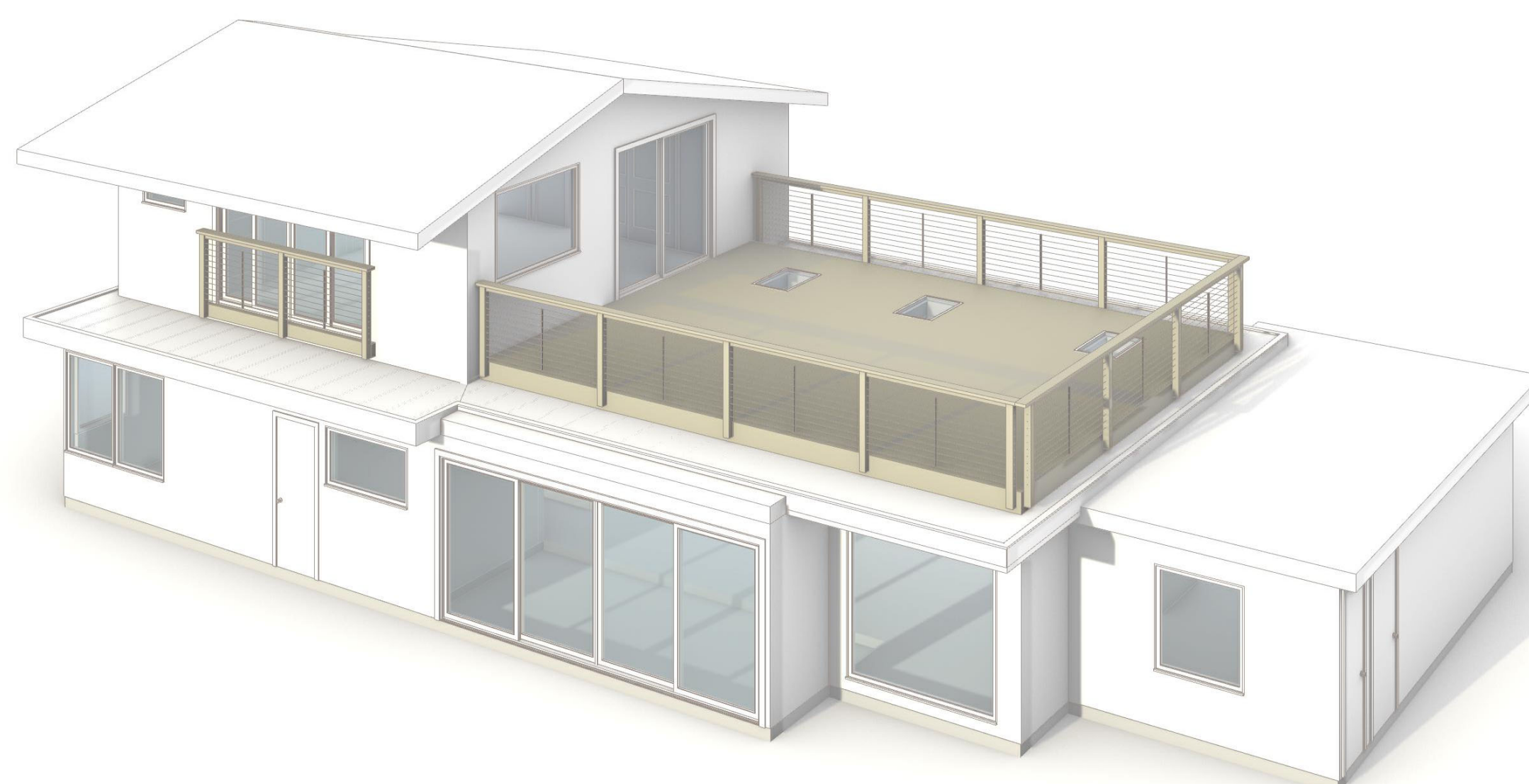
KMAC HEARING THRESHOLD
 (Kensington Planning Ordinance, Article 84-74.802.c.2)

Threshold = 5110 x (0.75-(5110 x 0.00005))=2526.98

Project Threshold Limit is 2600; proposed project does not trigger hearing requirement unless per 84-74.1006.a.2, a written request for public hearing is filed.

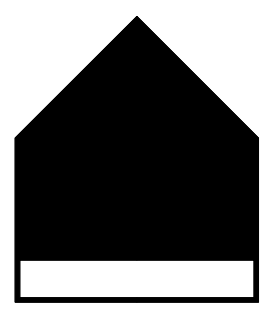
APPLICABLE CODES

- ALL CONSTRUCTION REGARDLESS OF DTLS ON PLANS SHALL COMPLY WITH THE FOLLOWING CODES:
- 2022 CALIFORNIA BUILDING CODE
 - 2022 CALIFORNIA RESIDENTIAL CODE
 - 2022 CALIFORNIA EXISTING BUILDING CODE
 - 2022 CALIFORNIA ELECTRICAL CODE
 - 2022 CALIFORNIA MECHANICAL CODE
 - 2022 CALIFORNIA PLUMBING CODE
 - 2022 CALIFORNIA FIRE CODE
 - 2022 CALIFORNIA ENERGY CODE
 - 2022 CALIFORNIA GREEN BLDG STANDARDS CODE



PERSPECTIVE - REFERENCE ONLY

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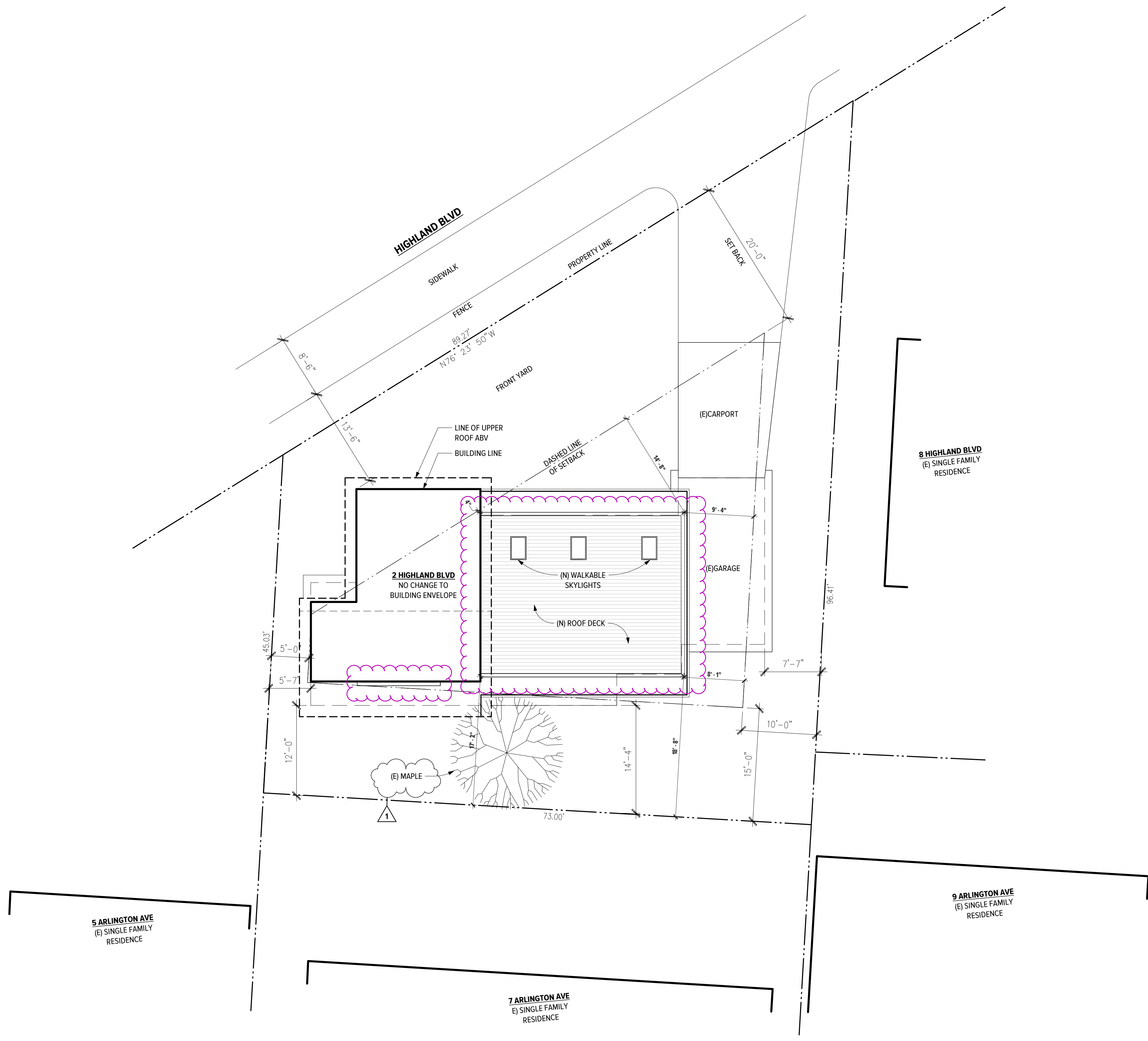
KLAVIER ARCHITECTURE
 929 DIAMOND STREET
 SAN FRANCISCO, CA 94114
 PROJECT CONTACT:
 NICK BUCCELLI
 646.393.6303
 NICK@KLAVIERARCH.COM



