

**COLUSA CIRCLE IMPROVEMENT
ASSOCIATION APPEAL LETTER
11/7/2008**

November 3, 2008

Contra Costa County Application and Permit Center
651 Pine Street
Martinez, CA

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APPLICATION & PERMIT CENTER

Re: 401 Colusa Development Project, County File # DP82-3056

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GP050006
MS060011

Appeal

As residents of Contra Costa and Alameda Counties and members of the Colusa Circle Improvement Association, we would like to appeal the decision of the Planning Commissioners on October 28, 2008 by a vote of 5-1 to approve modified plans by Andrew Woolman and The Circle Partnership for development of 401 Colusa Ave. in Kensington for the following reasons:

A petition signed by neighborhood residents indicates that over 450 residents would be impacted if this decision is allowed to stand.

The Commission failed to address the problem that the project does not conform to the General Plan. The project exceeds the appropriate scale of development for such a small parcel and would contribute to the parking shortfall in the neighborhood. It would also block protected views of San Francisco and the Bay from nearby residences.

The General Plan was adopted in 1991 and it states that the height of the building shall not exceed 35 feet (the plan recommended by the Planning Commission includes portions that are over 40 ft.); nor should the maximum site coverage exceed 40% (both the recommended plan and the original submitted by the applicant is 67.7% coverage).

Furthermore:

1. The Commission did not fully consider the Kensington Ordinance, section 84-74.1206, section a, standards of consideration:

To ensure the development will promote the values articulated in section 84-74.204 and promote the general welfare, public health and safety of the community, the zoning administrator shall evaluate siting, size, bulk, building envelope, height, setbacks, relative scale, off-street parking spaces, window placement, artificial lighting, and location of mechanical devices, such as motors, fans and vents. These features of the development shall be evaluated on the basis of their impacts on the neighboring properties, with regard to view protection, obstructions, privacy in living areas, parking, light and solar access, maintaining residential noise levels, and compatibility with the neighborhood with regard to bulk and scale.

The owners of residences at 1619 Oak View and 1615 Oak View have downward facing views of San Francisco and the Bay that are protected under the Kensington View Ordinance.

2. The Commission failed to consider reducing the project in height to 2 stories to reduce the impact of parking and traffic demands on the Circle. The project needs to be reduced in height from 3 stories to 2 stories because it does not conform to the

building requirements of the General Plan, and would be taller than most of the existing 1 and 2 story homes in the area and inconsistent with the general character of the neighborhood.

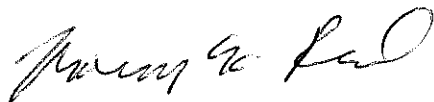
3. The Commission failed to address whether the stacked parking being proposed under the project will be able to accommodate typically wider model cars in popular use. If residents of the new building have cars that do not fit the limited contours of the stacked parking device, they will resort to parking on the street and contributing to the existing high demand for parking. Oak View and other nearby side streets have parking available only on one side. In addition, many of these homes have tandem, steep or narrow garages that can't always house a standard size car, and some of which cannot accommodate a late model car at all.
4. The existing empty lot at 401 Colusa presently handles at least 10 parking spaces that will not be available when development is completed there. This will further contribute to the overall increase in parking demands.

Our group attempted to reach a compromise with the applicants by asking them to consider a mixed 2- and 3-story project with the 3rd story portions of the structure moved south on Colusa Ave. to eliminate the impact on residential views. They refused to respond to our suggestion but stated at the Oct. 28 hearing that they did not believe such a compromise would be feasible.

We therefore believe that limiting the size of the project to 2 stories is the best solution. Doing so would preserve the protected residential views and mitigate the other problems both the modified project recommended by the Planning Commission and the original plan submitted by the applicants present.

For these reasons, we respectfully ask that the decision of the Planning Commission decision be vacated and the applicants advised to develop plans for developing a 2-story building at 401 Colusa Ave.

Sincerely,



Rodney Paul
Chair, Colusa Circle Improvement Assoc.
1619 Oak View Ave.
Kensington CA 94707