



CONTRA COSTA

CONSERVATION & DEVELOPMENT

Planning Application Project Summary

County File Number: CDDP26-03008

Submitted Date: 4/3/2026

Applicant: Jonathan Livingston

Property Owner: DALE J & DANIELLE Power

Project Description:

The applicant requests approval of a Kensington Design Review Development Plan for a new single-family residence. The proposed development results in a gross floor area of approximately 3,360 square feet, which exceeds the threshold standard of 2,900 square feet. This project has multiple variances, including (1) a variance to allow a 2.5 foot side yard setback (where 5 feet is the minimum) and a 11-foot aggregate side yard width (where 15 feet is the minimum) for retaining walls over three feet in height, (2) variances for the front yard setback ranging from 5 feet to 9 feet (where 20 feet is required) for garage, retaining wall, and elevated deck improvements, and (3) a variance for the front yard setback for 8 feet (where 20 feet is required) for the provision of two off-street parking spaces. The scope of work also includes a tree permit for the removal of two code-protected Oak trees (18-inch diameter and 20-inch diameter).

Project Location: (Address: 0 HIGHGATE CT, KENSINGTON, CA 94707), (APN: 572181036)

Additional APNs:

General Plan Designation(s): RLM

Flood Hazard Areas: X

60-dBA Noise Control: NO

Sphere of Influence: El Cerrito

Sanitary District: STEGE SANITARY

Specific Plan: N/A

Zoning District(s): "R-6, -TOV -K"

AP Fault Zone: Hayward Fault Seismic Hazard Zone

MAC/TAC: KMAC

Fire District: KENSINGTON FIRE

Housing Inventory Site: NO

New home on APN 572-181-036

To:

Contra Costa County Planning Department
c/o Kensington Municipal Advisory Council (KMAC)
[Planning Department Address]

Subject: Variance Request Findings – APN 572-181-036, Highgate Court, Kensington, CA
Zoning: R-6, TOV-K

Introduction

The subject property is APN 572-181-036, located on Highgate Court in Kensington, California. The parcel is zoned R-6, TOV-K and has a total lot area of 7,392 square feet, which exceeds the minimum lot area requirement of 6,000 square feet.

The site is vacant and characterized by a very steep upslope from Highgate Court, with an average gradient of approximately 1.5:1 beginning just two feet above the edge of the roadway. Highgate Court itself is a narrow, dead-end street, averaging only 15 feet in width with an approximate 8% slope. Three existing oak trees are located on the steep portion of the slope.

The properties immediately to the north and south are developed single-family residences. The southern neighbor's garage is approximately 5 feet from the front property line, while the northern neighbor's structure and decks are also located within the required front setback and include parking areas within the setback. These nearby examples demonstrate that similarly situated properties on this street have been granted setback relief due to comparable site constraints.

Accordingly, we are respectfully requesting that KMAC review our proposed design and recommend approval of the requested variances to the Contra Costa County Planning Department.

Basis for Variance Request

The requested variances are directly related to the extraordinary physical conditions of the property, including the extreme slope, narrow street frontage, and topographic constraints, which together make strict application of zoning standards impractical and inconsistent with reasonable property use and neighborhood character.

Variance Requests and Findings

1. Front Setback Encroachment for Garage

The R-6 zoning district requires a minimum 20-foot front setback. Due to the 1.5:1 slope, placing a garage at this setback would require an approximately 28-foot-high retaining wall behind the structure—an engineering and financial impracticality.

To construct a functional garage that allows for safe vehicle maneuvering and street access, we are requesting a 12-foot front yard encroachment, resulting in an 8-foot setback from the front property line.

Similar encroachments have been approved for other properties on steep slopes within Kensington and unincorporated Contra Costa County, and approval here would ensure consistent treatment of similarly constrained lots.

2. Retaining Wall Height for Access Stairs

Due to the steep slope, access to the residence from the street requires retaining walls significantly higher than the 3-foot maximum permitted by code. To safely construct stairs to the entry level, retaining walls of up to 8 feet in height are necessary.

This condition is entirely a function of the site's topography, and the proposed design minimizes wall height to the greatest extent feasible while maintaining safe pedestrian access.

3. Front Setback Encroachment for Deck / Usable Open Space

The steeply sloped site requires that the home be partially embedded into the hillside, eliminating usable on-grade open space at the rear. To provide the minimum level of functional outdoor area, we propose an 11-foot cantilevered deck extending from the house toward the street.

Although this deck would encroach into the front setback, the building face itself remains set back 20 feet as required. Similar decks within the setback exist at adjacent properties, particularly to the north, establishing a precedent for approval.

4. Retaining Wall Height Variance for Road Widening / Fire Access

Highgate Court's narrow width (~15 feet) presents challenges for both construction access and fire safety. By cutting approximately 9 feet into the hillside, we can provide limited off-street parking and improve vehicle circulation, particularly for emergency and service vehicles.

This grading will require a retaining wall approximately 10 feet high, exceeding the 3-foot limit. This improvement is in the public interest as it enhances fire safety, emergency access, and neighborhood circulation. The proposed wall height is nominally 7 feet above the permitted maximum.

Findings in Support of Variance Approval

- 1. Exceptional Physical Circumstances:**
The property's steep slope and narrow street frontage constitute exceptional conditions not shared by most other parcels in the same zoning district.
 - 2. Unnecessary Hardship:**
Strict application of the setback and wall height standards would render the lot unbuildable or result in extreme and unreasonable construction conditions.
 - 3. Consistency with Neighborhood Character:**
The requested variances are consistent with adjacent properties that have received similar relief for garages, decks, and retaining walls.
 - 4. No Detriment to Public Welfare:**
The project will not adversely affect neighboring properties or public safety; in fact, fire access and roadway safety will be improved.
 - 5. Intent and Purpose of the Zoning Code:**
The requested relief allows reasonable use of the property consistent with the intent of the zoning code while accommodating unique site conditions not contemplated by the code's drafters.
-

Conclusion

For all of the reasons described above, we respectfully request that KMAC recommend approval of the proposed variances to the Contra Costa County Planning Department. These modest and necessary adjustments will allow reasonable development of the subject property consistent with neighborhood character, topographic realities, and public safety considerations.

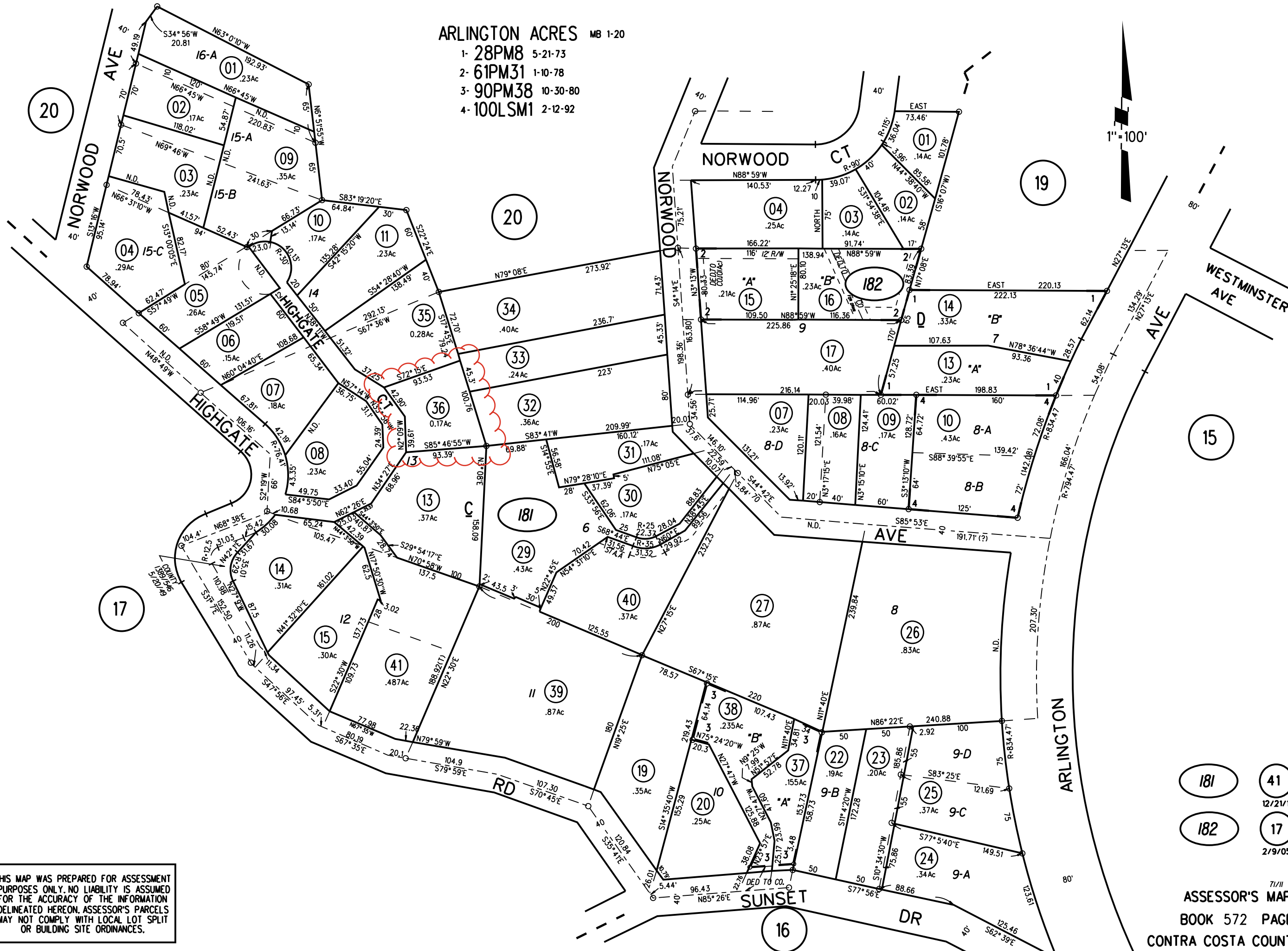
Sincerely,

**Jonathan Livingston , Architect / applicant
Dale and Danielle Power Owner / Applicant
APN 572-181-036
Highgate Court, Kensington, CA**

ARLINGTON ACRES MB 1-20

- 1- 28PM8 5-21-73
- 2- 61PM31 1-10-78
- 3- 90PM38 10-30-80
- 4- 100LSM1 2-12-92

1" = 100'



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

- 181 41
12/21/18
- 182 17
2/9/05

General Plan



Map Legend

- Assessment Parcels
- General Plan**
- RLM (Residential Low-Medium Density) (3-7 du/na)
- Unincorporated
- Board of Supervisors' Districts
- Address Points
- Aerials 2019**
- RGB**
- Red: Band_1
- Green: Band_2
- Blue: Band_3

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. CCMMap is maintained by Contra Costa County Department of Information Technology, County GIS. Data layers contained within the CCMMap application are provided by various Contra Costa County Departments. Please direct all data inquires to the appropriate department.

