

CONTRA COSTA COUNTY

2024 OCT 17 PM 2: 57

APPLICATION & PERMIT
CENTER

Community Development Division (CDD)
Department of Conservation and Development
30 Muir Rd.
Martinez, CA 94553

Attn: Planning File # CDDP24-03011

Attn: Dulce Reckmeyer-Walton

Site Address: 2 Highland Blvd, Kensington, CA 94707
APN: 572-013-006

Subject: Appeal - Planning File # CDDP24-03011 on grounds of privacy

Sir/Madam,

We would like to appeal the approval for the project at 2 Highland Boulevard / APN: 572-013-006.

- *Requestor Names:* Hemang Patel and Aditi Shastri
- *Requestor Address:* 7 Arlington Avenue, Kensington, CA 94707
- *Requestor Contact Information:*
 - Hemang Patel - 510 516 8761 / hemang@berkeley.edu
 - Aditi Shastri - 510 495 5767 / aditishas@gmail.com

The planned changes at 2 Highland Blvd, Kensington CA would significantly intrude upon our privacy and provide the applicants (our neighbors) with an unobstructed view into our kitchen, dining room, bathroom, our son's bedroom, guest bedroom, and other living areas (see image below showing the numerous windows visible). We are very concerned about these changes and would like to appeal the decision.

COMMUNICATION HISTORY

We did not receive the mailed notice for the hearing to be held on October 7. We submitted a written appeal on Feb 20, 2024 and an email inquiry on June 18, and followed up on Oct 10, 2024 as we had not heard back. That's when we found out that the review meeting had been held on Oct 7, 2024.

KMAC and STAFF RECOMMENDATION:

The KMAC review meeting made their decision based on the incorrect assumption that residents at 7 Arlington would be allowed to grow vegetation to whatever width and height they wanted along the property line. This assumption that was given as one of the many reasons for their decision is incorrect as we learned from an email by Adrian Veliz.

The KMAC review board acknowledged during the review process that they were not sufficiently familiar with the applicable code and told us that the County would make its own determination independent of the KMAC decision.

Below are our concerns with the proposed privacy measures mentioned by KMAC which the staff at CDD also proposed:

1. *Inadequate width of privacy fence:* Thus, their assumption as told to us during the review meeting was that the lattice privacy fence needed to provide only bare minimum screening. The proposed deck is approximately 27 ft wide while the width of the recommended privacy fence is only 4 ft 8 inches which is grossly inadequate and barely provides any privacy at all.
2. *Inadequate height of privacy fence:* During our discussion with 2 Highland residents, in their presence, we placed an opaque plastic sheet that would more accurately reflect the coverage provided by any screen. During this experiment, 8ft x 4ft 8 inches barely provided any coverage of the affected living areas. Based on the experiment using the opaque plastic, a 10 ft high by 12ft wide screen would provide sufficient coverage of affected areas. But, the neighbor didn't want the screen to be as big so they removed the plastic promptly and left the smaller height poles up. The poles put up by 2 Highland give the appearance of being a privacy fence but do not protect our privacy in any meaningful way and provide full view of the various living areas that would be visible from the deck.
3. *Inadequate screening by Maple Tree:* The maple tree on the neighbors sheds most of its leaves five months out of the year and, further, it is not a permanent, unalterable structure. The neighbor at their choice could trim or cut off branches at any time without consequence after the deck has been built.
4. *No privacy screening proposed for Juliet balcony:* During the KMAC meeting, 2 Highland indicated that they had dropped the Juliet balcony from the plans and thus no privacy screening was discussed or recommended by KMAC. The CDD staff recommendation also does not provide any privacy screening for the Juliet balcony that has a view into our son's bedroom, guest bathroom, and the only bathroom in the house.
5. *Easily alterable vegetation privacy screening:* The screening as proposed with trees can be easily altered at any time by 2 Highland as per their desire and may not grow to the required height by the time the construction is completed. It may take years before it gets to the required height. We request a more permanent solution be added as a condition for approval that can't be so easily altered.

We hope the above has provided sufficient detail on our concerns with the proposed alterations at 2 Highland as well as the proposed solution of privacy screening. We are available for questions or clarifications. Please feel free to reach out.

We look forward to hearing from the office on next steps.

Sincerely, *Aditi Shastri*
Hemang Patel and Aditi Shastri

PICTURES OF PROPERTY FACING 2 HIGHLAND AND AFFECTED AREA AT 2 HIGHLAND

