

September 6, 2025

To: Contra Costa County, CA Board of Supervisors

From: David and Sandra Gerstel.

Owners of 283 Colusa Avenue, Kensington, CA

Re: Objections to Proposed Development at 279 Colusa Avenue, Kensington, CA

This document summarizes our objections as owners of 283 Colusa Avenue to the construction proposed for 279 Colusa. (This letter is an update of the letter submitted with our application for a hearing with the Board of Supervisors.)

Background

- Parcel size: 279 Colusa is a small, substandard parcel measuring 40' x 129' or 5160 square feet, about 1/10 acre.
- Zoning: The 200 block of Colusa and the 200 block of Coventry Road, just above Colusa, are zoned for single family residences, most on small substandard lots.
- Existing property: one 1455 square foot two-story home: 578 square foot first floor with garage and utility space, 871 square foot second floor (2 bedroom/1 bath).
Approximately 19-feet high at the Colusa-facing elevation*

Proposed Development

- The applicants propose to build a second, two-story home (1653 square feet, 3 bedroom/3 baths) to the rear of the parcel.
- Second home includes a sizeable second story balcony not included in the estimated square footage.
- The applicants propose to reclassify their existing home as an "internal conversion" ADU.
- Gross Floor Area (GFA) of the new and existing home would be 3235 square feet**.
- At 1453 square feet, the existing home (proposed "ADU") would be 89% the size of the proposed new home of 1653 square feet.
- **The 3235 number is from Everett Louie at Contra Costa County Planning Commission. Applicants claim a lower number. My calculations are higher. Architect's drawings do not include exterior dimensions, so it is difficult to know how the applicants figure was arrived at.

Overview of Objections

If allowed, the proposed construction at 279 Colusa would, by severely congesting the parcel, impose heavily on neighboring properties, violate ADU regulations and set a dangerous and permanent development precedent for the neighborhood and county.

Our objections include:

1. **Violation of neighbor rights:** The project would, in violation of the Kensington Ordinance, compromise privacy, light, views, enjoyment, and property value at 283 Colusa and for surrounding neighbors,
2. **Improper ADU classification that violates CC County code:** The applicants have attempted to reclassify their full-sized existing home as an ADU in clear violation of County law regarding lot size, lot coverage, and ADU size as well as of internal conversion provisions.
3. **Dubious use of ADU internal conversion provisions**
4. **Excessive lot coverage according to Kensington Combining Ordinance:** The combined homes would exceed the floor-area-to-lot ratio standards suggested by the Kensington Combining Ordinance by 30 percent, thereby severely crowding the parcel.
5. **Violation of ADU height limits:** The existing home exceeds the 16-foot height restriction for ADUs by more than 3 feet.
6. **False comparison to 283 Colusa:** The applicants repeatedly mis-represent our property as precedent, though our design is significantly smaller, better spaced, well below recommended Ground Floor Area/Parcel Size ratios and is very considerate of neighbors.
7. **Bad precedent:** Approval would open the door for many nearby substandard lots to crowd in second full-sized, two-story residences.
8. **Dubious claims and statements:** Both the applicants and the CC County staff have made claims that downplay impacts and ignore compliance failures.
9. **Reasonable alternatives exist:** The applicants could expand their housing in ways that respect the law, neighborhood precedent, and their neighbors and still provide a new unit of much-needed additional housing in California.

Full Explanation of Objections with Specific Citation of Laws

1. Violation of Neighbor Rights

The Kensington Planning Ordinance (<https://www.contracosta.ca.gov/810/Kensington-Planning-Ordinance>) requires that property development not impair neighbors' rights to privacy, light, views, property value or enjoyment.

The proposed project would impair all of those rights.

