

# Department of Conservation and Development

## County Zoning Administrator

**Monday, May 19, 2025 – 1:30 P.M.**

### **STAFF REPORT**

**Agenda Item # \_\_\_\_\_**

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<b>Project Title:</b>	Development Plan for a Kensington Design Review of a New Single-Family Residence
<b>County File(s):</b>	CDDP24-03060
<b>Applicant:</b>	Thomas Biggs – Biggs Group
<b>Owner:</b>	Robel Asefaw
<b>Zoning:</b>	R-6 Single-Family Residential District (R-6), Kensington Combining District (-K), Tree Obstruction of Views Combining District (-TOV)
<b>General Plan:</b>	Residential Medium Density (RM)
<b>Site Address/Location</b>	279 Colusa Ave, Kensington / APN: 571-350-018
<b>California Environmental Quality Act (CEQA) Status:</b>	Categorical Exemption, CEQA Guidelines Section 15303(a)- One Single-Family residence.
<b>Project Planner:</b>	Everett Louie, Planner II – phone: (925) 655-2873 and email: <a href="mailto:everett.louie@dcd.cccounty.us">everett.louie@dcd.cccounty.us</a>
<b>Staff Recommendation:</b>	Approve (See section II for full recommendation)

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### **I. PROJECT SUMMARY**

The applicant requests approval of a Development Plan for a Kensington Design Review for the construction of a new 1,643-square-foot, two-story single-family residence with an approximately 54-square-foot covered front porch and an approximately 83-square-foot covered second story balcony. The total gross floor area of the parcel will be 3,235 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 #CDDP24-03060), based on the attached Findings and Conditions of Approval; and
2. DIRECT staff to file a Notice of Exemption with the County Clerk.

## **III. GENERAL INFORMATION**

- A. General Plan – The subject property is located within a Residential Medium Density (RM) 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 15303(a) – single-family residence. The proposed project will construct one new single-family residence. Therefore, the project is exempt under CEQA Guidelines Section 15303(a) which exempts one single-family residence.
- D. Lot Creation: The subject property was created on July 7, 1913, Lot 24, as part of the Berkeley Park Subdivision.
- E. Previous Applications:
  1. CDSU24-00141: An ADU application to convert the existing single-family residence into an Accessory Dwelling Unit was approved on February 10, 2025.

## **IV. SITE/AREA DESCRIPTION**

The subject site is a 5,160-square-foot parcel located within a single-family residential neighborhood in the Kensington area. The subject parcel gains access from, and fronts Colusa Ave to the west. The lot is rectangularly-shaped parcel that currently contains

an existing 1,455-square-foot single-family residence with an attached garage. The parcel slopes steeply up from Colusa Ave which is at 145 feet above sea level and rises to 163 feet above sea level at the rear. There are no existing trees on the site.

Surrounding parcels are predominantly rectangular and all contain existing single-family residences. Parcels on the western side of Colusa Ave are located within the City of El Cerrito jurisdiction. Parcels to the north, south and east share the same zoning as the subject property of R-6, -TOV and -K. Properties immediately north, south and east share the General Plan designation of Residential Medium Density (RM) General Plan.

## **V. PROJECT DESCRIPTION**

The applicant requests approval of a Development Plan for a Kensington Design Review for the construction of a new 1,643-square-foot, two-story single-family residence with an approximately 54-square-foot front covered porch and an approximately 183-square-foot covered second story balcony. The project requires a public hearing because the total gross floor area of all existing and proposed structures on the site is 3,235 square feet, which exceeds the threshold for a hearing of 2,600 square feet. The residence will be designed to include two main floors of a conditioned living area and a second story balcony that faces the frontage. There will also be a covered porch over the front door.

Other site improvements included in this project that are not subject to the Kensington Design Review is a new 30" landscaping retaining wall to the north of the proposed residence, a crawl space below the residence and a staircase up to the front door.

