

APPLICANT LETTER

7/3/2009

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license:
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03 JUL '09

Mr. Ryan Hernandez
Contra Costa County Department of Conservation and Development
651 Pine Street, 4th Floor North Wing
Martinez CA 94553



Re: 401 Colusa Avenue, Kensington

Mr. Hernandez et al,

I am writing to make a formal claim that the Appeal, by the Rodney Paul and the CCIA, of the Planning Commission's 10/28/08 decision on our subject Application, is without proper grounds, is invalid, and must not be considered by the Board of Supervisors. I am making this claim based upon the following facts:

- 1.) The Appeal cites only certain parts of the General Plan that specifically do NOT apply to our proposal; specifically, a 35 ft. height limit and a 40% lot coverage limitation. If they do not apply, then the General Plan aspect of this Appeal must be set aside as ungrounded.
- 2.) The Appeal cites The Kensington Ordinance, section 84-74.1206 as a "required standard" that has not been satisfied by the evidence of the application; the "Kensington Combining District Ordinance" does not apply to this application, as stated in the Staff report, pages S-5 and S-6. The Appeal makes other references to the "Kensington View Ordinance", which does not in fact exist. This aspect of the Appeal must be set aside as ungrounded.
- 3.) The remainder of the Appeal is merely conjectural, based upon:
 - a) parking "concerns" that have been satisfactorily addressed by the Applicant. Our parking scheme was also approved, in writing, by the CCIA. It is only because the CCIA does not like the third floor that it is now making Appellant claims against our parking proposal; and
 - b) a statement that our proposed mixed-use building on a commercially zoned lot will be "taller than most of the existing 1 and 2 story homes in the area and (therefore) inconsistent with the general character of the neighborhood." The statement makes no reference to the size of nearby and similarly situated commercial and residential buildings that are also "taller than most of the existing 1 and 2 story homes in the area." This is a nonsensical statement by Mr. Paul, is but a deliberate obfuscation, and is not proper grounds for an Appeal.

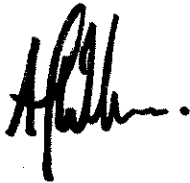
You may be inclined to grant Rodney Paul and the CCIA some latitude as to the format of their appeal, because they are not development professionals. We are not so inclined. We have spent over \$40,000 in

planning fees on our Application, much of those fees generated by Mr. Paul interacting with the Planning Department on behalf of himself and the CCIA. The CCIA has to date spent \$125 on an Appeal. It is incumbent upon them to be certain that their Appeal meets the County's requirements governing the same. Should you decide NOT to disqualify their Appeal, you would do so in the full light of this claim.

Please inform me once the decision has been made to disqualify the CCIA's Appeal, or not. In the latter case, I request that you provide the rationale. ✓

If this is not your decision to make, please forward this letter, complete, to the proper person(s).

Thank You,



Andrew Woolman,
architect and applicant
on behalf of The Circle Partners.

Cc: The Circle Partners