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

Zoning



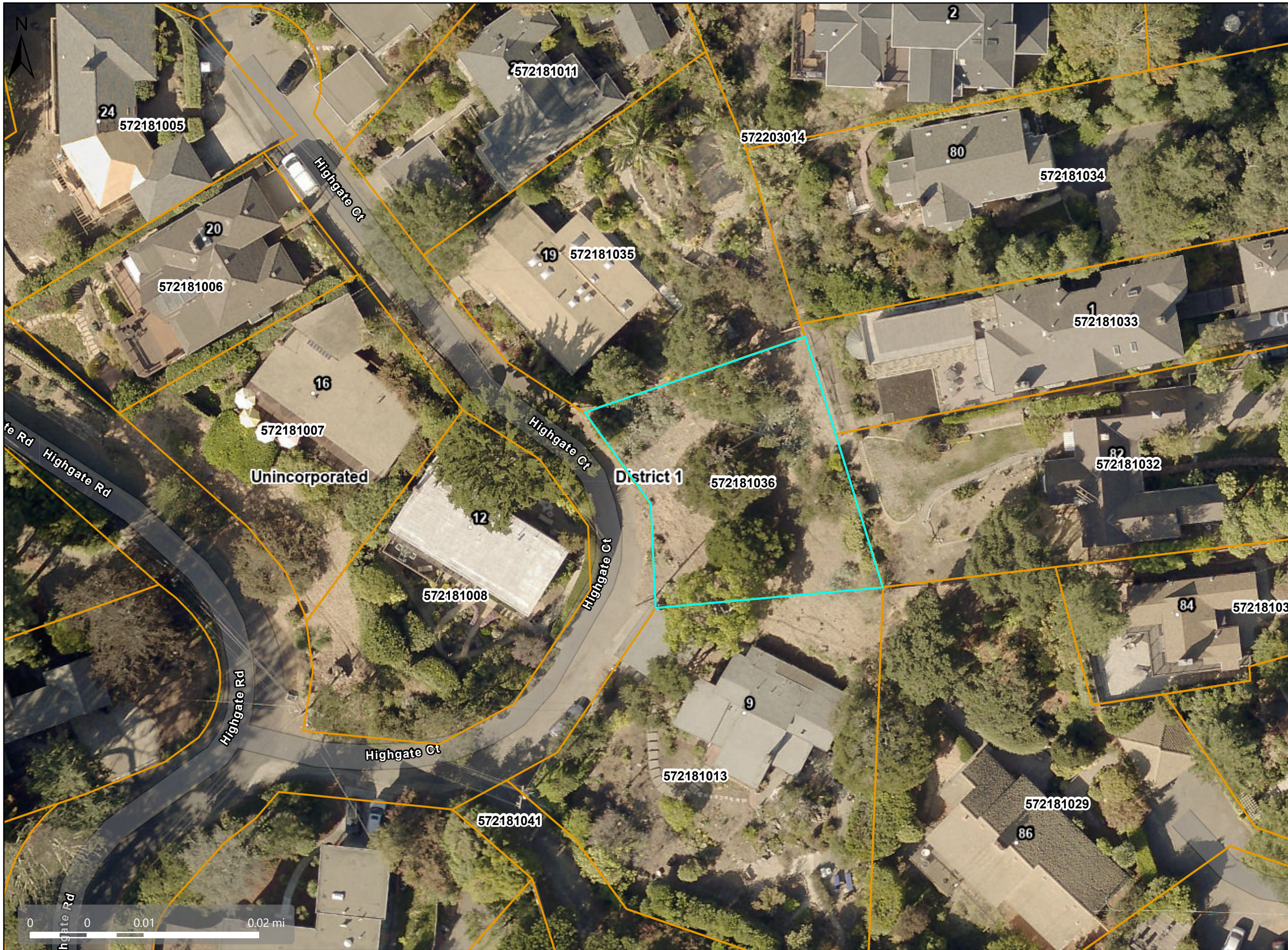
Map Legend

- Assessment Parcels
- Zoning**
- ZONE_OVER**
- R-6 -TOV -K (Tree Obstruction and Kensington)
- Unincorporated
- Board of Supervisors' Districts
- Address Points
- Aerials 2019**
- RGB**
- Red: Band_1
- Green: Band_2
- Blue: Band_3

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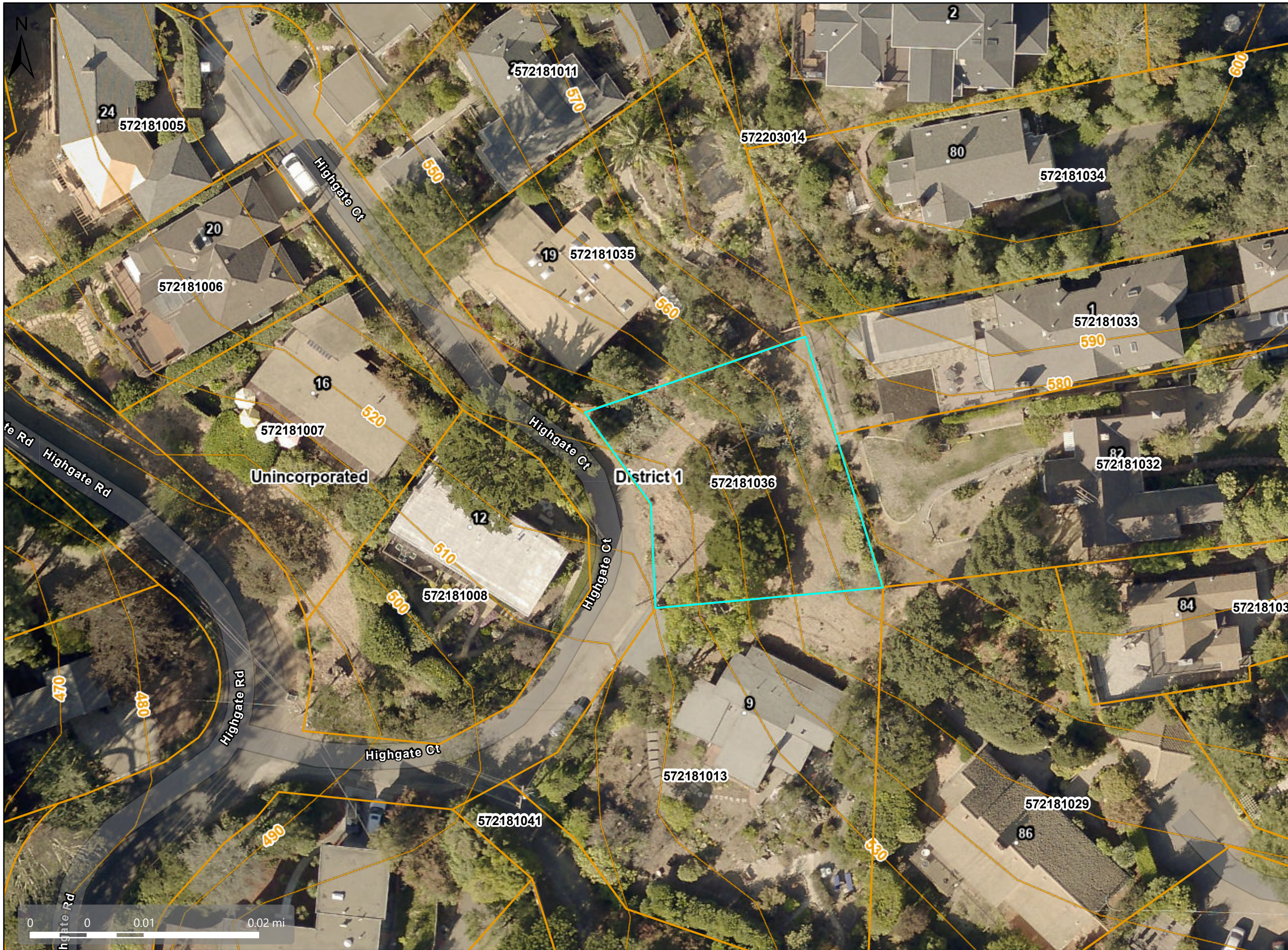
Orthophotography











Map Legend

- Assessment Parcels
 - Unincorporated Board of Supervisors' Districts
 - Address Points
- Aerials 2019
 RGB
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Contours



Map Legend

-  Assessment Parcels
 -  Unincorporated
 -  Board of Supervisors' Districts
 -  Contours
 -  Address Points
- Aerials 2019
- RGB
-  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

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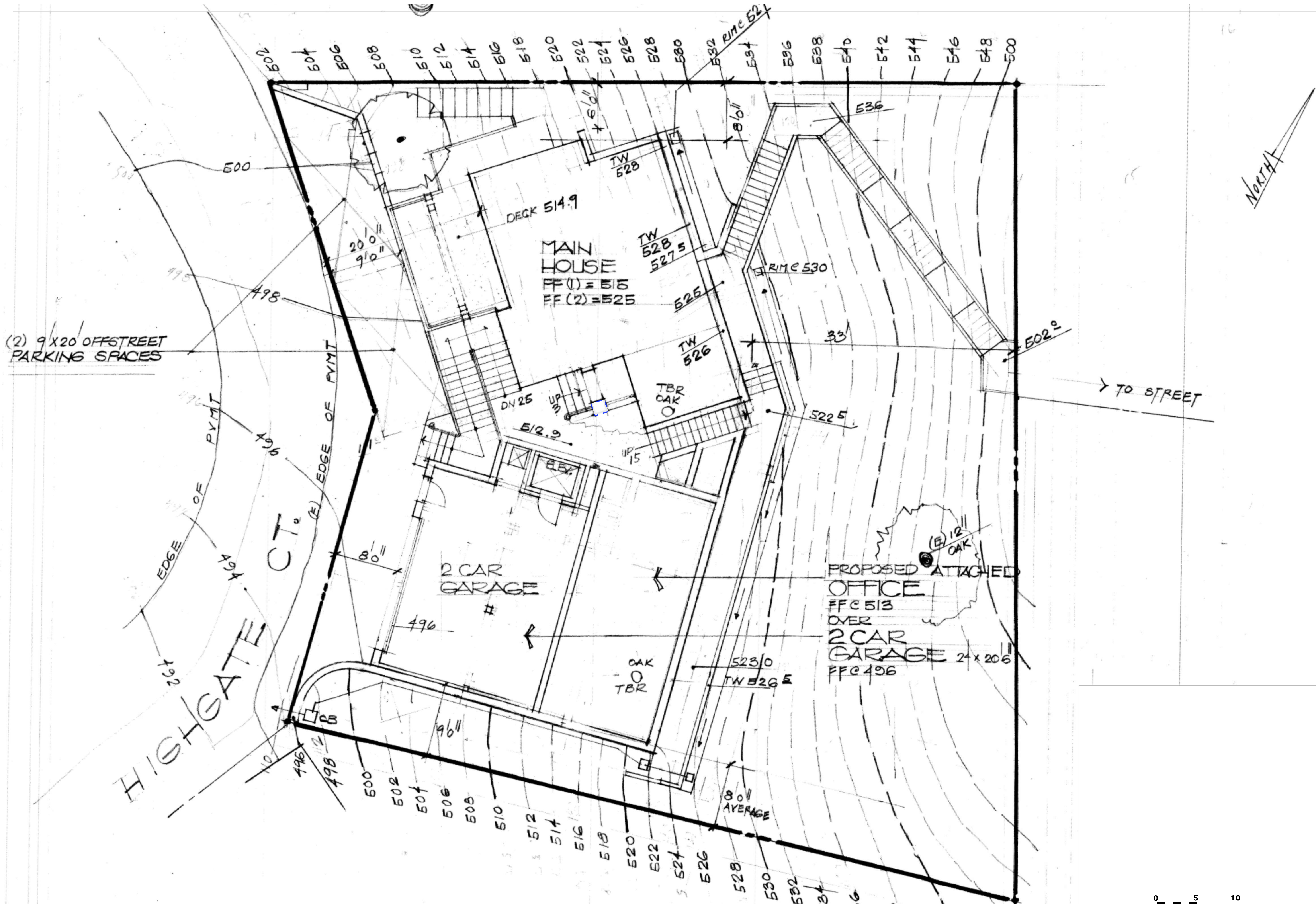
POWER RESIDENCE

