



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