## **VI. AGENCY COMMENTS**

- A. Kensington Municipal Advisory Council (KMAC): The project was first heard by the KMAC on January 29, 2025. The KMAC voted to continue the project to February 26, 2025 so the applicant and neighbors could meet. On February 26, 2025, the project was once again heard by the Kensington Municipal Advisory Council. The KMAC continued the project again to March 26, 2025 so the applicant and neighbors could once again meet. On March 26, 2025, the KMAC recommended approval of the project.
- B. East Bay Municipal Utility District: In a comment letter, the water district recommended that the applicant submit development plans to the New business Office and to work with the water district.

No comments were received from the following agencies: Conservation and Development Building Inspection Division, Kensington Fire Protection District, Stege Sanitary District, and Contra Costa Mosquito & Vector Control District.

## **VII. STAFF ANALYSIS AND DISCUSSION**

- A. Consistency with General Plan: The subject property is located within the Residential Medium Density (RM) General Plan Land Use designation. The RM allows for a residential density between 7-17 units per net acre. Primary uses in the RM are predominately single-family residential development which typically includes a detached single-family unit on lots approximately 2,500 to 6,000 square feet in size. The 5,160-square-foot parcel (0.118 acre) has a residential density of 0.826 units to 2.006 units. Therefore, because the project is proposing one residential unit, the project conforms to the residential density of the RM. Additionally, the project is a single-family residence which is consistent with the typical uses allowed within the RM General Plan Land Use designation and the parcel which is 5,160 square feet is within the normal range of parcels in the RM. The proposed single-family residence will not alter the land use on the property nor will it conflict with the density range for the lot or the vicinity with the same General Plan designation.

Specific Area Policies: The Stronger Communities Element of the County General plan contains policies for specific geographic areas of the unincorporated County. The Stronger Communities Element contains specific policies that relate to projects within the Kensington area. A detailed discussion of the proposed project's consistency with these policies follows:

**Kensington Policy 3.** Ensure new development provides reasonable protection for existing residences regarding views, design compatibility (including building mass, height, and mechanical devices), adequate parking, privacy, and access to sunlight.

### Staff Response:

1. Views: The construction of the new single-family residence will not impact any surrounding views as defined in Chapter 84-74 – Kensington Combining District (-K), Section 84-74.404(r). The residence does not exceed the 35 feet height limit or two and ½ story limit. Parcels directly behind the project include 276 and 290 Coventry Road which currently have views to the San Francisco Bay. The project will not block these views because the parcels directly behind the project are located 13 feet higher in elevations and are two stories. Therefore,

the views from homes on Coventry will look over the proposed project.

2. Design Compatibility; Bulk: The project is designed to mimic the surrounding homes bulk in that the residence matches the height of similar structures, has sloped gable roofing and is built to mimic exterior materials of the neighborhood. The project is a two-story residence which would match the majority of the homes on properties with steep topography in the Kensington area where second stories are common. Moreover, the design of the proposed project will have a sloped gable roof which will match the low-sloping gable roof design of many houses in the area.
3. Design Compatibility; Size: The project is to be 1,643 square feet in size of new conditioned living space. Immediate adjacent residences range in size from 1,000 square feet to over 2,000 square feet. Therefore, the 1,643 proposed square footage is well within the range of residential size of the surrounding houses. The below table shows properties along Colusa Ave of similar size.

Address	Size
279 Colusa Ave (project address)	1,643 sf
275 Colusa Ave	1,586 sf
285 Colusa Ave	1,510 sf
295 Colusa Ave	2,570 sf

4. Design Compatibility; Height: The proposed residence will have a maximum height of 25.1' feet and a maximum of two stories. The project will not exceed the maximum height allowance of 35 feet or two and a half stories and is compatible with surrounding two-story houses on Colusa Avenue and Coventry Road.
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 1913, and therefore only one parking space is required. The site currently has an existing detached garage building that will be used to comply with the one required off-street parking spot.
6. Privacy: The project is designed to protect privacy of the neighborhood. The second story covered balcony is located at the front of the residence and does not look into the side yards of neighbors. Along the front porch, the applicant

will place a privacy screen to maximize privacy to the neighbors. Additionally, the orientation of the front porch does not allow views into neighbors properties as the front porch is facing the frontage, away from the side yards of neighbors.

