

September 6, 2025

To: Contra Costa County, CA Board of Supervisors

From: David and Sandra Gerstel,
Owners of 283 Colusa Avenue, Kensington, CA
dg@davidgerstel.com | 510-524-1039

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

As the owners of the neighboring property at 283 Colusa, this document summarizes our objections to the proposed construction at 279 Colusa.

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, all 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*.

*See page 9 for photo and height calculations.

Proposed Development

- The applicants propose to build a second, two-story home (1653 square feet, 3 bedroom/ 3 full baths) to the rear of the parcel.
- Includes a sizeable second story balcony not included in the estimated square footage.
- Gross Floor Area (GFA) of the developed property would be 3235 square feet**.
- The existing full-size home would be reclassified as an "internal conversion" ADU.
- **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, which is not the standard industry practice.

Overview of Objections

If allowed, the proposed construction at 279 Colusa would, by severely congesting their lot, 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 compromise privacy, light, views, enjoyment, and property value at 283 Colusa and for surrounding neighbors, contrary to the Kensington Ordinance.
2. **Improper ADU classification:** The applicants attempt to reclassify their full-sized existing home as an ADU, bypassing square-footage, lot-size, and “internal conversion” rules.
3. **Violation of ADU height limits:** The existing home exceeds the 16-foot height restriction by more than 3 feet.
4. **Excessive lot coverage:** The combined homes would exceed the floor-area-to-lot ratio standards by 30 percent, severely crowding the parcel.
5. **False comparison to 283 Colusa:** The applicants repeatedly misrepresent our property as precedent, though our design is significantly smaller, better spaced, well below recommended GFA standards and very considerate of neighbors.
6. **Bad precedent:** Approval would open the door for many nearby substandard lots to crowd in second full-sized, two-story residences.
7. **Dubious claims:** Both the applicants and staff have made claims that downplay impacts and ignore compliance failures.
8. **Reasonable alternatives exist:** The applicants could expand their housing in ways that respect the law, neighborhood precedent, and their neighbors and still provide the much-needed additional housing in California.

Full Explanation of Objections

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’ privacy, light, views, property value or enjoyment. The proposed project would do all of these.

- **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 kitchen. The Code defines “light” as unobstructed sky in living areas, and this project would all but erase that.
- **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 would also lose sweeping views of the San Francisco Bay Area.
- **Enjoyment and Value:** It should be obvious that loss of privacy, light, and views diminishes both daily enjoyment and property value of a home.

This 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 and outlined at the close of this letter.

2. Improper ADU Classification

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.

NOTE: Contra Costa County Ordinance 2017-25: Accessory Dwelling Units in Kensington and Countywide” was adopted by the County to align its earlier regulations with CA regulations for ADUs.

- **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.
- **ADU Size:** County-wide, ADUs situated on the permitted lot size are limited to 1,000 square feet. The existing house (proposed ADU conversion) is 1,455 square feet.

And ADUs *in Kensington* are limited to 600 square feet or 60% of the primary residence size. The proposed ADU is 1455 square feet and 89% of the primary residence size.

To get around these requirements, the applicants are claiming the 578 square foot lower level “belongs” to their new house, even though it is not physically connected and sits 50 feet away. Even so, it does not meet the requirements. This kind of square-footage manipulation appears nowhere in state, county, or local code and therefore violates ADU regulations.

- **Internal Conversion:** ADU rules allow internal conversions of *part* of a primary residence. The applicants propose instead to abandon their existing residence entirely and call it an ADU while they

move into a brand-new full-sized house. That is not an internal conversion. It is an improper reclassification.

Contra Costa County Ordinance 84-24.012

(a) Lot Size. The minimum size of a lot with a primary residence and an accessory dwelling unit is six thousand square feet, except in the Kensington (-K) combining district. **The minimum size of a lot located in the Kensington (-K) combining district with a primary residence and an accessory dwelling unit is ten thousand square feet.** Section 82-10.002(c) does not apply to an application for an accessory dwelling unit permit.

(b) Accessory Dwelling Unit Size.

(1) A **detached accessory dwelling unit may not exceed the following size:**

(A) One thousand square feet in any zoning district where an accessory dwelling unit is allowed; except on a lot of twelve thousand square feet or more, or in an agricultural district, or in the Kensington (-K) combining district.

(B) One thousand two hundred square feet on a lot of twelve thousand square feet or more.

(C) One thousand two hundred square feet in an agricultural district.

(D) In the Kensington (-K) combining district, six hundred square feet or sixty percent of the floor area of the primary residence, whichever is smaller; except that a discretionary accessory dwelling unit permit may be issued pursuant to subsection (d) of Section 82-24.006 to establish an accessory dwelling unit of up to one thousand square feet on a lot of ten thousand square feet or more in the Kensington (-K) combining district.

3. 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.

4. Excessive Lot Coverage

The Kensington Ordinance limits gross floor area to 0.5 of lot size. The proposed project is roughly 30 percent over this limit. The result would be two bulky structures only 8 feet apart, creating unprecedented crowding in this neighborhood. If you include the stairs to the new primary residence, there is only four feet of egress between both two-story structures on the property.

In addition, according to the above-referenced Contra Costa County ordinance, the lot coverage limit for ADUs in R-districts is 40%, which is exceeded by this proposed project.

5. False Comparison to 283 Colusa

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

- Our two homes total **16 percent under** the maximum floor-area ratio. Theirs would be **30 percent over**.
- Our buildings are separated by 36 feet. Theirs would be jammed just 8 feet apart (and four feet at the entryway steps).
- We provide two garages and two off-street parking spots. They provide only one driveway space total for five bedrooms and four bathrooms of housing.
- The scale, spacing, and design are entirely different: our property shows that it is possible to develop respectfully and within limits. Their project does not.