- **Privacy:** A balcony and multiple new windows (stairwell, laundry room, bathroom) would look directly into the upper bedrooms, front yard, and deck at 283 Colusa. This is not minor. It turns existing private family space into something visible to people a few feet away.
- **Light:** The new two-story structure would cut off access to open sky and natural light in all bedrooms and the baths and kitchen. The Code defines "light" as sky unobstructed by buildings or structure and the proposed project would all but erase such unobstructed views from living areas.
- **Views:** 283 Colusa currently enjoys hillside views from habitable rooms, views the Code explicitly protects. These would be blocked by the proposed new two story home next door. Neighbors on Coventry Road have also expressed concern about loss of views (See their letters at the end of this one).
- **Enjoyment and Value:** It should be obvious that loss of privacy, light, and views will diminish both daily enjoyment and property value of the home at 283 Colusa.

In Short: The proposed project does not "balance" development rights with neighbor rights as mandated in the Kensington Planning Ordinance. It advances the applicant's interests at the direct expense of ours and other neighbors.

The fact that the applicants have revised their initial proposal by eliminating some features that would have made it even worse for their neighbors does not mean that balance and fairness is achieved. Actual. balancing, along with providing an additional housing unit, is possible as outlined at the end of this letter.

2. Improper ADU Classification and Permitting

The attempt to designate the existing 1,455 square foot house as an ADU is not in accordance with ADU regulations for California, Contra Costa County and Kensington. The ADU classification and the permit (under application CDSU24-00151) granted for that ADU are, therefore, invalid:

- **LOT SIZE:** At 5,160 square feet, the parcel is well under the 6,000 square foot County minimum and roughly half the 10,000 square foot Kensington minimum for a home plus ADU. **(ICC County Code 82-24.012 (a) Development Standards: “The minimum size of a lot with a primary dwelling unit and an accessory dwelling unit is 6000 square feet (and) . . . in Kensington is 10,000 square feet).**
- **LOT COVERAGE:** The proposed development for 279 Colusa would result in total structural lot coverage of 63%. (3235 square feet / 5160 square feet = .6269 = 63%). That is far over the limit of 40% allowed under the CC County Code: **(Ordinance 2017-25 Accessory Dwelling Units in Kensington and Countywide, Section III, 82-24.012 Development Standards, Item (c) Lot Coverage. (1) “In single-family residential districts, the accessory dwelling unit must not cause the maximum total structural lot coverage to exceed 40%.”**
- **ADU SIZE:** The proposed ADU is 1455 square feet and 89% of the primary residence size, far over the limits allowed by law: **(CC County Code 82-24.012 (a) Development Standards (b) (1) (D) “An accessory dwelling unit may not exceed the following size... In the Kensington Combining District (-K) 600 square feet or 60 per cent of the floor area of the primary residence, whichever is smaller . . . except on a lot of 10,000 square feet or more.”**

3. Dubious Use of Internal Conversion Provisions

- CC County Code provides for internal conversions (space within an existing primary residence) into an ADU as follows: **82-24.012 Development Standards, Item (h) (1) If an accessory dwelling unit is attached to a primary residence the accessory dwelling unit must be an internal conversion of a garage or other area within the existing primary residence or an addition . . .**
- The applicants are not proposing a conversion within their existing primary residence. They are proposing to convert the entire habitable space of that residence to an ADU.

But that space cannot simultaneously be a primary residence and an ADU. So what they are attempting is **not a “conversion within” but in reality “a conversion of”** an existing full size two-story residence into an ADU.

- The applicants know their existing full-sized residence is too large, at 1455 square feet, to be classified as an ADU. **(CC County Code 82-24.012 (a) Development Standards (b) (1) (D) “An accessory dwelling unit may not exceed the following size... In the Kensington Combining District (-K) 600 square feet . . .)** The applicants have attempted to sidestep that limitation on size by claiming the 578 square foot lower level of their existing house is no longer to be regarded as part of the existing house but somehow as part of the new primary residence they propose to build. However, the lower level of the existing house will not be physically connected to their new house and its entrance is 50 feet or so from the new primary residence. Such manipulation is not provided for in any of the laws governing ADU development.
- Even if their segmenting of the existing residence were sanctioned, the ADU the applicants propose would, at 871 square feet, be far bigger than the maximum size allowed for in the County Code cited above.
- **In summary: What the applicants are proposing to deliver is not a primary residence with an internal conversion ADU. They are proposing to build an entirely new primary residence no part of which will be an ADU while converting an existing full-sized residence into an ADU. To emphasize, they are not proposing an internal conversion WITHIN an existing residence but a conversion OF an existing residence into an ADU while they crowd an entirely new primary residence on the same property.**