KENSINGTON,
CONTRA COSTA COUNTY, CA

RECEIVED on 04/03/2026 CDDP26-03008
By Contra Costa County
Department of Conservation and Development

PROJECT INFO	
Owners:	
Dale and Danielle Power One Norwood Place Kensington, CA 94707	
Project Design Team:	
<i>JLD Design</i> Jonathan Livingston Kai Siu Cheng 5371, Hennessy Gap Road Garden Valley, CA 95633	
Soil Engineer	
Ryan Geotechnical Kevin Ryan 510-520-5592	
Surveyor/Civil Engineer	
Bay Area Land surveying Inc. 3065 Richmond Parkway, Richmond, CA 510-223-5167	
Property / Project Data:	
<ul style="list-style-type: none"> - AP # 572-181-036-3 - Lot Area = 7,792 Sq. Feet (per survey) - Zoning: R-6 TOV-K - General Plan: RLM - Floor Area (livable) = 2,173 sf. - Gross Floor Area (add garage)=2,869 s.f. - FAR 2869 / 7792 Sq Feet = FAR @0.368 threshold at 0.384 - project is exempt - Lot coverage = 2304 s.f. Or 30% max allowed is 40% - Setbacks: Side at 16 feet aggregate (8' and 8' average) Rear - 34' front 8' (variance needed from 20 foot required. - Height - 34'-6" - max height at 35' - Two off street covered two on street within the property (variance required) - Impervious surfaces: 3,529 sq.ft. of impervious surface proposed. Exempt from C3 standards - lot under 10,000 sf 	
DRAWING INDEX	
C.01	COVER SHEET
S 0.1	SITE PLAN
S 0.2	PROPOSED VARIANCES
SV1	BOUNDARY & TOPOGRAPHIC SURVEY
A 1.0	FLOOR AREA CALCULATIONS
A 1.1	FLOOR PLANS
A 2.1	ELEVATIONS & SECTIONS
A 2.2	ELEVATIONS & SECTIONS
A 3.1	ROOF PLAN
A 4.1	PERSPECTIVE VIEWS
A 4.2	RETAINING WALL VIEW
L 1.0	LANDSCAPE PLAN





POWER RESIDENCE
 KENSINGTON,
 CONTRA COSTA COUNTY, CA

SITE PLAN

MMDDYY
 11/11/2025
 04/02/2026

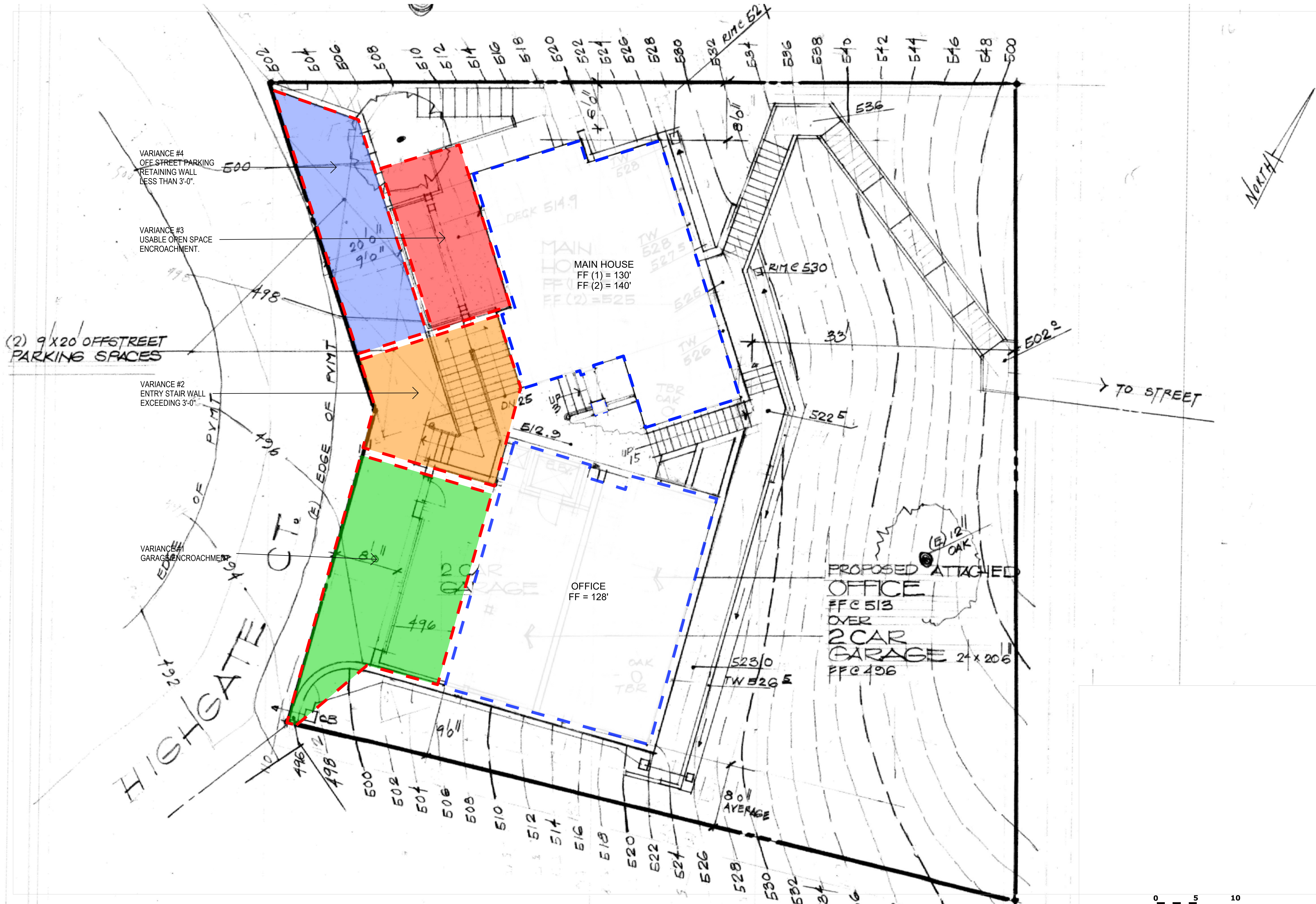
PRELIMINARY DESIGN
 1ST SUBMITTAL SET

0 5 10

N

S0.1





POWER RESIDENCE
 KENSINGTON,
 CONTRA COSTA COUNTY, CA

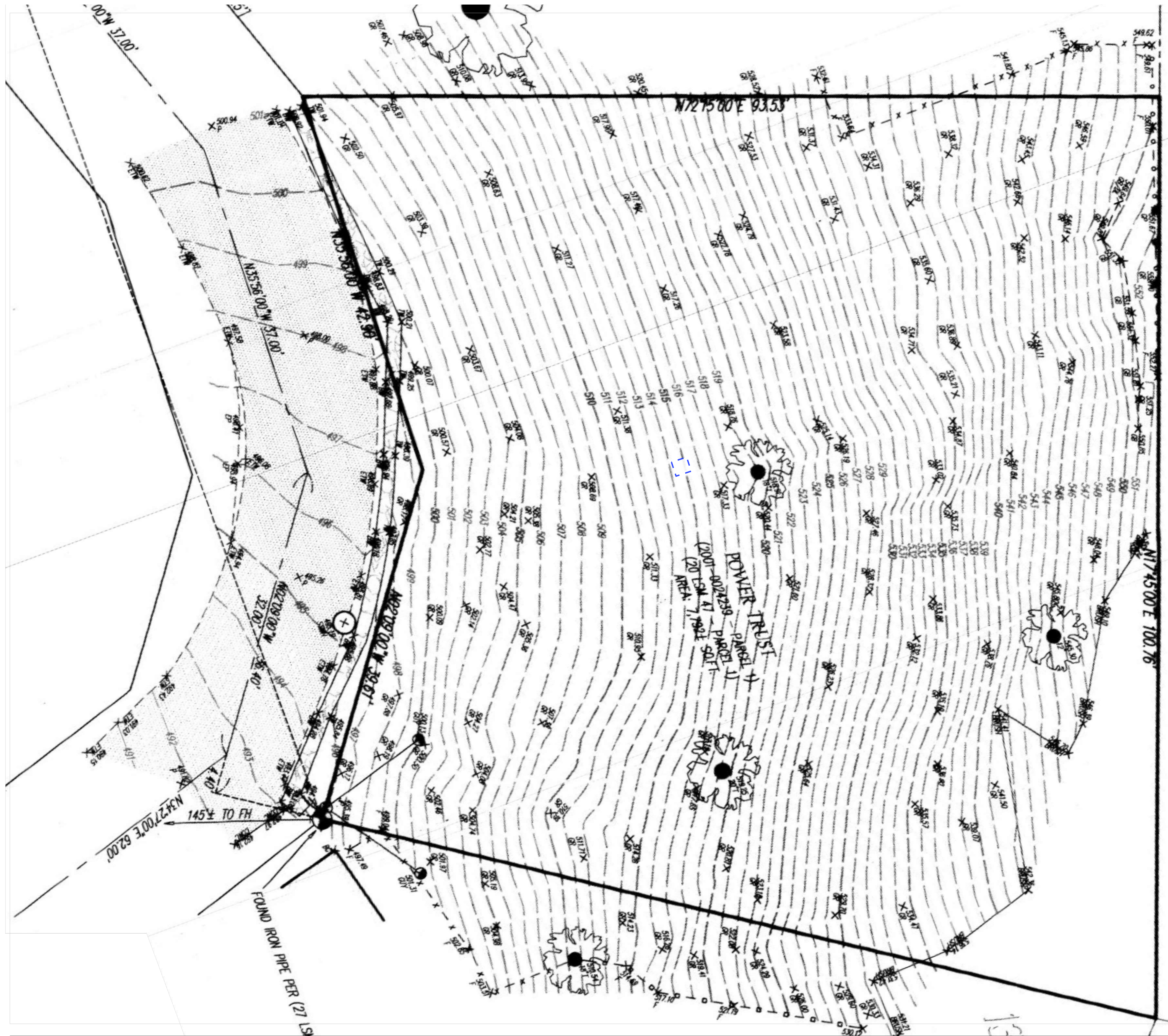
PROPOSED VARIANCES

MMDDYY	11/11/2025
PRELIMINARY DESIGN	_____
04/02/2026	1ST SUBMITTAL SET
_____	_____
_____	_____
_____	_____

0 5 10

S0.2





LEGEND

	FOUND N/T
	FOUND IRON PIPE
	BUILDING LINE
	ROCK WALL
	ASPHALT
BC	BUILDING CORNER
BL	BUILDING LINE
BW	BOTTOM OF WALL
EP	EDGE OF PAVEMENT
ETW	EDGE OF TRAVELED WAY
F	FENCE
FD	FOUND POINT AS NOTED
FH	FIRE HYDRANT
GB	GRADE BREAK
GP	GATE POST
GR	GROUND SHOT
GUY	GUY WIRE
JP	JOINT POLE
N/T	NAIL & 3/4\"/>
P	PAVEMENT
SSM	SANITARY SEWER MANHOLE
TW	TOP OF WALL
T	DIAMETER OF TREE (INCHES)