STREET VIEW FROM HIGHLAND BLVD

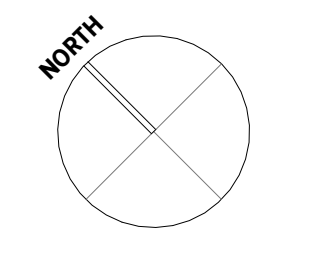


(E) ROOF @ PROPOSED MAIN DECK LOCATION



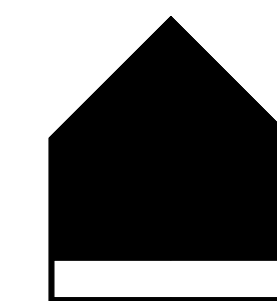
1 SITE PLAN
 SCALE: 1/8" = 1'-0"

PROJECT:
BARCLAY RESIDENCE ROOF DECK ADDITION
 ADDRESS:
2 HIGHLAND BLVD. KENSINGTON, CA 94707
 APN:
572-013-006
 ISSUED FOR:
DESIGN REVIEW
 DATE:
2023.11.01
 REVISION: DATE:
1 09.4.2024



SITE PLAN & SITE PHOTOS

A0.1



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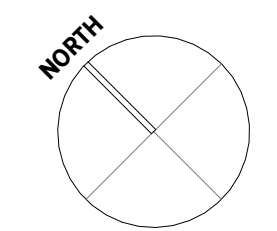
ADDRESS:
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 KENSINGTON, CA
 94707**