7. Access to Light: The project will not have any impact on the natural light currently enjoyed by residences in the neighborhood as the orientation of the parcel and the placement of the residence towards the rear. The applicant has submitted a shadow study which demonstrated that the only time the project would block light was from around 11:00 am – 3:00 pm on the back half of 275 Colusa Avenue. No shadows will be cast along 283 Colusa Avenue. Additionally, the project is designed with a gable roof form which keeps the building low at the sides, thus allowing better sunlight to the neighbors.

**Kensington Policy 4.** When reviewing new development proposals, ensure views of scenic natural features (e.g., San Francisco Bay, distant mountains) and the developed environment (e.g., bridges, San Francisco skyline) are substantially preserved.

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 looking west from Highgate Road. However, the proposed project has no impact with respect to views as the parcels directly behind the project on Coventry Road are located at a higher elevation than the proposed project. The applicant has included 3D views which show that the height of the new house would not block any existing views (see sheet A4.1). Therefore, views of the San Francisco Bay from Coventry Road and residences on Coventry would be preserved..

**Kensington Policy 5.** For new developments, encourage building scale, massing, architectural style, and materials to provide harmonious scale transitions and blend with the surrounding existing residential neighborhood.

Staff Response: See Staff Response for Kensington Policy 3 above.

**Land Use Policy LU-P5.1.** Allow development only where requisite community services, facilities, and infrastructure can be provided.

Staff Response: The project is readily serviced by East Bay Municipal Utility District, Stege Sanitary District and the Kensington Fire Protection District. Therefore, the existing infrastructure can be provide to the new development.

**Land use Policy LU-P7.5.** Require new residential development to be planned, designed, and constructed in a way that promotes health, minimizes hazard exposure for future residents, and mitigates potential adverse effects on natural resources and the environment.

Staff Response: The project is subject to the Kensington Combining District which requires development to be compatible with the Kensington area. As mentioned above, the project is designed to minimize view impacts, meets the setbacks and does not have any potential adverse effects.

- 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).

Chapter 84-4 – R-6 Single-Family Residential District: Generally speaking, the intent of the R-6 Zoning District is to provide for orderly development of the single-family residential uses, accessory structures and the uses normally auxiliary to them. The proposed project is for the construction of a 1,643-square-foot single-family residence. This is an allowed use by right as the existing residence will be converted into an accessory dwelling unit. Therefore, the parcel will only have one single-family residence after the approval of CDDP24-03060. The table below shows that the project meets all applicable development standards of the R-6 standards.

<b>Development Standards</b>	<b>Proposed Project</b>
Height – two and one-half stores or 35'	Two stories and 25.1'
Side Setback – sliding scale 8' agg and 3' min	15'-9" agg and 5' 5/8" min
Front Setback – 20'	Greater than 60'
Rear Setback – 15'	15' - 4 <sup>13/16</sup> "
Parking – 1 covered space	1 covered space

The parcel was recorded under the Berkeley Park Subdivision in 1913 and therefore qualifies for reduced setbacks under County Code 82.14.004. However, as proposed, the project exceeds the sliding scale setbacks and also conforms to the R-6 standard side yard setbacks. As shown in the table above, the project complies with the height, setbacks and parking requirements of the R-6 zoning district.