4. Excessive Lot Coverage According to Kensington Ordinance

The Kensington Ordinance limits gross floor area to 0.5 of lot size. The proposed project is roughly 30 percent over this limit. The front wall of the new structure and the back wall of the existing structure would be only 8 feet apart while only four feet would separate the entry stairs to the new house from the back wall of the existing house. The result would be two bulky structures creating unprecedented crowding in the neighborhood.

5. Violation of ADU Height Limits

The County Code caps ADU height at 16 feet. The existing residence is over 19 feet tall. This violation is plain and measurable as shown on page 10 of this letter.

6. False Comparison to 283 Colusa.

The applicants repeatedly claim their project mirrors ours at 283 Colusa. That is simply not true.

- Our small above-garage studio and rear-yard main home total 16 percent under the maximum floor-area ratio. The applicants would be 30 percent over.
- Our buildings are separated by 36 feet. Theirs would be jammed together with 8 feet of separation between walls (and four feet at the entryway steps).
- We provide two garages and two off-street parking spaces. They provide only one driveway space total for five bedrooms and four bathrooms of housing.
- The 283 property involved removal of a severely rotted, rat infested, and dilapidated home which had not been lived in for many years. Neighbors were happy to see it removed and the design of the new buildings was approved by them after much discussion. In contrast, I never heard about the 279 project until they had submitted plans and the first KMAC meeting was scheduled.

7. Bad Precedent

- If this project is approved, many similar substandard lots on Colusa and Coventry could follow the same playbook: declare an existing home to be an ADU and pack in two full-sized, two-story homes onto a tiny lot.
- The applicants' architect dismissed concern about precedent as "fearmongering" because, he said, the 279 lot is unique. That is inaccurate. A quick review of parcel maps shows many lots of closely similar size and width. With modest clearing, these, too, could accommodate second houses if the existing and new house were jammed together as is proposed for 279 Colusa.

8. Dubious Claims and Statements

- By the Applicants: They present the removal of a rooftop deck as a "major compromise." In truth, the deck was an unreasonable design that would have invaded neighbors' privacy, and its removal was inevitable. At the same time that they removed the deck, the applicants raised the house by 1.33 feet, increasing bulk and further reducing our light and views.
- By Staff: Staff claim there are a significant number of two-residence parcels nearby. A look at Google Maps shows only a very few across a large area. And those that exist are

not nearly so jammed together as proposed here. Staff also overlooked that the “ADU” exceeds size, height, lot size and lot coverage limits.

Staff also did not explain why the ADU permit was approved explicitly for only the top floor of the existing home (871 square feet) without mention of the bottom floor (578 square feet). What is the ordinance-based defense for eliminating the entire bottom floor of the existing home (now the “ADU”) from the approved permit and from the official County record? In reality, the “ADU” remains a full-sized, two-story home but appears, on the record, to be single story 871-square foot ADU.

- By Planning Commission Member Mr. Wright: He declared that he supported the proposed construction because he believes that property owners should be allowed to build on their property as they wish. He went on to say that the 279 project should be allowed because it was “practical” and “preferred” – i.e for and by the applicants. He made no reference at all to the requirement to balance their interests with those of neighbors nor to the laws governing development in CC County.
- Others too numerous to list here.

9. Reasonable Alternatives Exist

The applicants' goal of a larger home for their family can be achieved without upending the rules.