APR
572-013-006

ISSUED FOR
DESIGN REVIEW

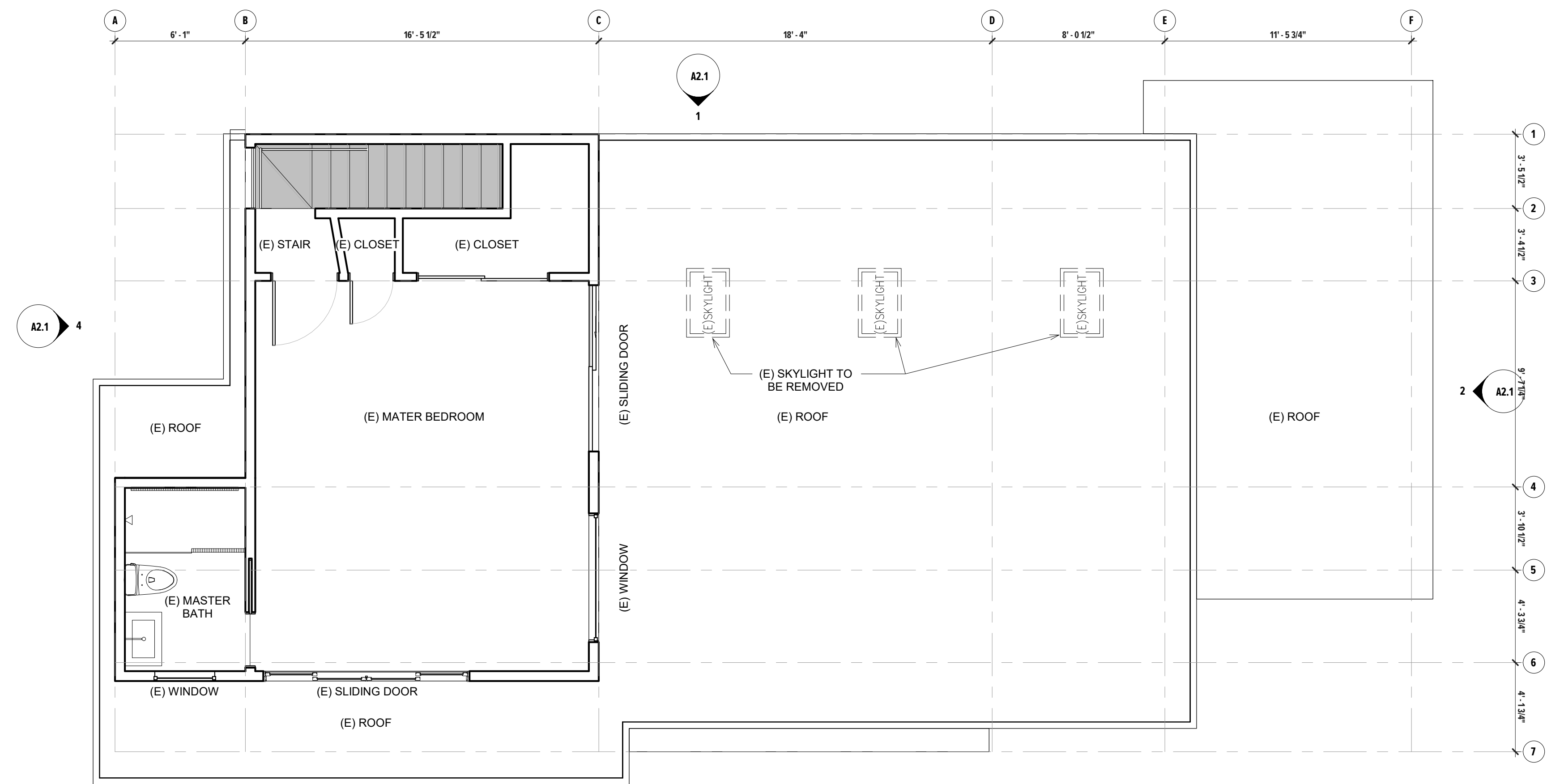
DATE
2023.11.01

REVISION DATE

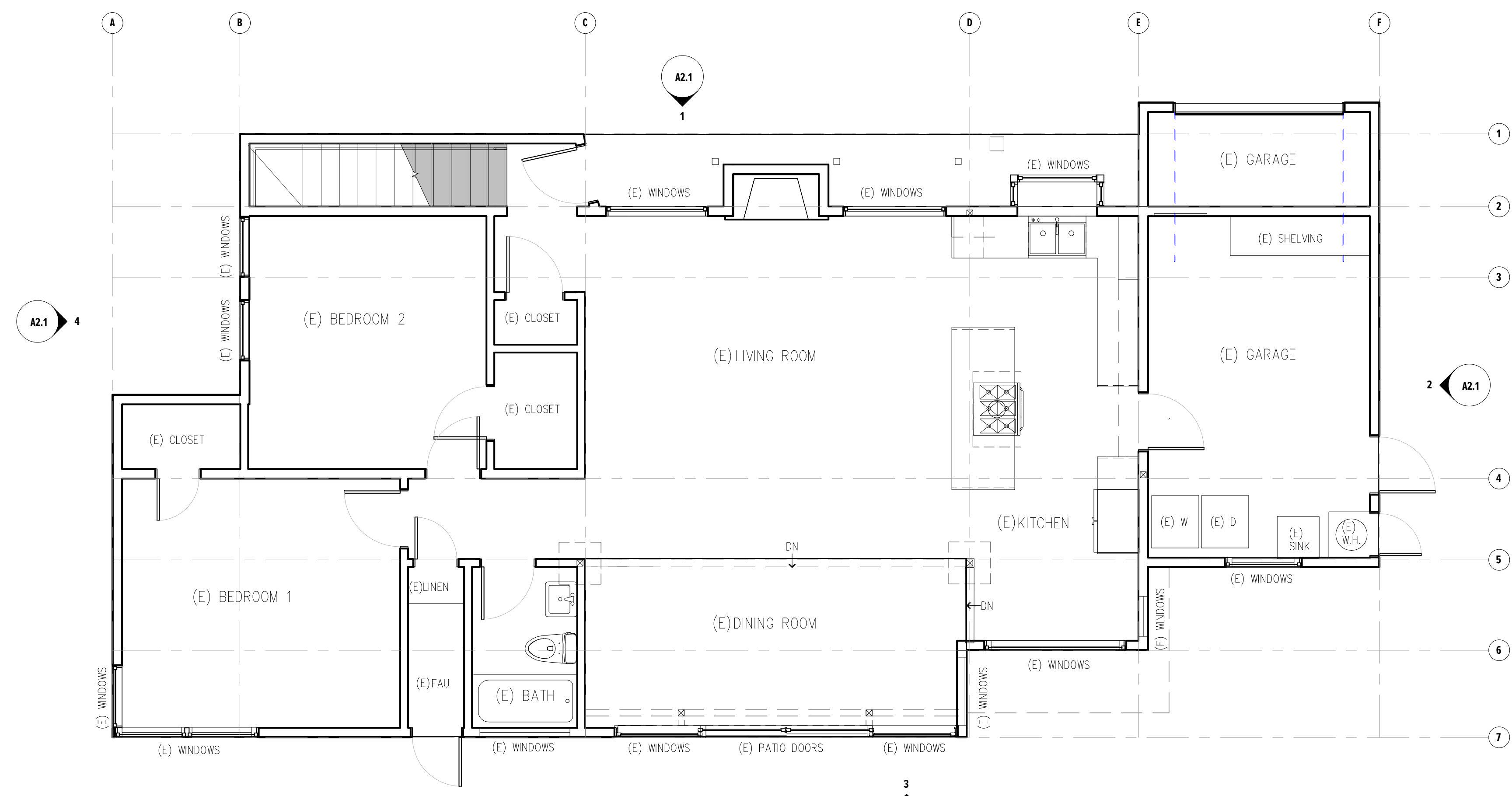


EXISTING FLOORPLANS

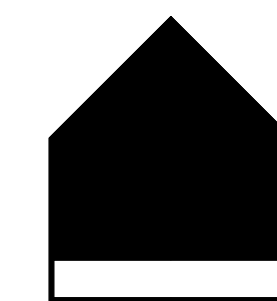
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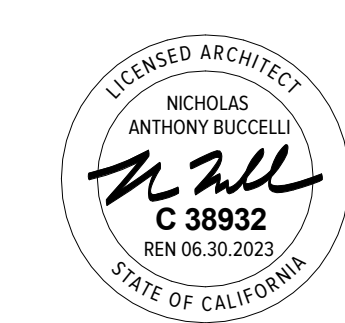
2 LEVEL 2 AND ROOF - EXISTING
 SCALE: 1/4" = 1'-0"



1 LEVEL 1 - EXISTING
 SCALE: 1/4" = 1'-0"



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PROJECT:
BARCLAY RESIDENCE ROOF DECK ADDITION

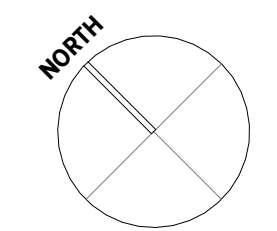
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**2 HIGHLAND BLVD.
 KENSINGTON, CA
 94707**