	SUBJECT PROPERTY
	RIGHT-OF-WAY LINE
	ADJACENT PARCEL LINE
	CENTERLINE
	HISTORIC LOT LINE
	TIE LINE
	FENCE (WOOD)
	FENCE (CHAINLINK)
	FENCE (WIRE)

BA LS BAY AREA LAND SURVEYING INC
 3065 RICHMOND PARKWAY, SUITE 101
 RICHMOND, CA 94806
 (510) 223-5167



POWER RESIDENCE
 KENSINGTON,
 CONTRA COSTA COUNTY, CA

BOUNDARY & TOPOGRAPHIC SURVEY

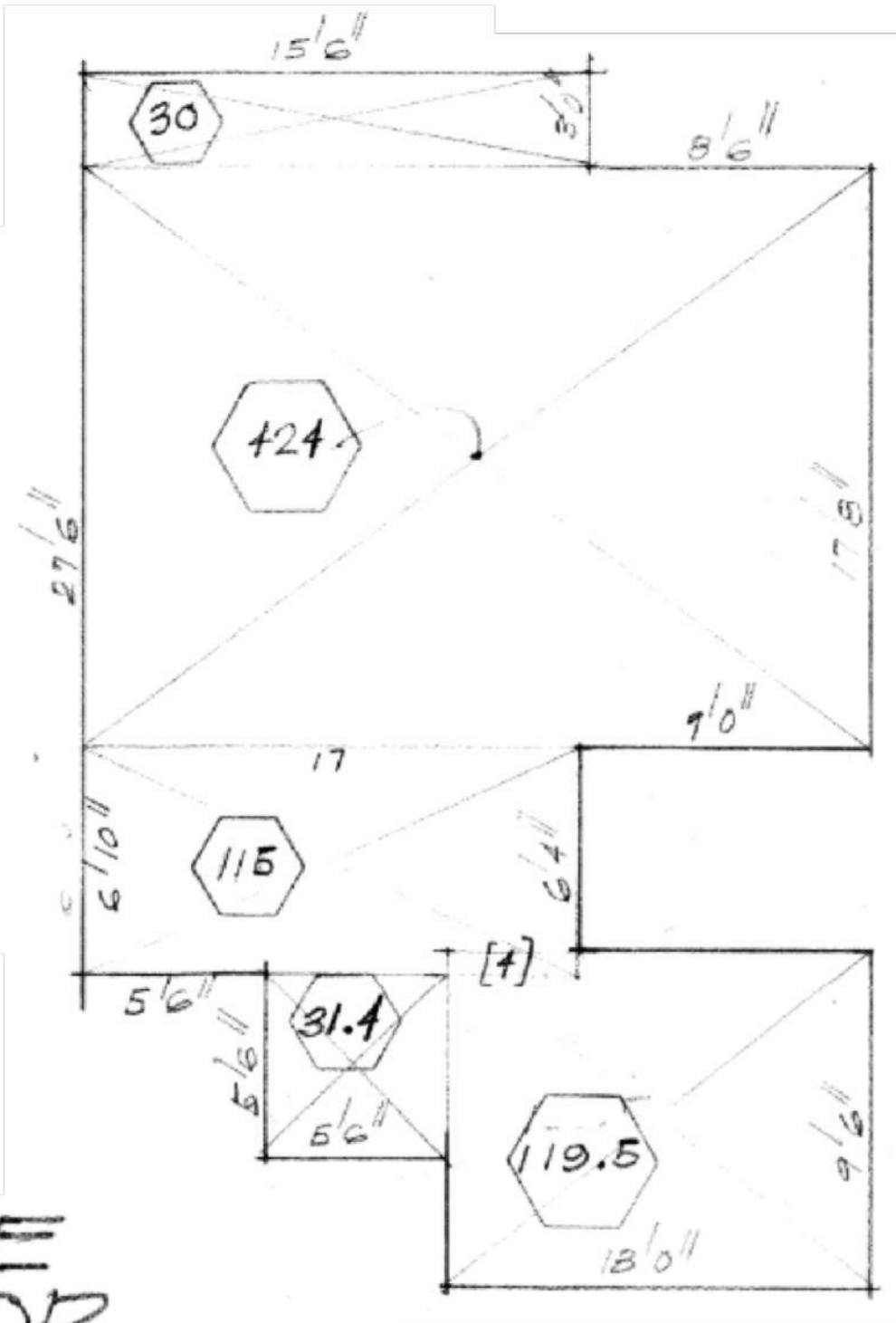
MMDDYY	11/11/2025
PRELIMINARY DESIGN	04/02/2026
1ST SUBMITTAL SET	

N

SV1



POWER RESIDENCE 2/31/2026
 GROSS FLOOR AREA CALCULATIONS & SUMMARY
 PLANNING # ZDZZ26-00182



MAIN HOUSE UPPER FLOOR AREA

FLOOR AREA TABULATIONS

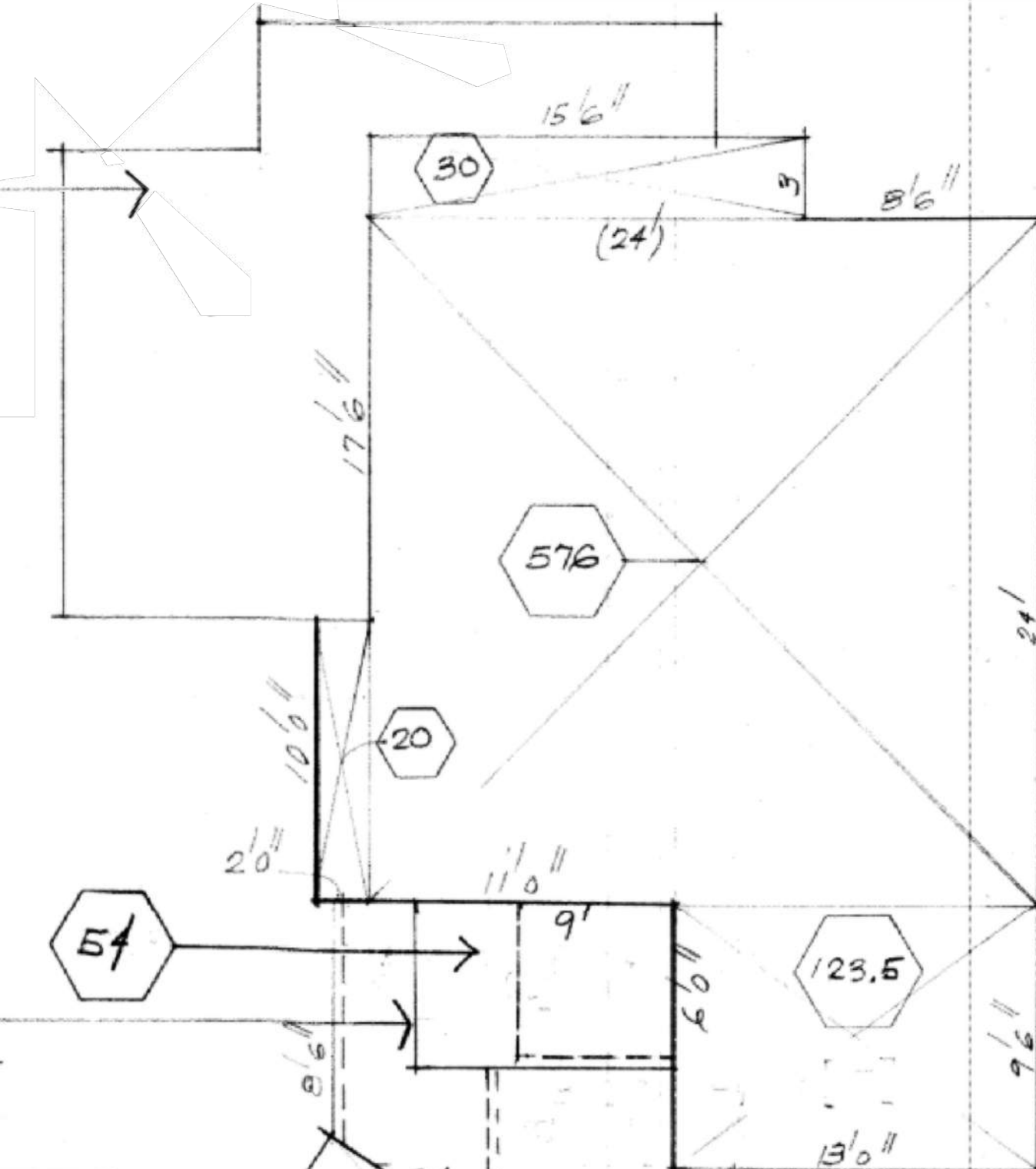
424.0
30.0
115.9
31.4
119.5
719.9

TOTAL GROSS FLOOR AREA CALCULATIONS / TABULATIONS

MAIN HOUSE LOWER FLOOR	749.5 #
MAIN HOUSE UPPER FLOOR	719.9 #
ATTACHED OFFICE LIBRARY	704.0 #
COVERED ENTRY	54.0 #
GARAGE AND ELEVATOR LOBBY	642.5 #

TOTAL GROSS FLOOR AREA = 2869.9 #
 LOT AREA = 7792 #
 FAR OF 0.368
 THRESHOLD FAR 0.3846

UNCOVERED DECK/PATIOS PER KENSINGTON COMBINING DISTRICT (ARTICLE 84-74.4.) THIS AREA IS EXEMPT FROM G.F.A. CALCULATIONS



MAIN HOUSE LOWER FLOOR AREA

FLOOR AREA TABULATION:

576.0
30.0
20.0
123.5
749.5 TOTAL L.F.