- They could build a compliant, single story ADU in the backyard and expand their existing home with a single-story extension or add an additional story above the living areas. With a low-pitch roof, an additional story on the front (existing) property would be far less intrusive on neighbors' views than the bulky new residence proposed for construction. We would support such reasonable development.
- Downsizing the proposed new house is also an option. We suggested this directly during KMAC and at the Planning Commission hearings, but the applicants refused to discuss

Conclusion

By crowding two full-sized homes onto a substandard lot, the applicants' proposal violates code protections, harms us and other neighbors and sets a precedent for further over-building.

We respectfully urge denial of the proposed project and hope you will support us in encouraging the applicants to pursue alternatives that meet their needs without undermining ours and the interests of the wider community.

Thank you,

David and Sandra Gerstel

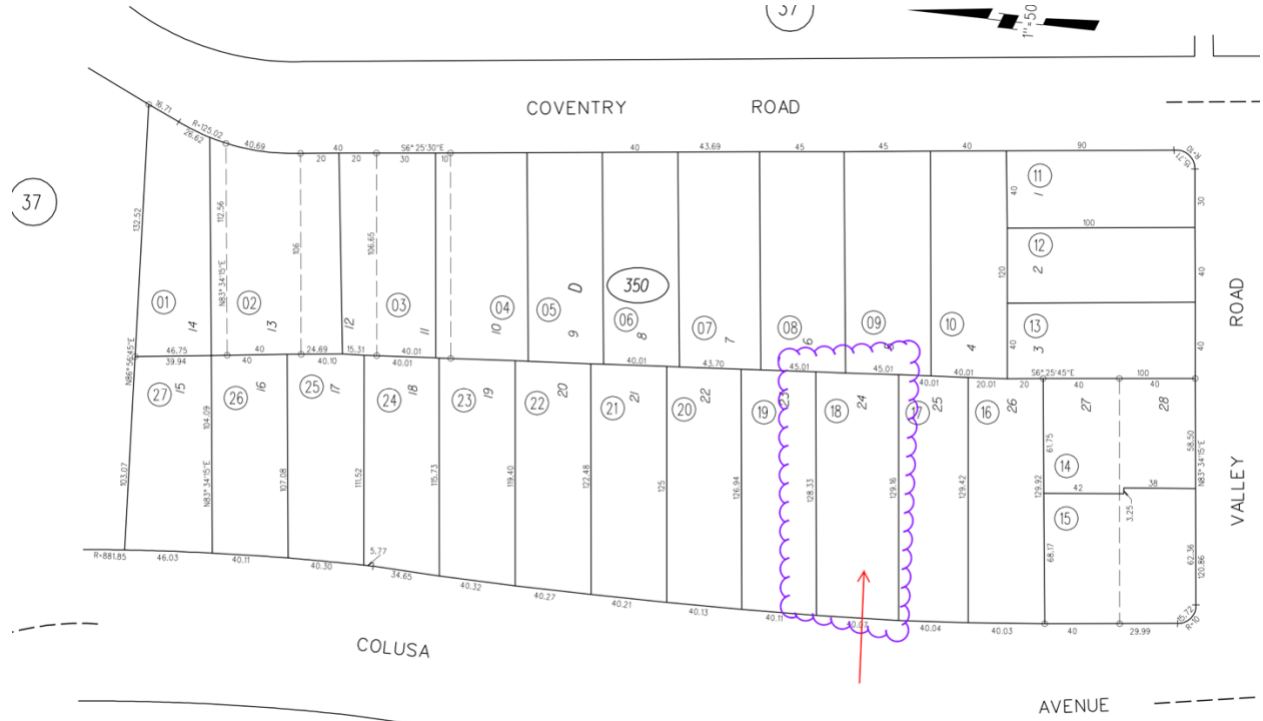
Owners of 283 Colusa Avenue

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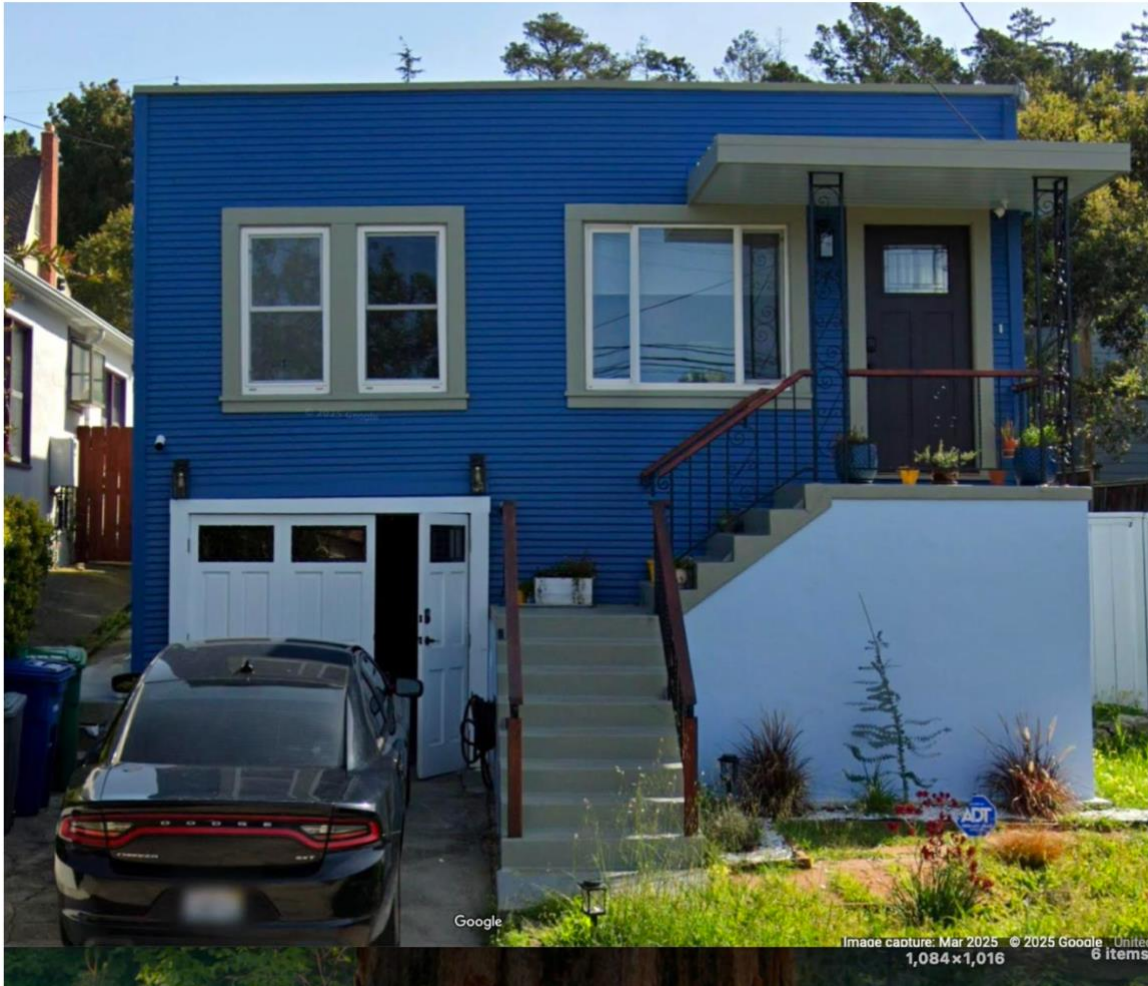
Project Site Map

279 Colusa Avenue, Kensington CA



Height Calculations

279 Colusa Avenue – Existing Home



1. 14 steps from grade (bottom of garage door and bottom of steps) to the upper landing equals 8'+.
2. The doorway including threshold and header trim is 7.5'.
3. From the top of the trim to the top of the roof parapet wall is 4'+/-
4. Total of 8', 7.5' & 4' = 19.5'

Please note: I asked the owners of 279 Colusa if I could come into their yard and onto their front steps for 3 to 5 minutes to make exact measurements. They declined to let me do so.