APN:
572-013-006

ISSUED FOR:
DESIGN REVIEW

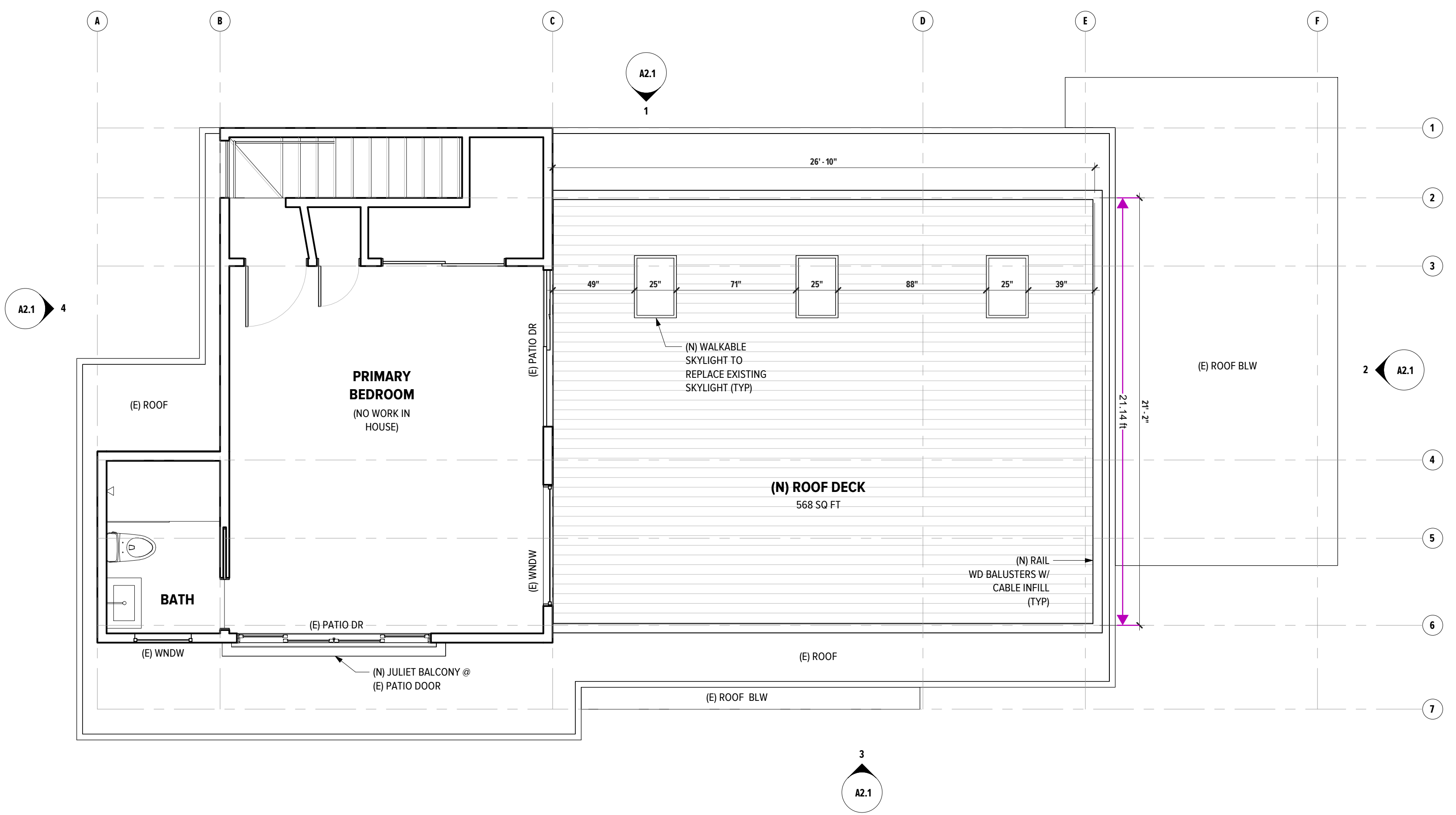
DATE:
2023.11.01

REVISION: _____ DATE: _____

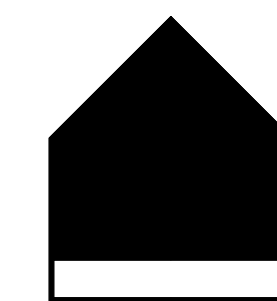


PROPOSED FLOORPLANS

A1.2



1 PROPOSED LEVEL 2 AND ROOF PLAN
 SCALE: 1/4" = 1'-0"



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KLAVIER ARCHITECTURE

929 DIAMOND STREET
SAN FRANCISCO, CA 94114

PROJECT CONTACT
NICK BUCCELLI
646.393.6303
NICK@KLAVIERARCH.COM



PROJECT:
BARCLAY RESIDENCE ROOF DECK ADDITION

ADDRESS:
**2 HIGHLAND BLVD.
KENSINGTON, CA
94707**

APN:
572-013-006

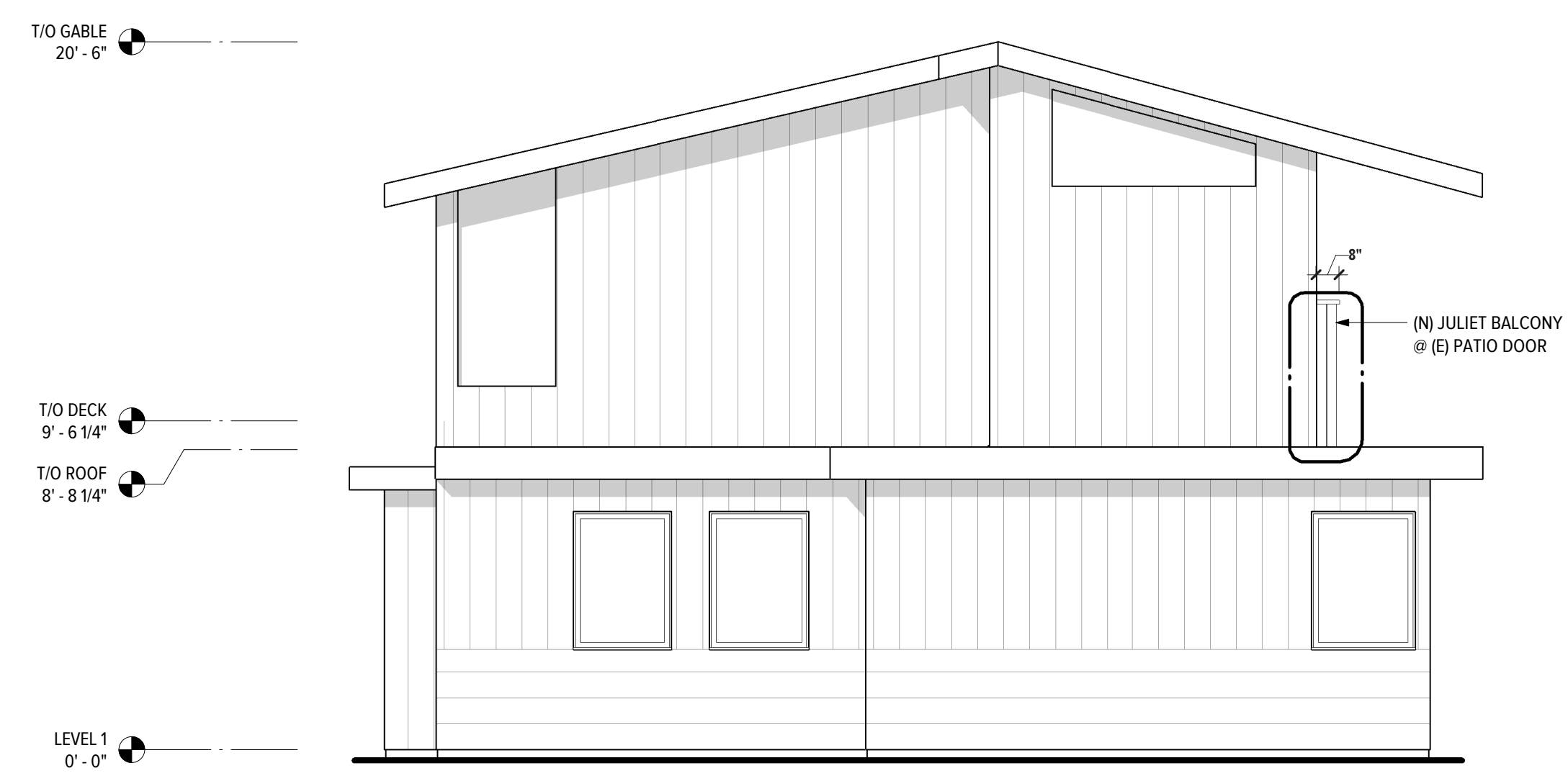
ISSUED FOR:
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DATE:
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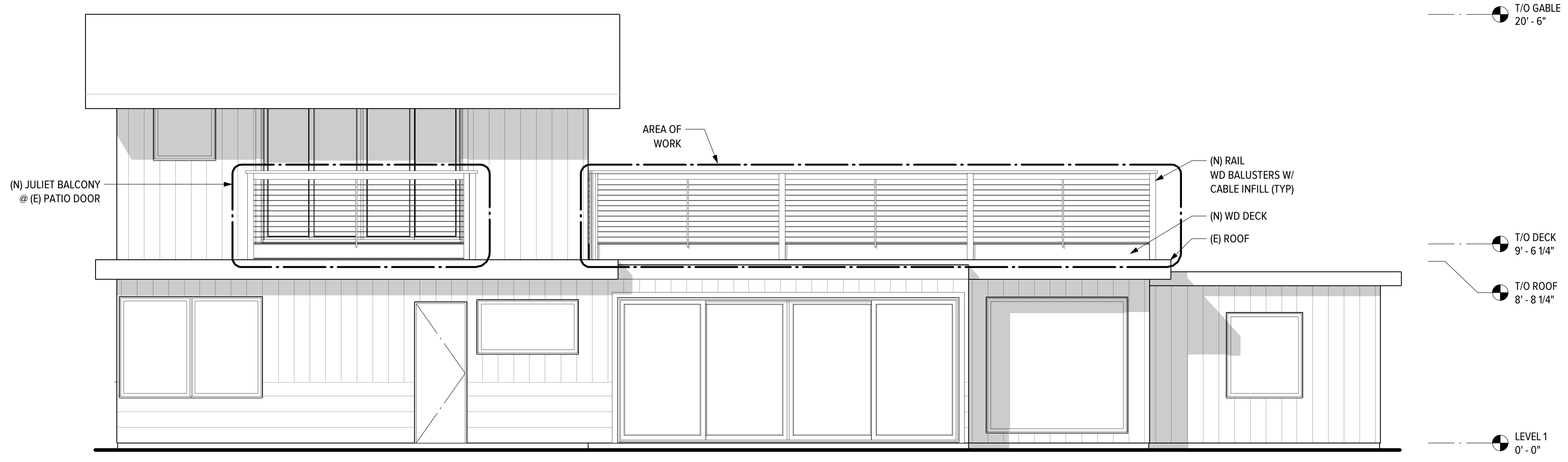
REVISION: DATE:

PROPOSED BUILDING ELEVATIONS

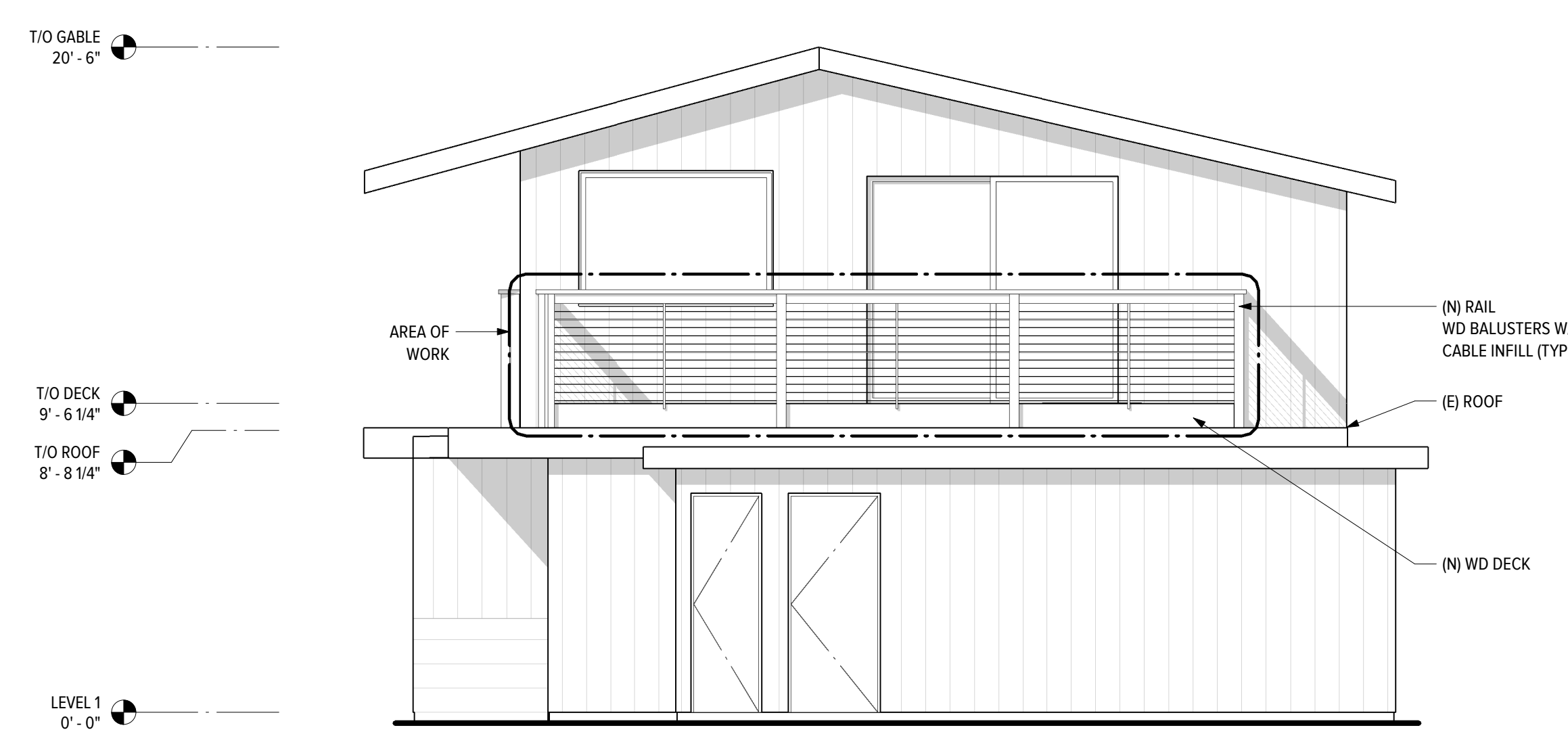
A2.1



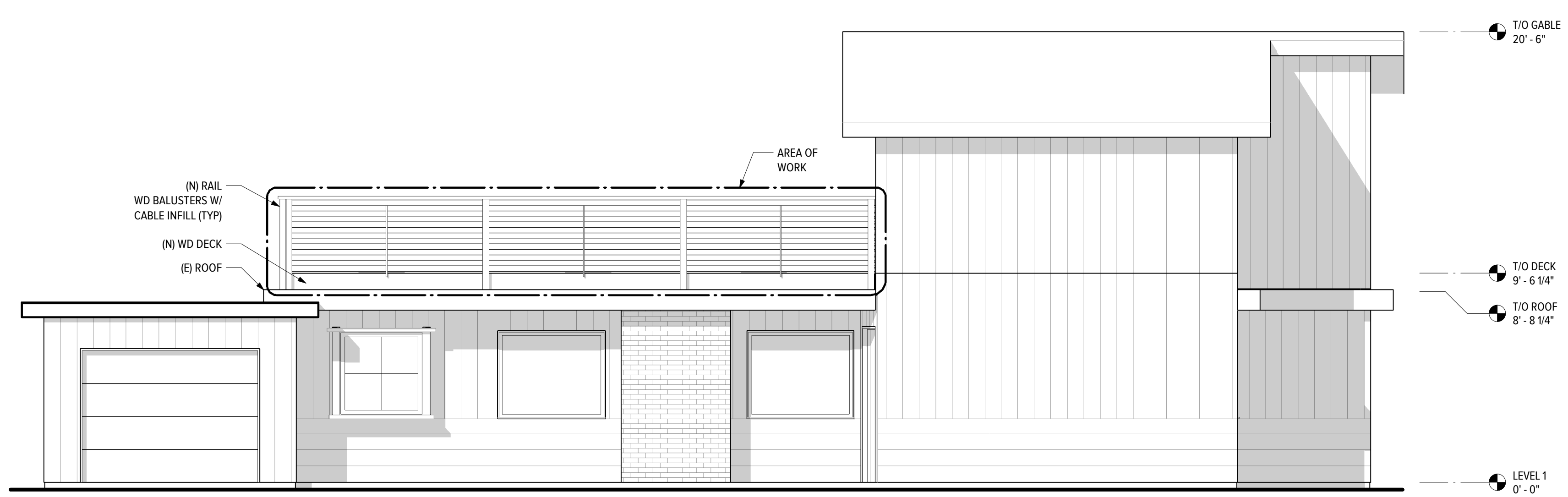
4 WEST ELEVATION
SCALE: 1/4" = 1'-0"



3 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
SCALE: 1/4" = 1'-0"



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



Figure 1 - View from kitchen window towards 2 Highland Blvd.



Figure 2 - View from the back patio door



Figure 3 - View showing the existing maple tree on the proposed project address



Figure 4 - Partial view from bathroom window towards 2 Highland Blvd.