Chapter 84-74: Kensington Combining District: 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 5,160 square feet, the gross floor area threshold standard is 2,600 square feet. The gross floor area for this project is proposed to be a 1,643-square-foot new single-family residence, a 54-square-foot covered porch and a 83-square-foot covered second story balcony. The gross floor area also includes an existing 1,455-square-foot accessory dwelling unit (previously converted main residence) and garage and storage accessory structure. The total gross floor area (all existing structures) for the parcel is 3,346 square feet which exceeds the threshold for hearing. Therefore, the project is subject to a Development Plan. As stated in the General Plan consistency section, the size of the residence is not excessive for the area as there are other residences in the vicinity that are of comparable square footage and the project will not impose any limitations with respect to views, privacy and parking constraints on the adjacent lots. Per County Code 84-74.1206, the Kensington Combining District findings for approval can be made which are included in the conditions of approval attached to this staff report.

Chapter 816-2 – Tree Obstruction of Views: The -TOV Combining District furthers the Kensington Combining District's goals, as its intent is to provide a method for property owners to gain restoration of views and sunlight lost due to tree growth by another property owner. The proposed development does not include any alteration, addition or removal of any trees. Therefore, the -TOV ordinance does not apply to the proposed project.

- C. Appropriateness of Use: The project site currently has a single-family residence that is being converted into an accessory dwelling unit. Therefore, the site is allowed to have one single-family residence. The project proposes a single-family residence which is consistent with both the zoning and the General Plan land use. The proposed residence will be consistent with the established use of the property as well as the guidelines of the Kensington area with respect to compatibility of the neighborhood. The proposed project will conform to the height and side yard restrictions of the R-6 zoning district. No portion of the project will infringe upon the existing views, natural light, privacy and parking of properties in the area. The proposed residence exceeds the maximum allowed gross floor area for the lot size, however the bulk is not excessive for the area and development of the vacant lot will preserve property values of the surrounding area. Thus, the project is appropriate for the Kensington area and the R-6, -TOV, and -K zoning districts.
- D. Applicant Revisions To Address Neighborhood Concerns: During initial stages of the application process, County Staff received public comments from surrounding

neighbors concerned with certain aspects of the project. The public comments raised concerns regarding height, privacy and bulk. In response to these concerns, the applicant made various changes to the project.