COVERED ENTRY GROSS FLR AREA TABULATIONS

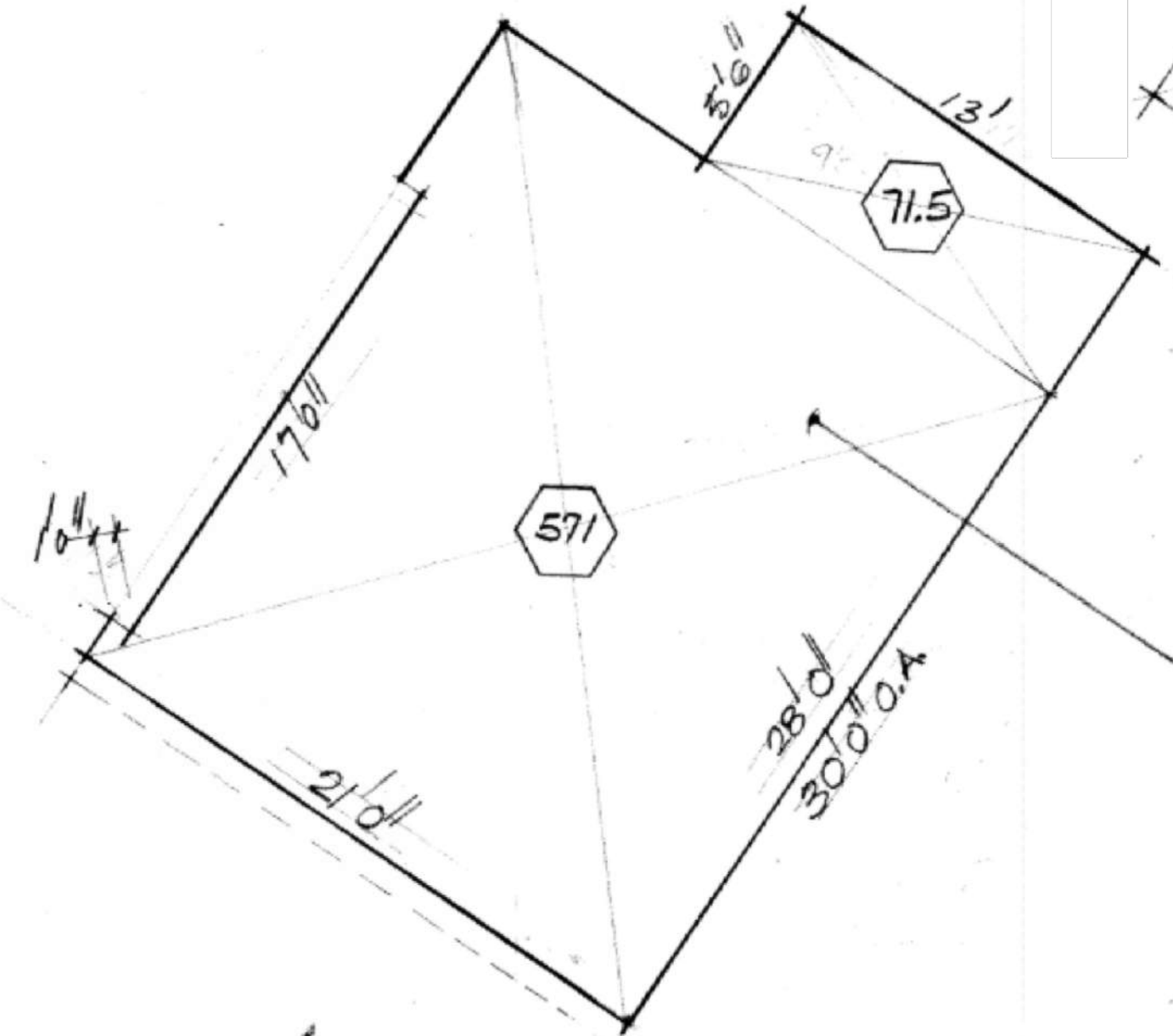
54.0
54.0 #

UNCOVERED PATIO

ATTACHED OFFICE / LIBRARY FLOOR PLAN AREA

FLOOR AREA / TABULATIONS

672
32
704 #



GARAGE FLOOR PLAN AND ELEVATOR LOBBY

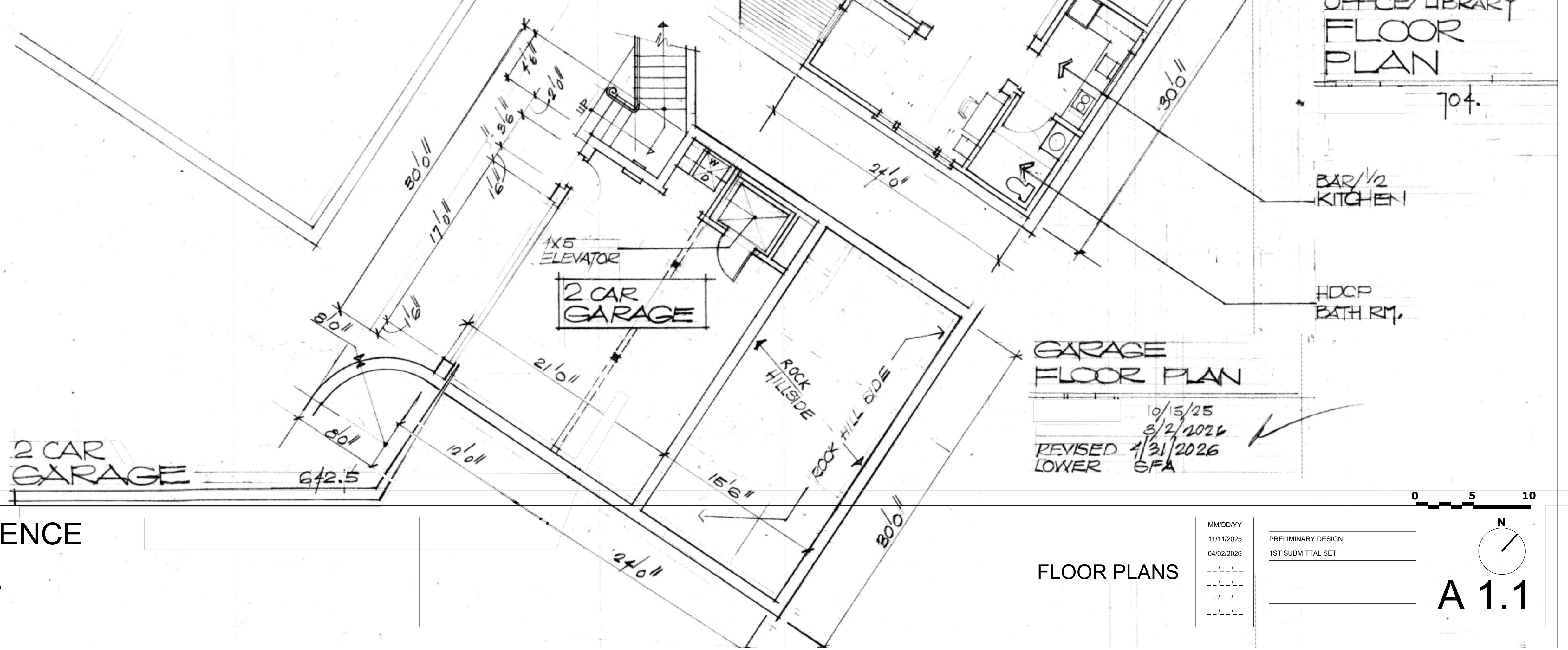
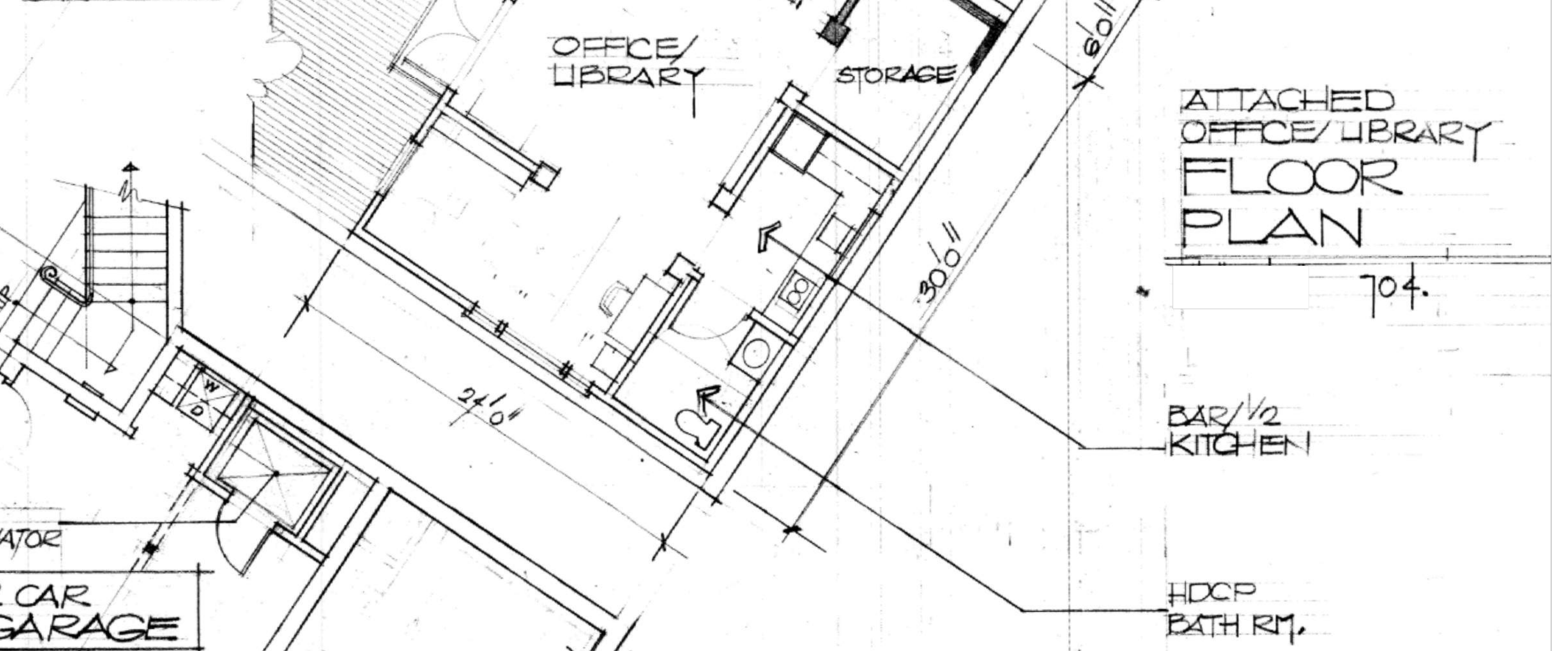
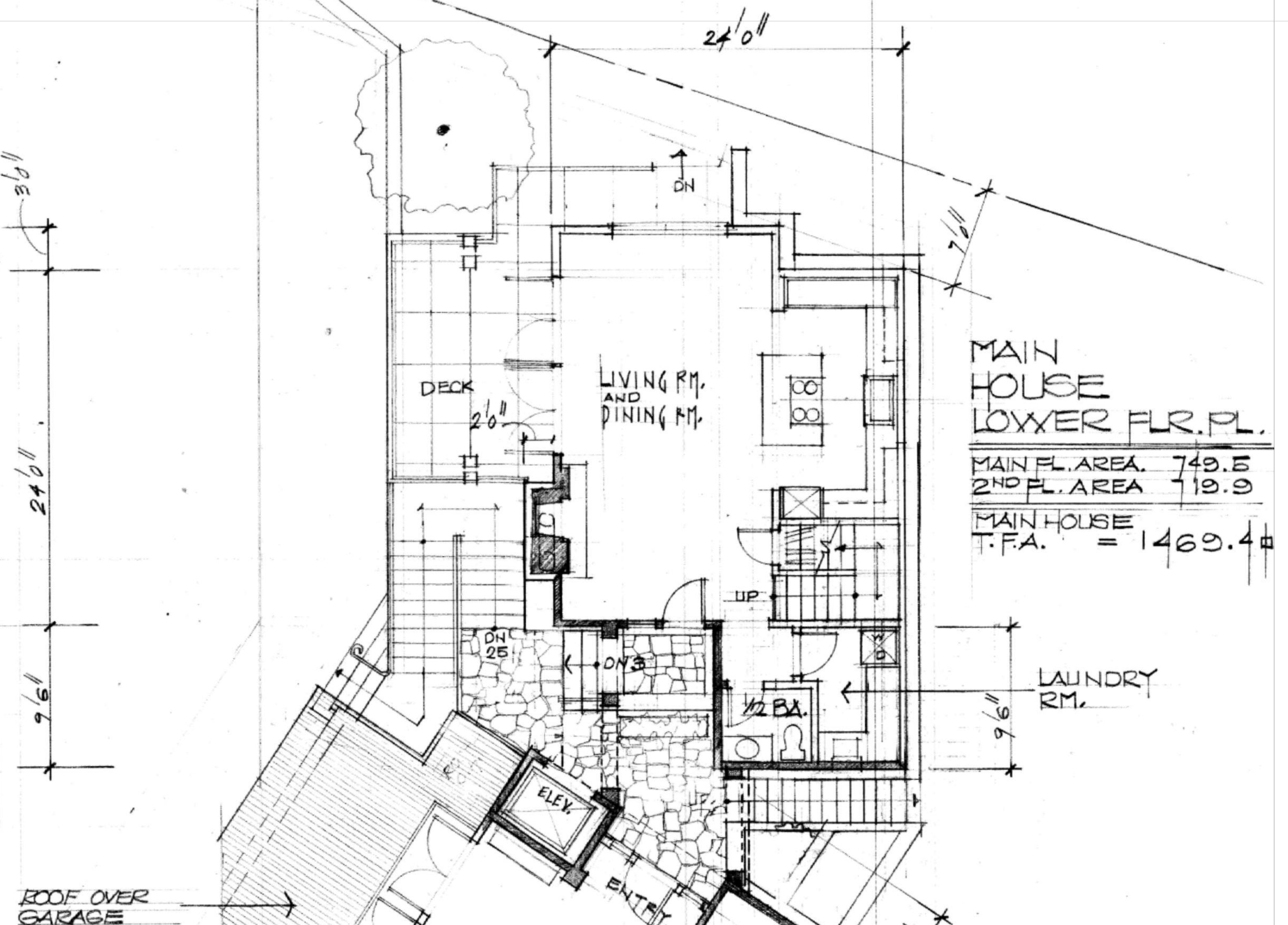
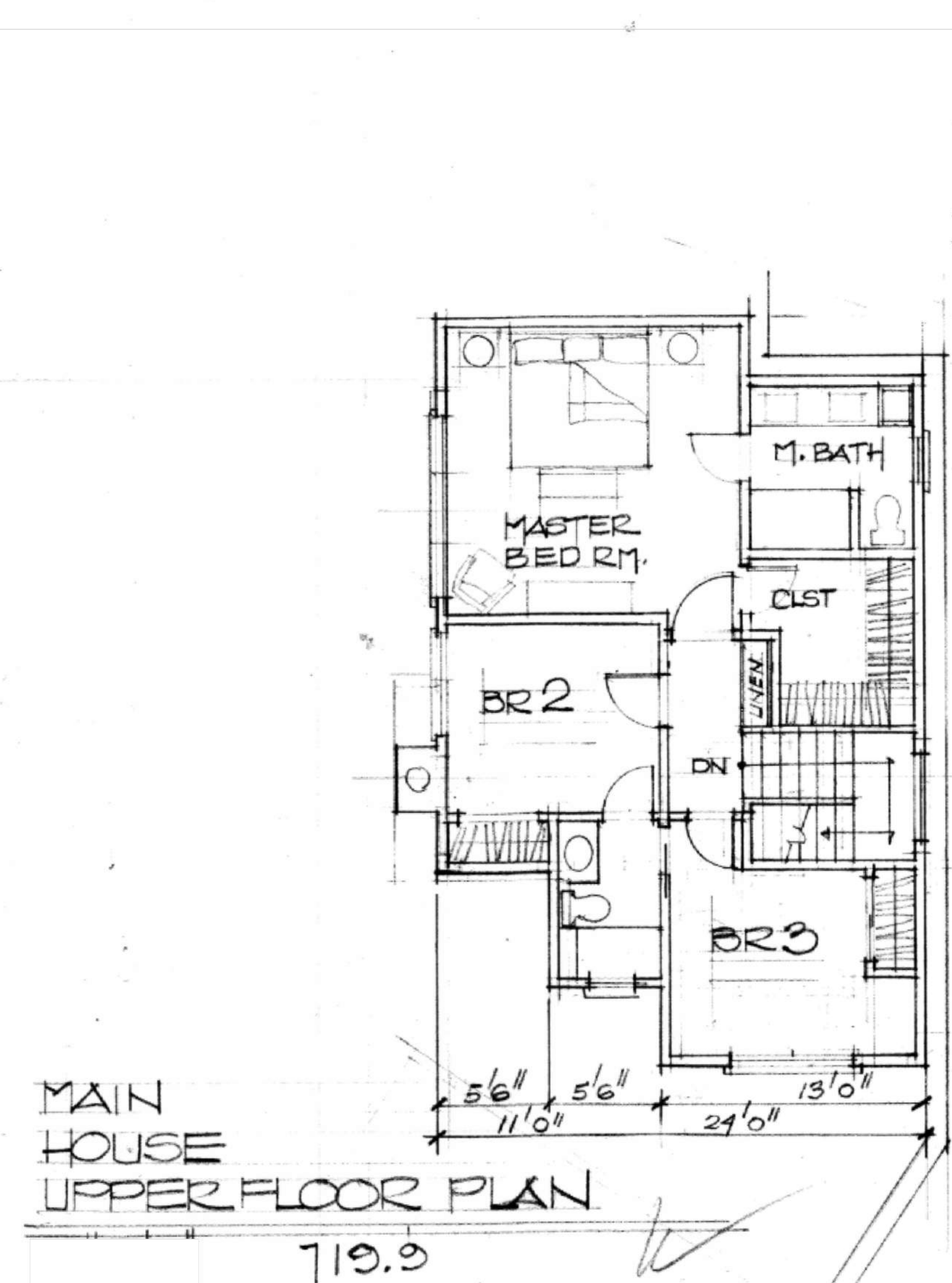
FLOOR AREA TABULATION