Figure 5 - Closer view from bathroom window towards proposed rooftop deck on 2 Highland Blvd.



Figure 6 - Side angle view from bathroom window towards proposed rooftop deck on 2 Highland Blvd.



Figure 7 - View from guest bedroom standing away from window



Figure 8 - View from guest bedroom window up looking up towards the proposed Juliet balcony



Figure 9 – Closer view from guest bedroom window up looking up towards the proposed Juliet balcony



Figure 10 - View from kid's bedroom towards the proposed rooftop deck



Figure 11 – View from hallway door towards the proposed rooftop deck



Figure 12 - Residents of 7 Arlington Avenue holding the opaque plastic screen to show appropriate height for privacy screening

KENSINGTON DESIGN REVIEW APPEAL FOR 2 HIGHLAND BLVD., KENSINGTON

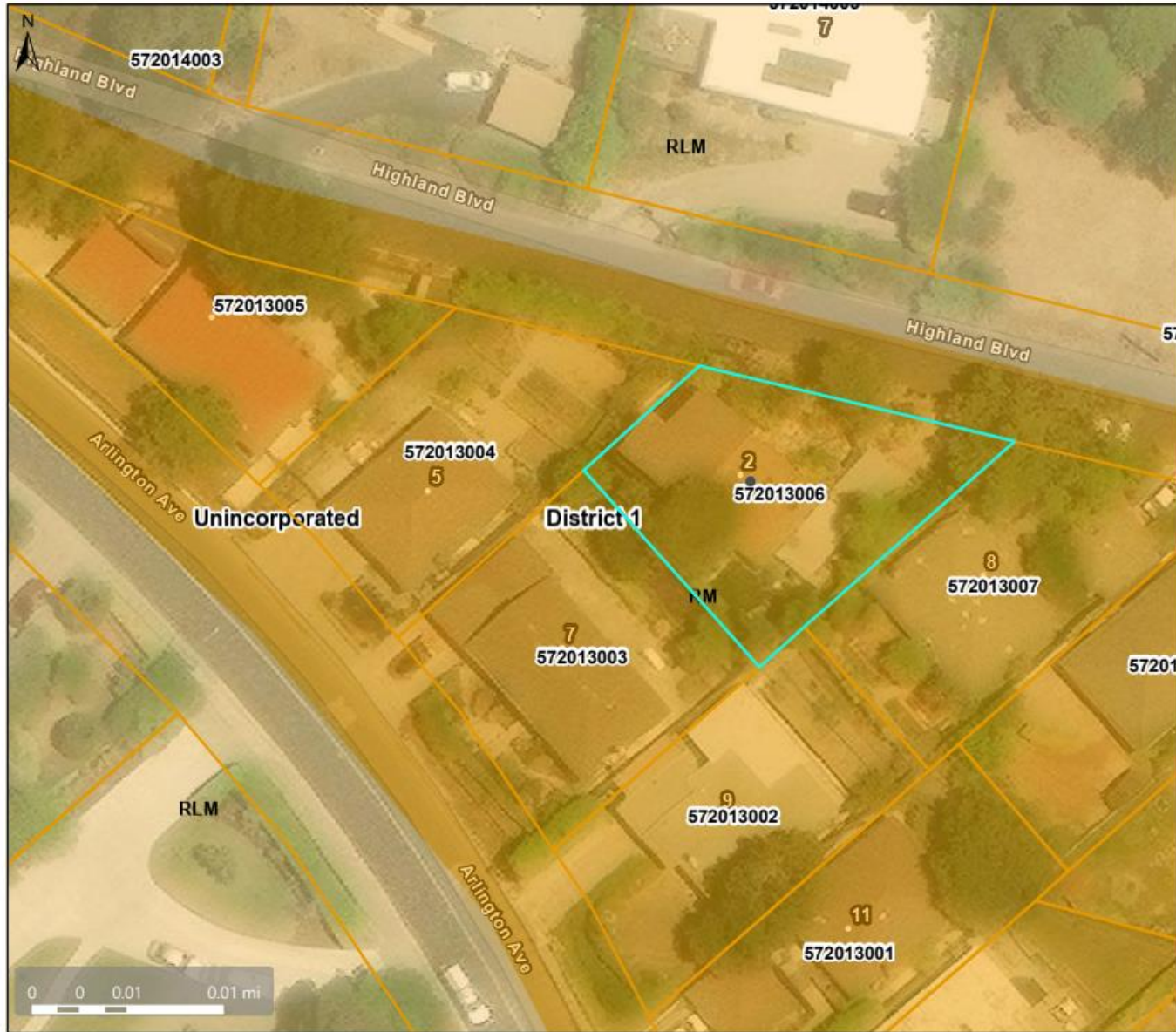
COUNTY FILE #CDDP24-03011

CONTRA COSTA COUNTY PLANNING COMMISSION

WEDNESDAY, JANUARY 8, 2025

6:30 P.M.

General Plan: RM, Residential Medium Density



Map Legend

- Assessment Parcels
- Planning Layers (DCD)**
- General Plan**
- RLM (Residential Low-Medium Density) (3-7 du/na)
- RM (Residential Medium Density) (7-17 du/na)
- Unincorporated
- Board of Supervisors' Districts
- Base Data**
- Address Points

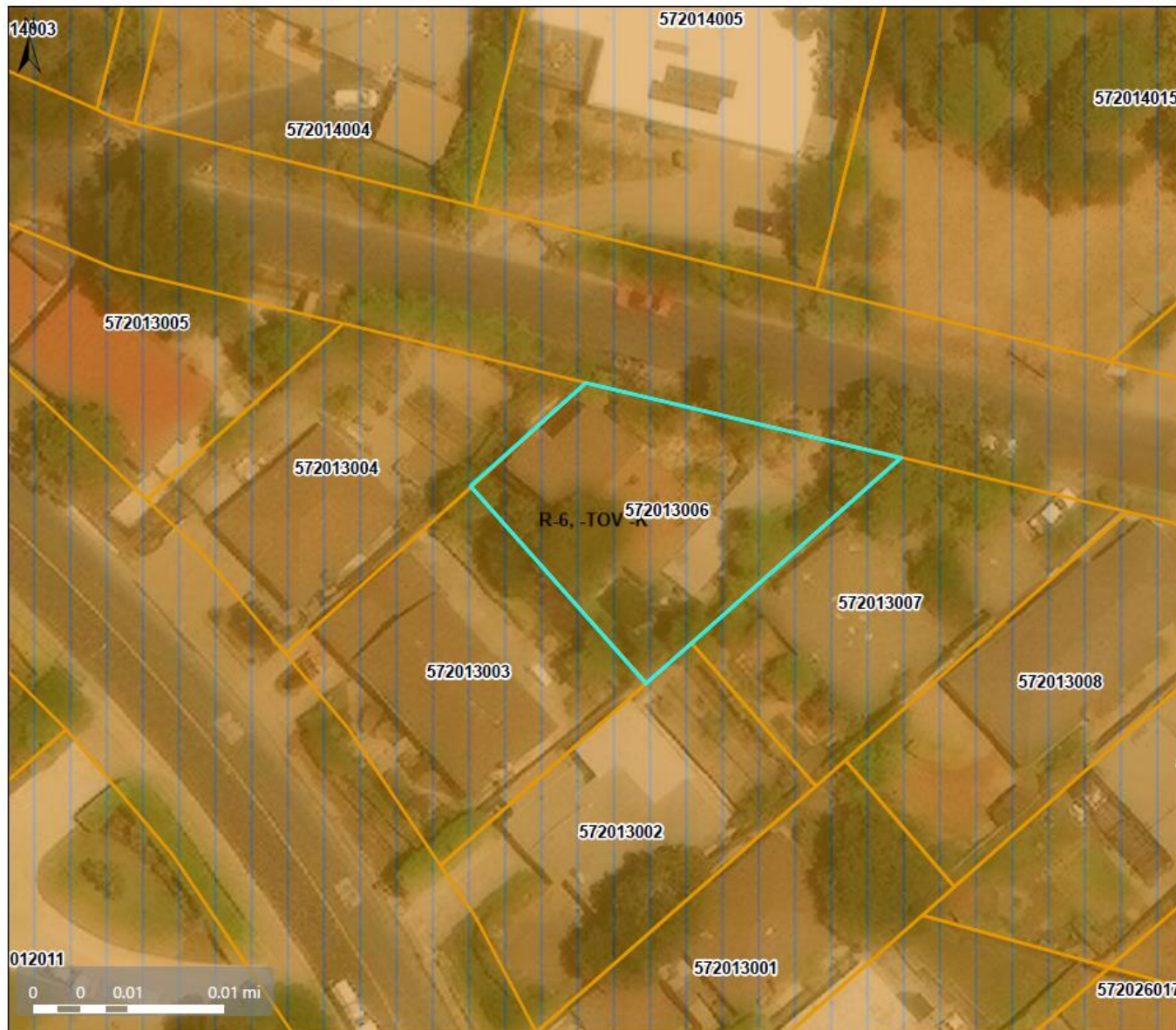
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Spatial Reference
PCS: WGS 1984 Web Mercator Auxiliary Sphere
Datum: WGS 1984