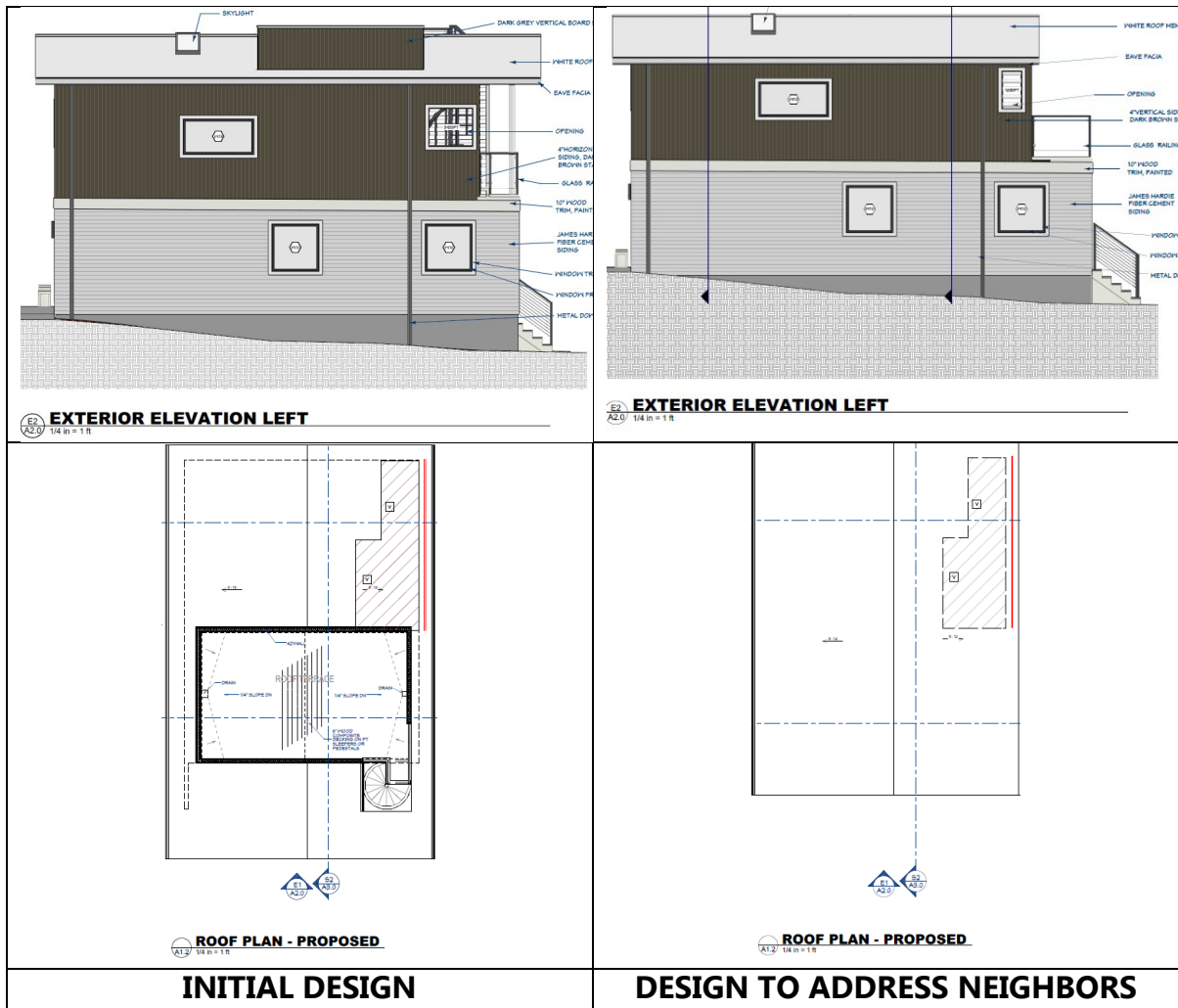
- a. Height and Bulk Concerns: Concerns were raised regarding the overall bulk and massing of the proposed residence—particularly its length and its prominence as viewed from the street and adjacent properties. In response, the applicant has revised the project to reduce the overall building height from 26.7 feet to 25.1 feet. This reduction helps lower the home’s profile and ensures compliance with the maximum height limit established by the applicable zoning regulations.

Additionally, the applicant pulled back the roofline above the second-story balcony at the front of the home. This architectural change reduces visual massing and creates a more articulated, stepped-back appearance at the upper level, helping to break up the building’s vertical and horizontal scale as viewed from the street. These modifications collectively contribute to a less bulky appearance and improve the project's compatibility with the surrounding neighborhood character.

- b. Privacy Concerns: To address concerns regarding privacy, the applicant has removed the previously proposed rooftop terrace deck from the project. This revision was made in direct response to concerns that the deck would afford direct views into neighboring bedroom and bathroom windows and rear/side yards. The elimination of the rooftop deck significantly reduces potential privacy intrusions and helps address visual and spatial concerns raised by multiple neighbors.

The below photos illustrate the design changes made to accommodate neighbors’ concerns including showing the second story roof line being pulled back to create more spacing and the rooftop terrace being removed to increase privacy.

INITIAL DESIGN	DESIGN TO ADDRESS NEIGHBORS
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## VIII. CONCLUSION

As proposed, the applicant requests approval of a Development Plan for a Kensington Design Review for the construction of a new 1,643-square-foot single-family residence. The proposed development is consistent with the Residential Medium Density (RM) General Plan land use designation, the specific policies of the Kensington area and complies with the intent and purpose of the Single-Family Residential (R-6), Kensington (-K) Combining District, and the Tree Obstruction of Views (-TOV) Combining Districts. Therefore, staff recommends that the Zoning Administrator approve County File #CDDP24-03060 based on the attached conditions of approval.

### Attachments:

- A. Findings and Conditions of Approval

- B. Maps – Parcel Maps, Aerial Map, Zoning Map, General Plan Map
- C. Agency Comments
- D. Site Photographs
- E. Project Plans