571.0
71.5
642.5

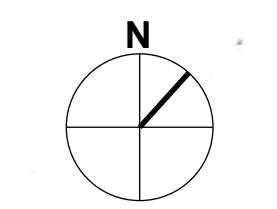
THRESHOLD GFA 7-9000 # PARCELS USE $(0.540 - (0.00002 \times PA)) \times PA$
 APPLIED $0.540 - 0.00002 \times 7792 = 0.3846$
 THRESHOLD 7792×0.3846
 MAX FLOOR AREA = 2993.37 #

3/31/2026





10/15/25
3/2/2026
REVISED 4/21/2026
LOWER GFA



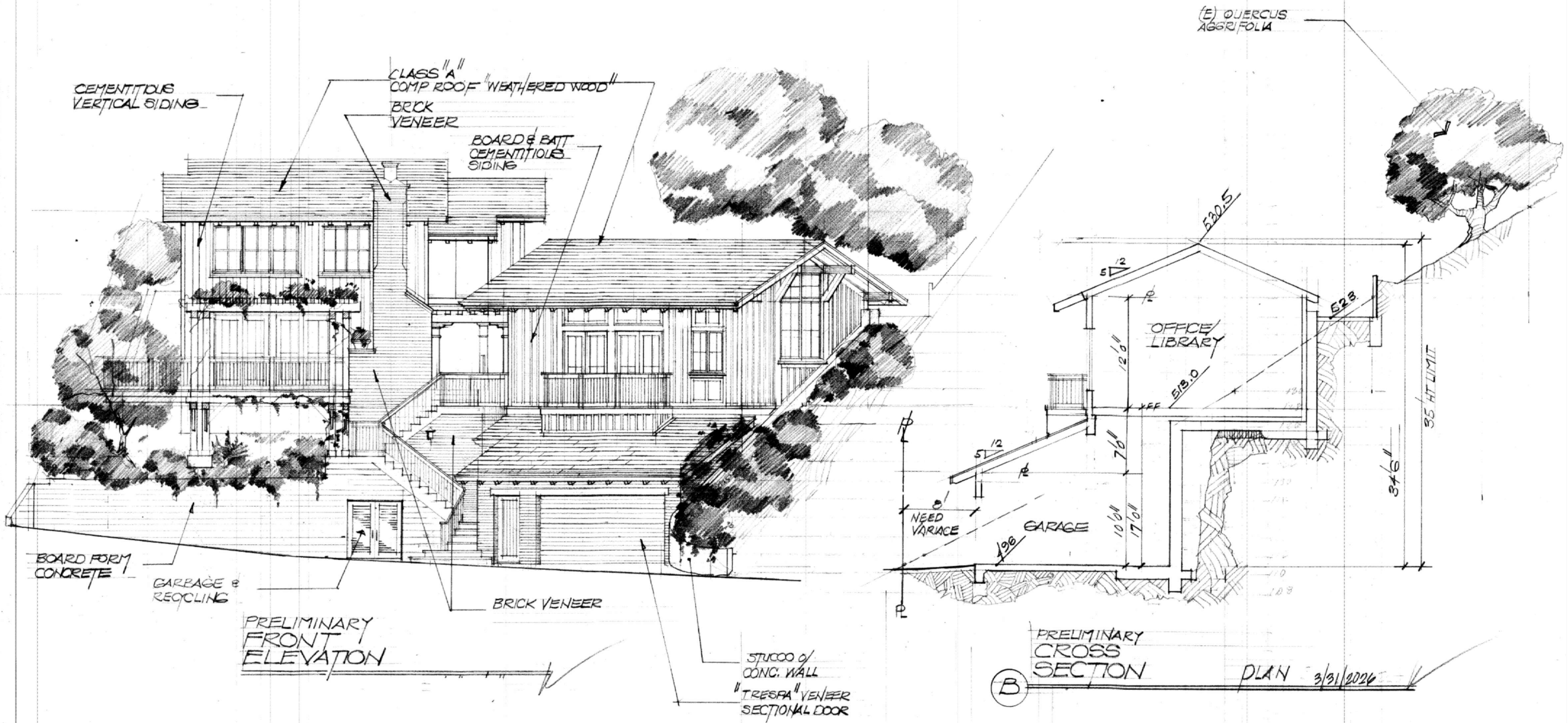
A 1.1