Credits: Contra Costa County Development of Conservation and Department, Maxar, Microsoft, Esri Community Maps Contributors, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Coast Guard



Zoning: R-6 Single-Family Residential District, -TOV Tree Obstruction of Views Combining District, -K Kensington Combining District



Map Legend

- Assessment Parcels
- Planning Layers (DCD)
- Zoning
- ZONE_OVER
 - R-6 -TOV -K (Tree Obstruction and Kensington)



This map is a user generated, static output from an internet mapping application and is intended for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION. CCMAP is maintained by Contra Costa County Department of Information Technology, County GIS. Data layers contained within the CCMAP application are provided by various Contra Costa County Departments. Please direct all data inquiries to the appropriate department.

Spatial Reference
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 Datum: WGS 1984

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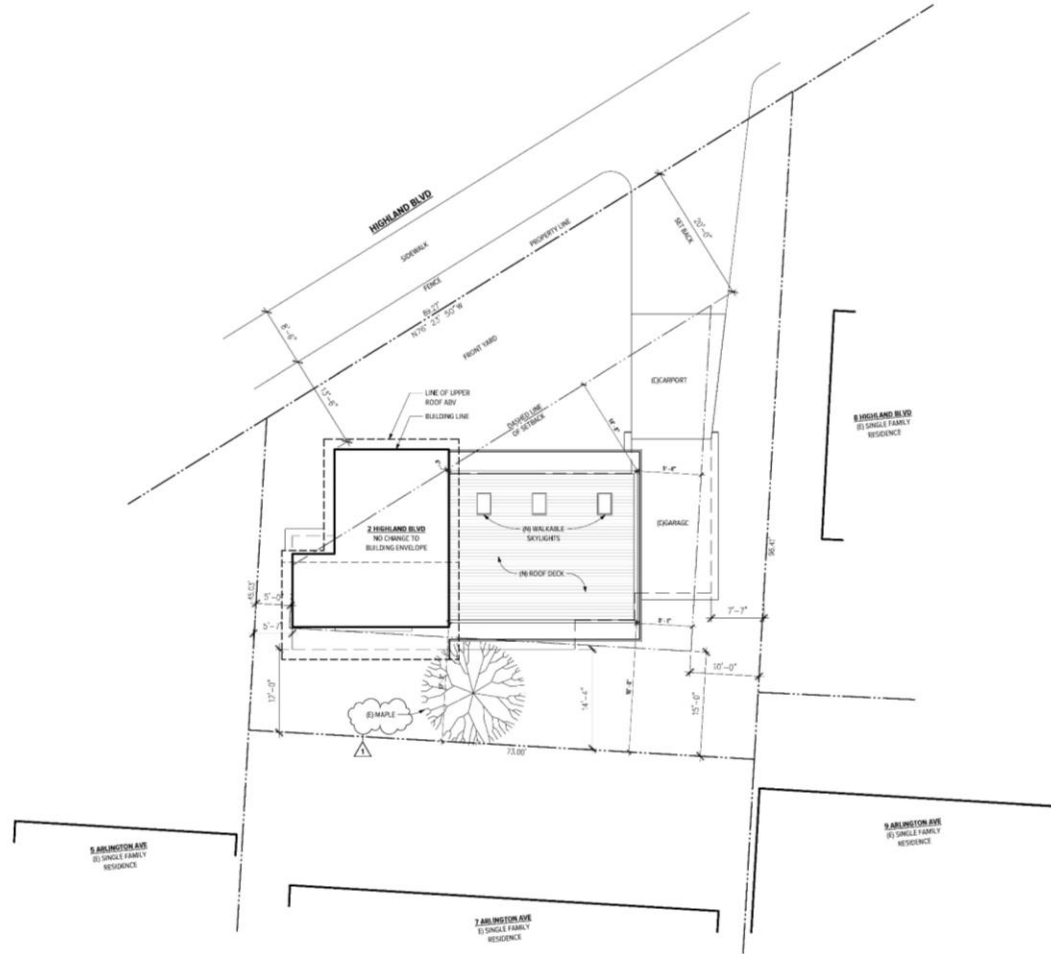


Credits: Contra Costa County Development of Conservation and Department, Maxar, Microsoft

STREET VIEW FROM HIGHLAND BLVD



(E) ROOF # PROPOSED MAIN DECK LOCATION



1 SITE PLAN
SCALE: 1/8" = 1'-0"



**KLAVIER
ARCHITECTURE**

525 DIAMOND STREET
SAN FRANCISCO, CA 94114

OWNER:
NICK RUCCELLI
648.263.6203
NICK@KLAVIERARCH.COM



**BARCLAY
RESIDENCE
ROOF DECK
ADDITION**

2 HIGHLAND BLVD,
KENSINGTON, CA
94707

TEL:
572-913-006

DESIGN REVIEW

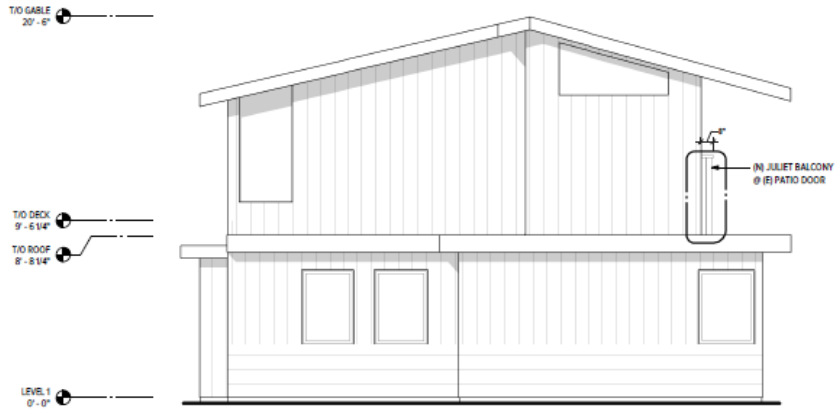
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NO. 1 DATE: 09.4.2024