6. Bad Precedent

If this project is approved, many similar substandard lots on Colusa and Coventry could follow the same playbook: declare part of an existing home as an ADU, reassign the rest to a new primary residence, and pack in two full-sized, two-story homes onto a tiny lot.

The applicants' architect dismisses these concerns as "fearmongering." That is inaccurate. A quick review of parcel maps shows many lots of nearly identical size and width. With modest clearing, these too could accommodate second houses or the existing homes could have second stories added. This is not hypothetical. It is the logical consequence of granting this exception.

During the appeal hearing, Everett Louie, Contra Costa County planner, cited "precedent" as a primary reason for allowing the proposed development at 279 Colusa. So, surely other maxed-out developments would follow in Kensington if this oversized development were to go forward.

7. Dubious Claims

- **By the applicants:** They present the removal of a rooftop deck as a "major compromise." In truth, it was an unreasonable design that would have invaded neighbors' privacy, and its removal was inevitable. At the same time, they quietly raised the house by 1.33 feet, increasing bulk and further reducing our light and views.
- **By staff:** Staff claim there are "numerous" two-residence parcels nearby. A look at Google Maps shows very few. And those that exist are not nearly so jammed together as proposed here. Staff also overlooked that the "ADU" exceeds both height and lot-size limits.

8. 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 rear or additional story.
- A low-pitch roof on the front (existing) property would be far less intrusive on neighbors' views than the hulking new residence they propose in the back.
- Downsizing the proposed new house is also an option. We suggested this directly during KMAC hearings, but the applicants refused to discuss.

Neighbors, including myself, would support such reasonable alternatives. And the State of California's goals for creating additional housing could still be achieved if the applicants would be willing to reconsider their maxed-out design program that is unreasonable for the lot size they purchased.

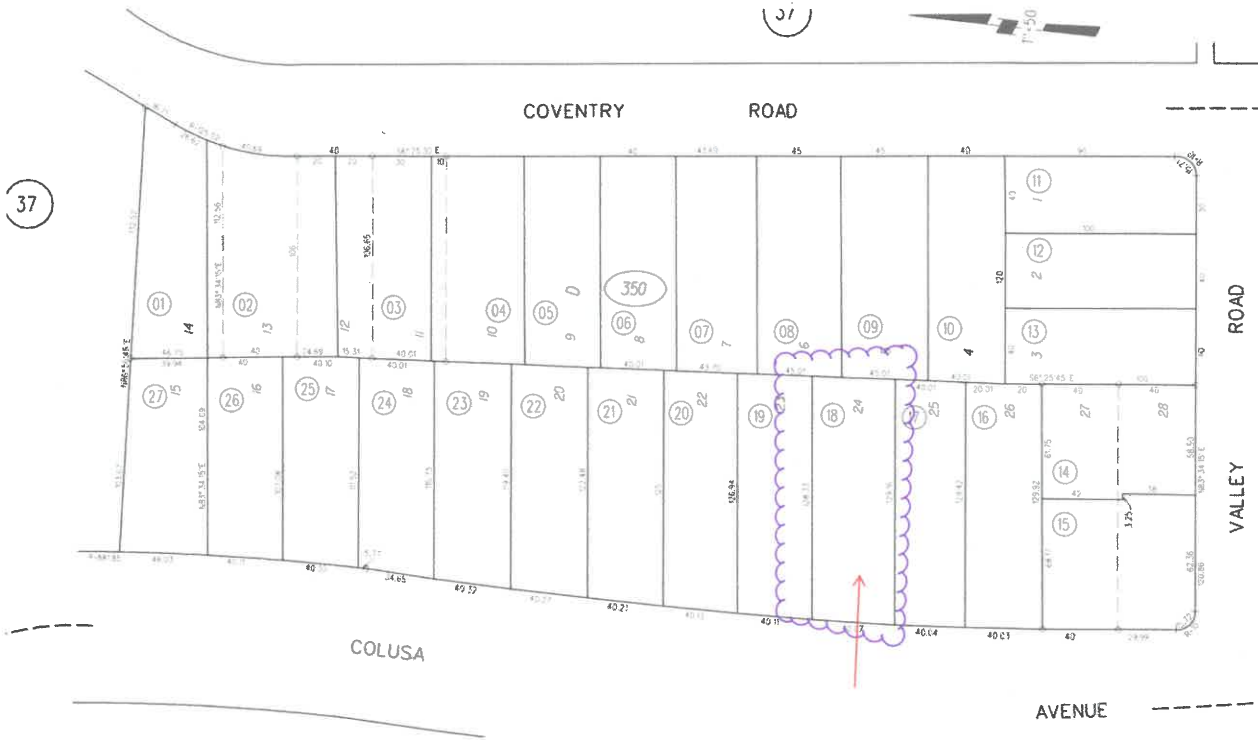
Conclusion

By crowding two full-sized homes onto a substandard lot, the applicants' proposal violates multiple zoning protections, harms neighbors, and sets a precedent for widespread over-building. It is not a matter of "fearmongering," but of protecting fairness, balance, and neighborhood character that we solicit your help in finding a commonsense solution to this proposal.

I respectfully urge denial of this project and encourage the applicants to pursue lawful, balanced alternatives that meet their needs without undermining ours.

Thank you for your attention to this important matter.

David and Sandra Gerstel
Owners of 283 Colusa Avenue



Project Site Map

279 Colusa Avenue, Kensington CA

Height Study

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' (That is conservatively figured; total height may be closer to 20').

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.com

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 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 shoehorning 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