POWER RESIDENCE
KENSINGTON,
CONTRA COSTA COUNTY, CA

FLOOR PLANS

MMDDYY	11/11/2025	PRELIMINARY DESIGN
	04/02/2026	1ST SUBMITTAL SET





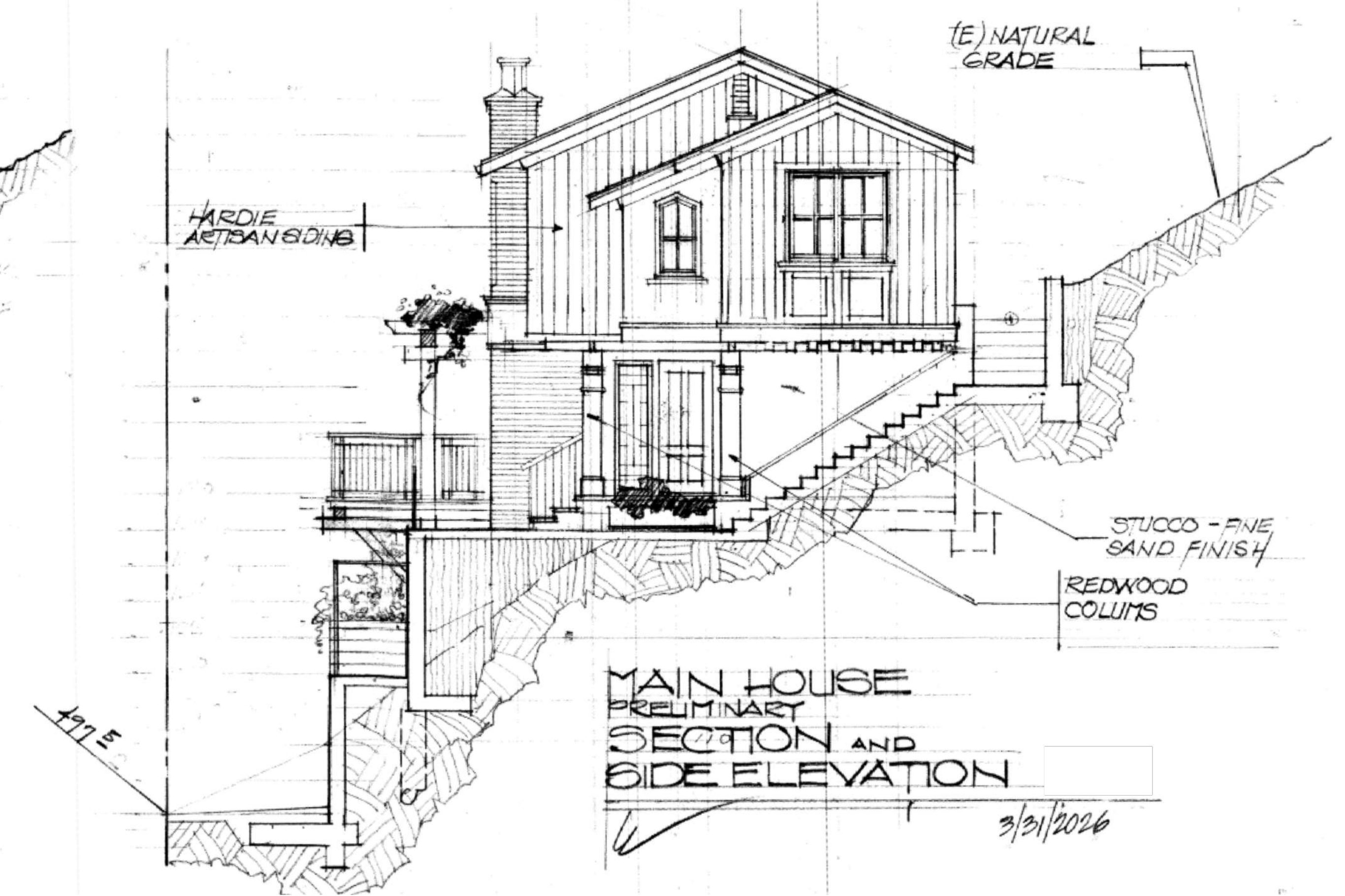
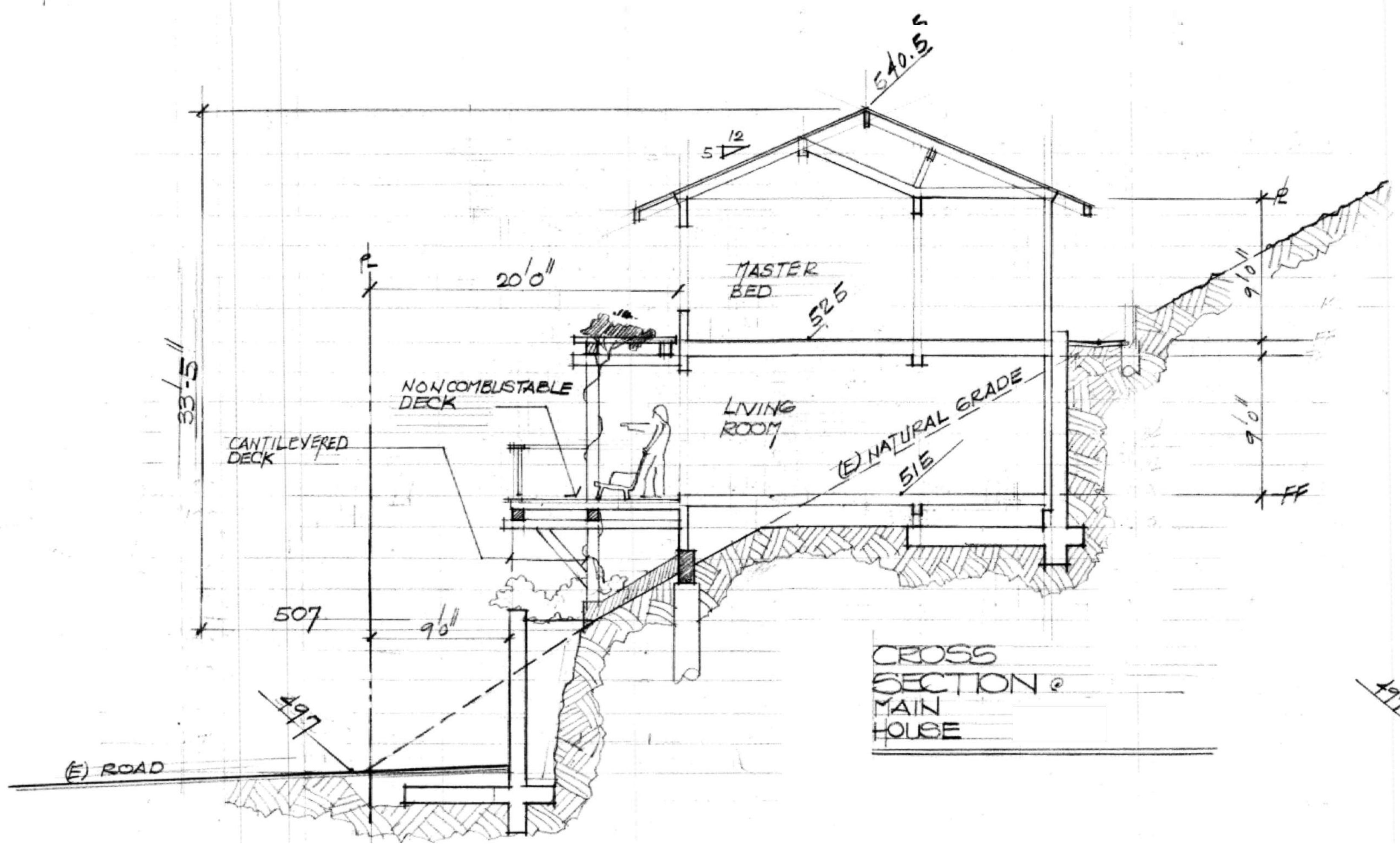
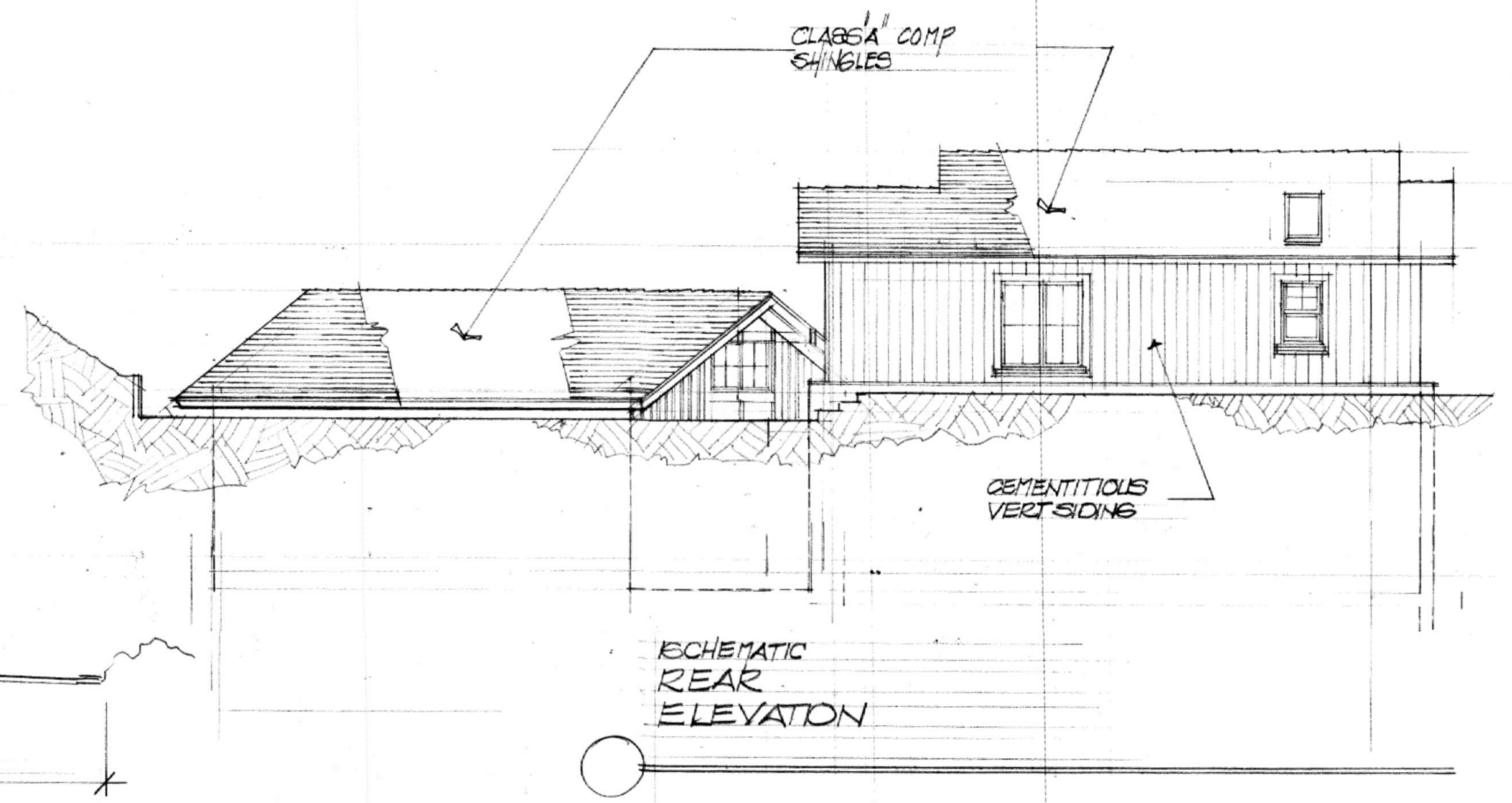
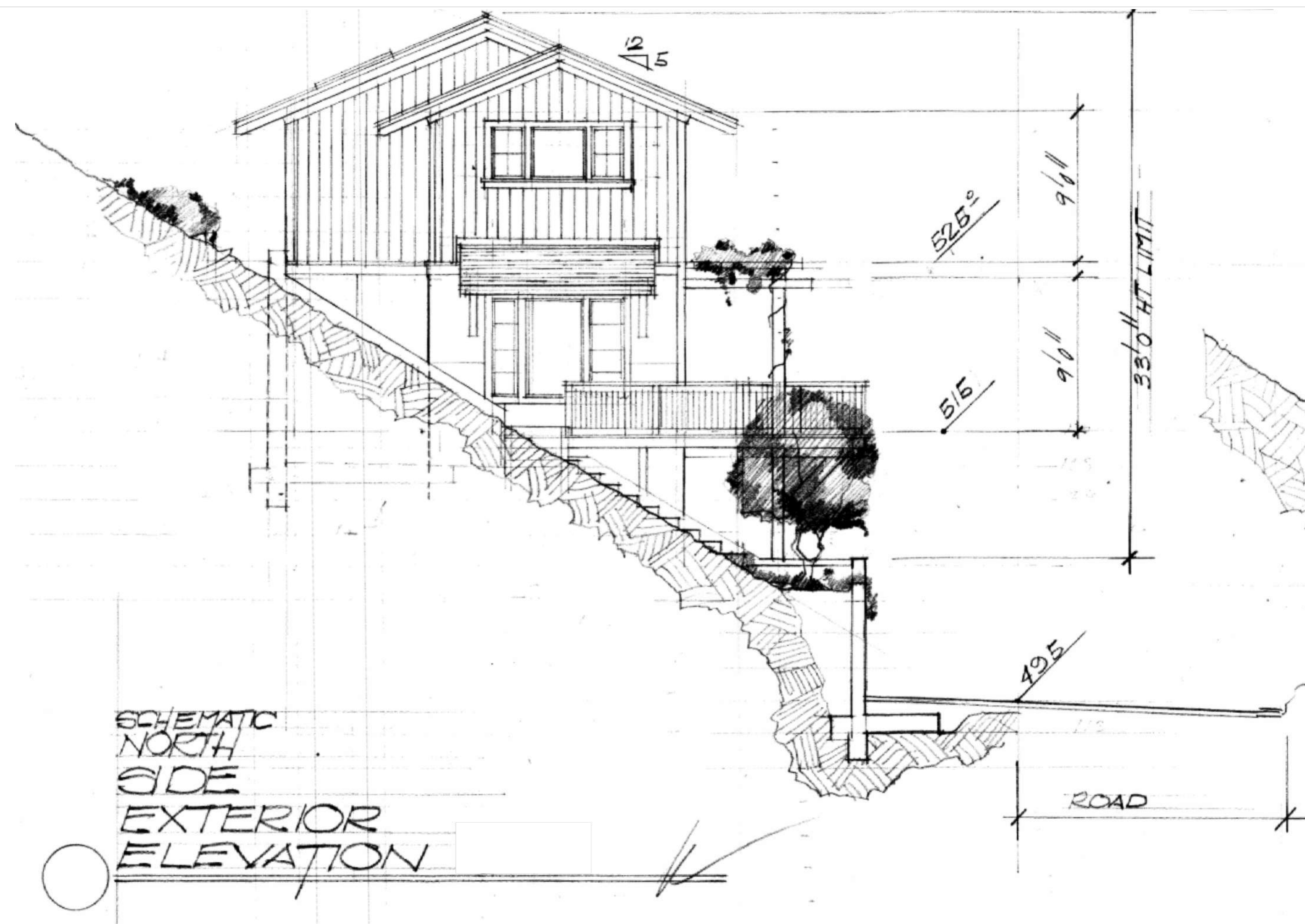
POWER RESIDENCE
 KENSINGTON,
 CONTRA COSTA COUNTY, CA