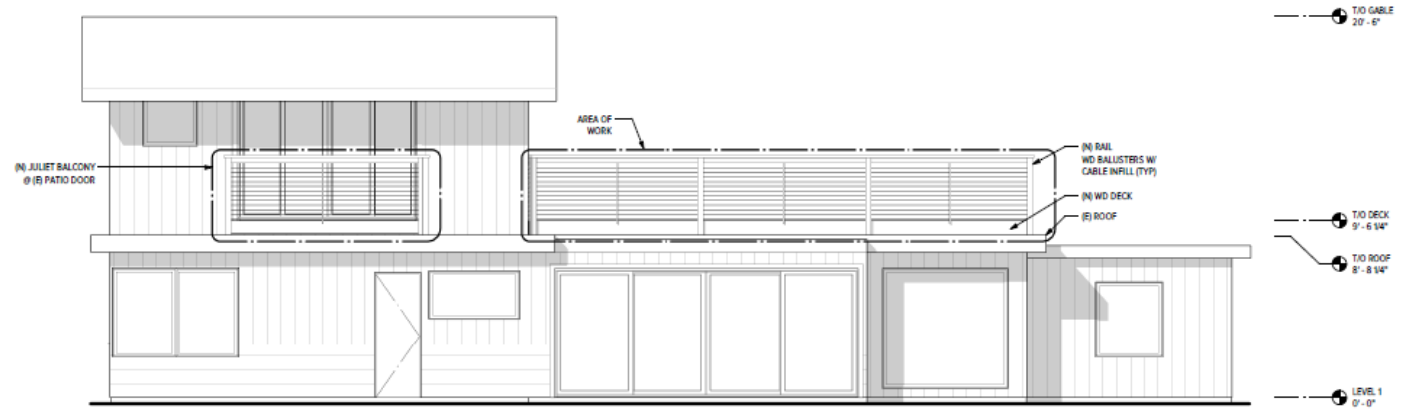


**SITE PLAN &
SITE PHOTOS**

A0.1



4 WEST ELEVATION
SCALE: 1/4" = 1'-0"



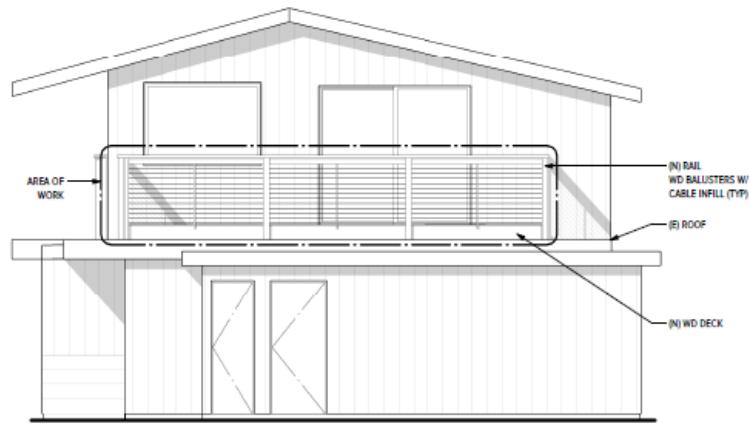
3 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

T/O CABLE
20'-6"

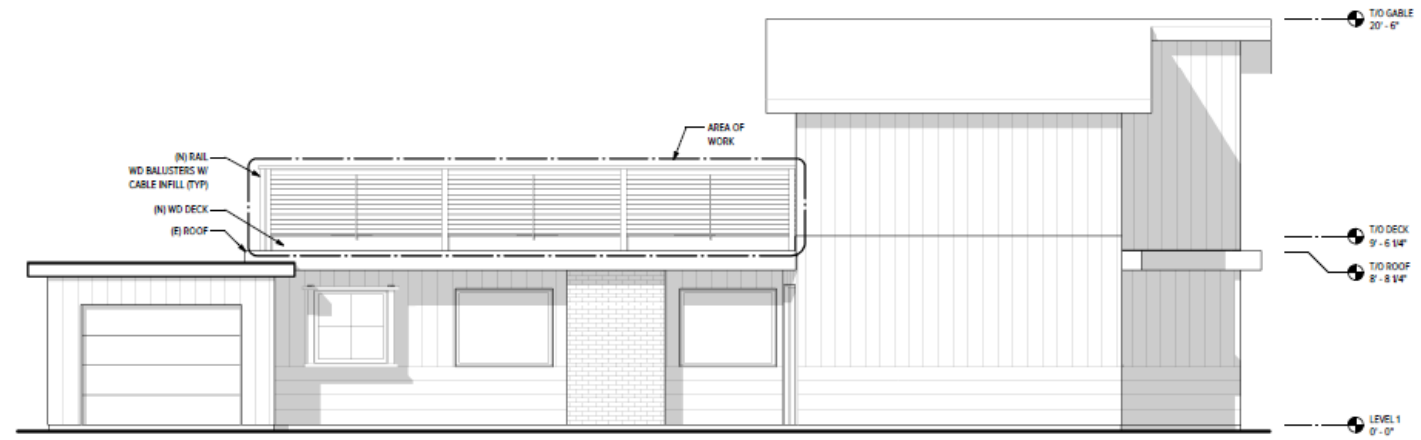
T/O DECK
9'-6 1/4"

T/O ROOF
8'-8 1/4"

LEVEL 1
0'-0"



2 EAST ELEVATION
SCALE: 1/4" = 1'-0"



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

Project Description

The project involves exterior modifications to the existing single-family residence including the addition of a 568-square-foot rooftop deck extending towards the eastern property line and a new Juliet balcony off the main bedroom located on the southwestern portion of the residence.

Summary of Appeal

- In a letter dated received October 17, 2024, Hemang Patel and Aditi Shastri, property owners of neighboring 7 Arlington Avenue in Kensington, appealed the Zoning Administrator's approval of the development plan for the proposed exterior modifications at 2 Highland Boulevard.
- In the appeal they cited privacy concerns with the proposed rooftop deck and Juliet balcony. According to the appellants the deck and balcony will impact privacy within their residence including views into their kitchen, dining room, child's bedroom, bathroom and other living areas within their home and the proposed and existing screening is not permanent or sufficient to protect their privacy.

Staff Response to Appeal

- During the site visit to the appellant's residence, staff was able to observe the different vantage points that pose a privacy concern with the construction of the rooftop deck and Juliet balcony. The appellant's showed staff the opaque plastic screen used as an experiment to visually show the appropriate height needed to safeguard the view of the multiple rooms and areas mentioned in the appeal letter. We discussed that the permanent structure will not be part of the project as it will add a variance component to the project. However, as an alternative, the applicant agreed to the vegetative screening to address the privacy concerns of the project.
- The approval of the project with the Condition of Approval of proposed vegetative screen provides an adequate solution to mitigate any potential impacts on privacy. The vegetative screening will include drought tolerant plants to ensure coverage is at its fullest year-round. Furthermore, the applicants will be required to plant the trees prior to final building inspection.

Staff Recommendation

- APPROVE County File #CDDP24-03011, a Development Plan to allow the addition of a new rooftop deck with railing, and a new Juliet balcony, as recommended by staff.
- The proposed project includes the following Condition of Approval (COA):
 - Landscaping for Privacy Screening (COA #3) - As stated in the Condition of Approval #3, the applicant shall provide vegetative screening along the property line between the subject property and the property located at 7 Arlington Avenue. Staff will confirm that the landscape screening will cover the exposed view areas to protect the views of the appellant's residence.
- Staff is recommending that the Planning Commission DENY the appeal and approve the application as identified in Section II (Recommendation) of the staff report.

Questions?