Letters From Other Neighbors of 279 Colusa

September 4, 2025

Dear Board of Supervisors for Contra Costa County,

As the resident of 283 Colusa since 2022, the likely next owner of the property, and a former architect/planner with 36 years of residency in the Kensington/North Berkeley neighborhoods, I am writing in strong opposition to the proposed development at 279 Colusa.

A second full-sized, two-story home on that small parcel would block light to our kitchen, bedroom, and bathroom, expose private living spaces to direct view, and erase outdoor privacy.

Beyond the personal impact, it would set a damaging precedent by ignoring both ADU law and the Kensington Planning Ordinance. Allowing a project 30% over the GFA threshold, when no such precedent exists (ours has similar specs but is 16% under GFA), undermines the protections meant to ensure fairness across our community. This single decision could set a precedent that shapes neighborhood development for decades to come—without proper community input and outside the established planning channels meant to guide such choices. One family's personal desire to have maximum space for their own needs should not have this power over our entire community's future.

Despite careful, code-based objections, and a respectful, collaborative approach, neighbors opposing this project have been dismissed as "fearmongering." We do not oppose building; we oppose reckless disregard for established limits.

Reasonable development is possible, but it must align with neighborhood norms—rear, single-story expansions, modest ADUs, and preservation of privacy and open space.

I urge you to reject this project unless a full, more acceptable re-design is submitted.

Sincerely,

Julia Raina

283-A Colusa Avenue, Kensington 510-463-1474

julialucia@me.co

From Cassandra Duggan:

Dear Mr. Louie, Supervisor Gioia, and Mr. Rogers,

I am an elected Director on the Kensington Police Protection and Community Service District Board. I live within half a block of the above proposed construction.

Like many of my neighbors, I'm very afraid that this project, if approved, will set a precedent that Kensingtonians may be unable to counteract, and soon lots all over Kensington will be overcrowded with two full-sized houses. I'm shocked and dismayed that this project has gotten your approval so far.

While having a small ADU behind a home is common in Kensington, there are very few lots where two full-sized houses have been approved to be built. I'm not sure why you would want to be involved in setting this precedent. It could change the character of

Kensington and nearby areas forever. Yes, we need housing, but let's protect our current quality of life. Adding a 2-room ADU behind a home is very different from shoe-horning two large homes onto a small lot.

In the East Bay, we enjoy a connection with nature that is rarely achieved in our overcrowded neighboring cities like San Francisco, the central part of Oakland, and Richmond. It's wonderful for children to grow up in a place where there's room for trees,

plants, and grass to play on. I grew up in a crowded city in West Germany, and my family had only a few planter boxes for our connection to nature - no grass or trees nearby. It was depressing and alienating. I'd like you to consider the effect of cramming two large homes onto all of Kensington's (or Berkeley's, or El Cerrito's) small lots. That would limit our access to sunshine, oxygen, greenery and views. It's unnecessary and it's foolish.

Furthermore, the way in which this architect and family are disingenuously trying to rename the full-size house in the front of the property "an ADU" is shameless doublespeak. It is not an ADU. It is a full-sized house, with an attached garage. Let's not reward this attempt at trickery.

I plan to attend the hearing on August 27. Please do not approve this project.

Thank you for your service to the people of Contra Costa.

Cassandra Duggan, LCSW

Director

Kensington Police Protection and Community Service District Board

May 16, 2025

From: Robert Valletta and Ellen Hanak Valletta, Owners of 272 Coventry Rd,
Kensington, CA

To: Contra Costa County Zoning Administrator (planninghearing@dcd.cccounty.us)

Re: Applicants' proposed construction of new home at 279 Colusa Avenue

We wish to express our significant concerns about the proposed construction of a large new home in the back yard of 279 Colusa Ave.

The proposed 2-story structure would require a variance because it greatly exceeds the size guidelines in the Kensington Ordinance on residential structures. It is bulky and would significantly reduce the privacy and sunlight for neighboring residences. It would also set a very bad precedent for other homes along the 200 block of Colusa, including the home directly adjacent to our home at 272 Coventry. Such large structures would severely impair the livability and market value of existing homes in the vicinity. We welcome efforts to address California's housing shortage by using existing residential lots more efficiently. However, this proposed structure achieves that by harming the neighbors. We would support a smaller structure that conforms to the Kensington Ordinance's stipulation that property owners' rights to develop their property be balanced with the need to minimize impacts on surrounding neighbors, including with respect to visual impact, privacy, view, sunlight, neighborhood character, and parking.