ELEVATIONS AND SECTION

MMDDYY	_____
11/11/2025	PRELIMINARY DESIGN
04/02/2026	1ST SUBMITTAL SET
_____	_____
_____	_____
_____	_____

A 2.1





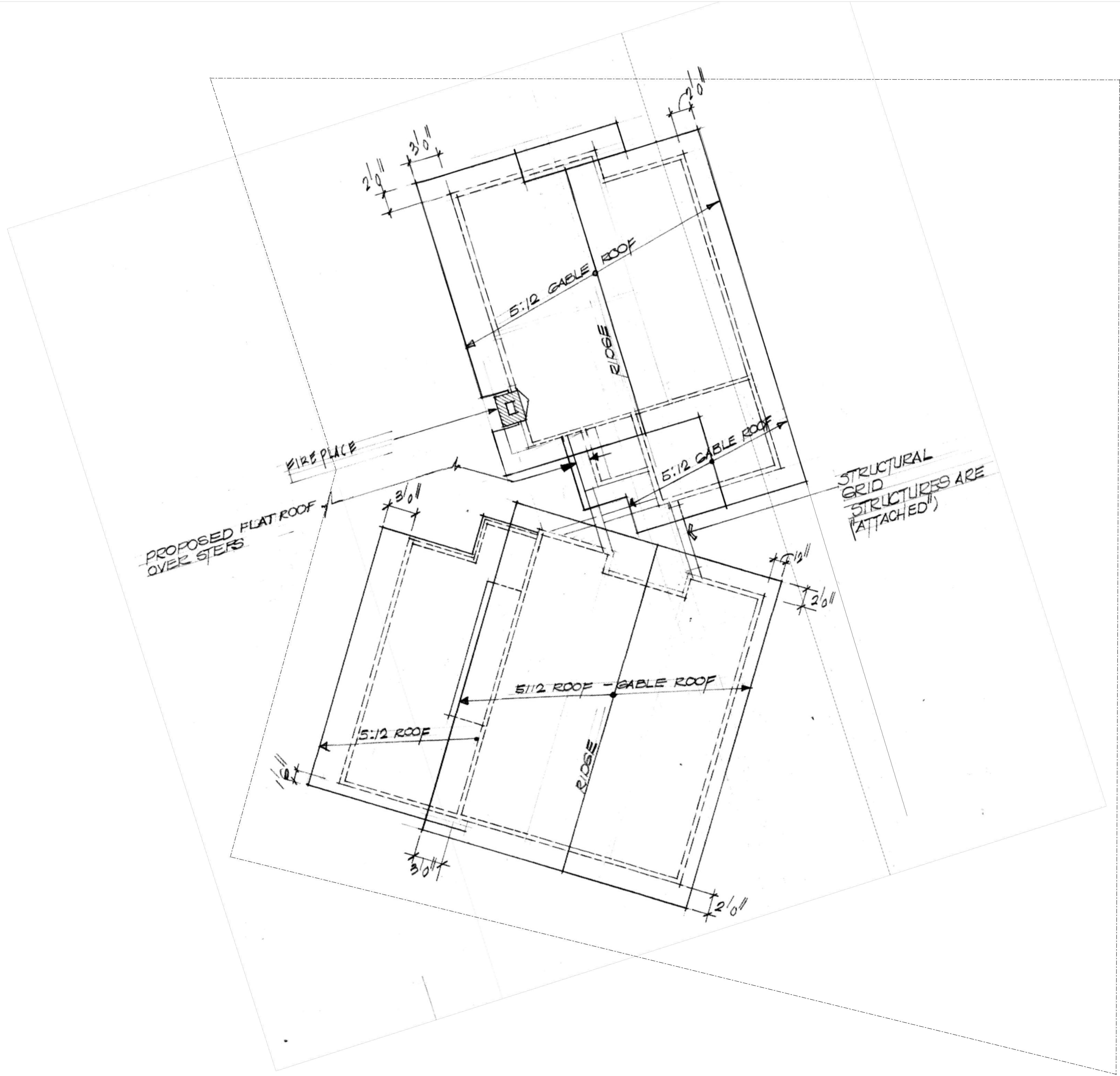
POWER RESIDENCE
 KENSINGTON,
 CONTRA COSTA COUNTY, CA

ELEVATIONS AND SECTION

MMDDYY	11/11/2025	PRELIMINARY DESIGN
	04/02/2026	1ST SUBMITTAL SET

A 2.2





POWER RESIDENCE
 KENSINGTON,
 CONTRA COSTA COUNTY, CA

ROOF PLAN

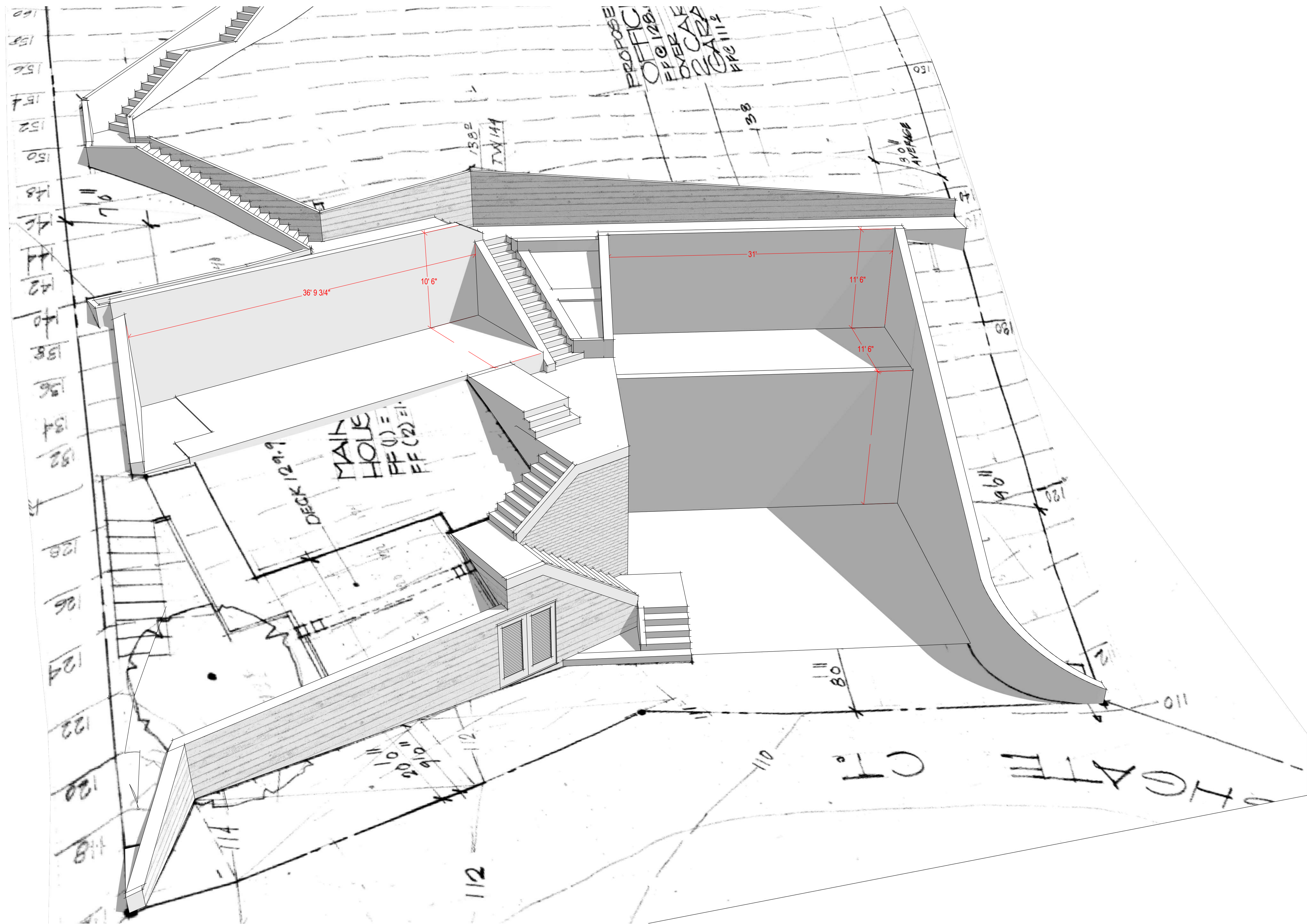


MMDDYY	_____
11/11/2025	PRELIMINARY DESIGN
04/02/2026	1ST SUBMITTAL SET
_____	_____
_____	_____
_____	_____

N

A 3.1





POWER RESIDENCE
 KENSINGTON,
 CONTRA COSTA COUNTY, CA

RETAINING WALL VIEW

MMDDYY	_____
11/11/2025	PRELIMINARY DESIGN
04/02/2026	1ST SUBMITTAL SET
_____	_____
_____	_____
_____	_____

A 4.2