Thank you for your consideration of our concerns.

Sincerely,

Robert Valletta and Ellen Hanak Valletta

272 Coventry Road, Kensington, CA 94707

415-939-7472

robvellenh@gmail.com

May 16, 2025

From: Gokul Konduru

264 Coventry Road

Kensington, CA 94707

To: Contra Costa County Zoning Administrator

Re: Concerns Regarding Proposed Construction at 279 Colusa Avenue

Dear Zoning Administrator,

I am writing to raise concerns about the proposed development at 279 Colusa Avenue. While I support thoughtful home improvements and the addition of appropriately scaled ADUs, the current proposal for a large two-story rear structure poses significant problems for nearby residents, including myself.

Primary Concerns

1. Incompatible with Neighborhood Character

The proposed second structure is far larger than typical rear yard developments on the 200 block of Colusa.

Approving it would set a precedent for oversized constructions that could lead to overdevelopment and negatively impact the residential character of both Colusa and Coventry Road, which runs directly behind.

2. Loss of Privacy and Openness

The design includes a second-story balcony and window that overlook adjacent properties, including rear and front yards. This raises serious privacy concerns. Additionally, the structure's bulk will obstruct views and diminish the open, airy feel of the neighborhood.

3. Potential Misuse of ADU Regulations

It appears the applicants are reallocating the garage and storage areas from the front unit to the new structure in order to classify the existing home as an ADU. This seems like an attempt to bypass square footage limits in a way that may not align with the intent of local or state ADU guidelines.

4. Lack of Meaningful Compromise

Although the applicants removed a rooftop deck from the original proposal, the remaining design still imposes significant impacts. Removing an excessive feature in response to neighbor objections should not be portrayed as a major concession when the core issues remain unresolved.

Request for Reconsideration

I respectfully urge the Zoning Administrator to require the applicants to revise their plans in a way that better balances their goals with the needs and concerns of neighbors. A more appropriately scaled structure could still meet their family's needs without compromising privacy, sunlight, parking, and the character of our community.

Kensington's ordinances are meant to encourage responsible development while protecting the interests of existing residents. Allowing this proposal to move forward as-is would undermine that balance.

Thank you for your time and consideration.

Sincerely,

Gokul Konduru & Bhakti Nevgi

264 Coventry Road
Kensington, CA 94707

From Owner of 280 Coventry

TO: Zoning Administration. Thursday, May 5, 2025

I'm writing this email to briefly discuss the proposed new home (ADU) project at 279 Colusa because unfortunately I won't be able to attend the 1:30PM ZA meeting time on 5/19/25.

I am the owner of the property at 280 Coventry which is behind and diagonally to the north of 279 Colusa.

My property at 280 Coventry has sweeping views of San Francisco and the bay to the south, Albany hill to the southwest, and the north bay to the west. The views are a big reason we purchased this property and are a significant portion of its property value.

The project at 279 Colusa is proposing to build a two-story ADU which I believe will likely reduce or eliminate a portion of the view we have toward the north bay which is in the westerly direction from our property.

Although story poles were erected at 279 Colusa during the KMAC review process, because the project was not required to implement them via a licensed installer it's not clear to me that they were installed correctly and any observations made about the impact to the views from 280 Coventry would just be an estimate.

If the views from my property at 280 Coventry are impacted by this project, the value of my property would be reduced.

Finally, I also want to state that I support and agree with the points made by David Gerstel in his letter to you for this meeting. In that letter David supports having a smaller single-story ADU unit built at 279 Colusa, and I agree with that recommendation.

Thank you for your time and consideration.

Rick Spero

Owner of 280 Coventry Rd, Kensington

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