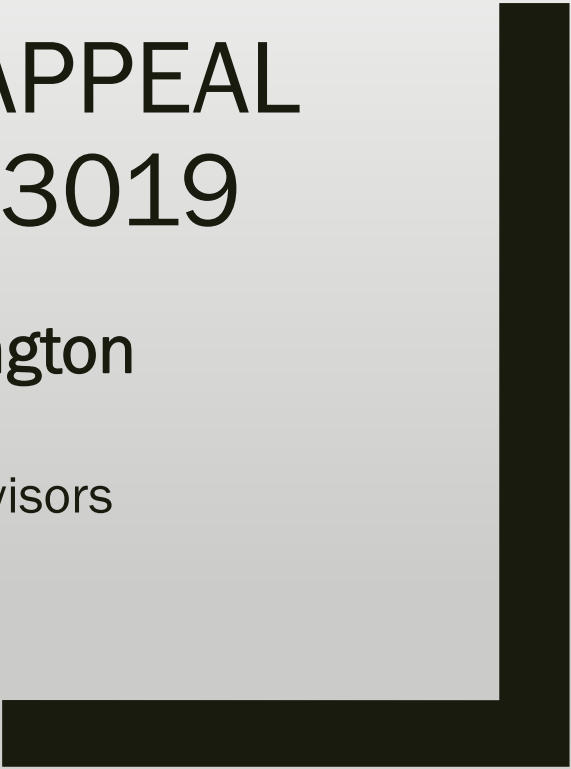




**DEVELOPMENT PLAN APPEAL
COUNTY FILE #DP19-3019**

120 St. Albans Road, Kensington

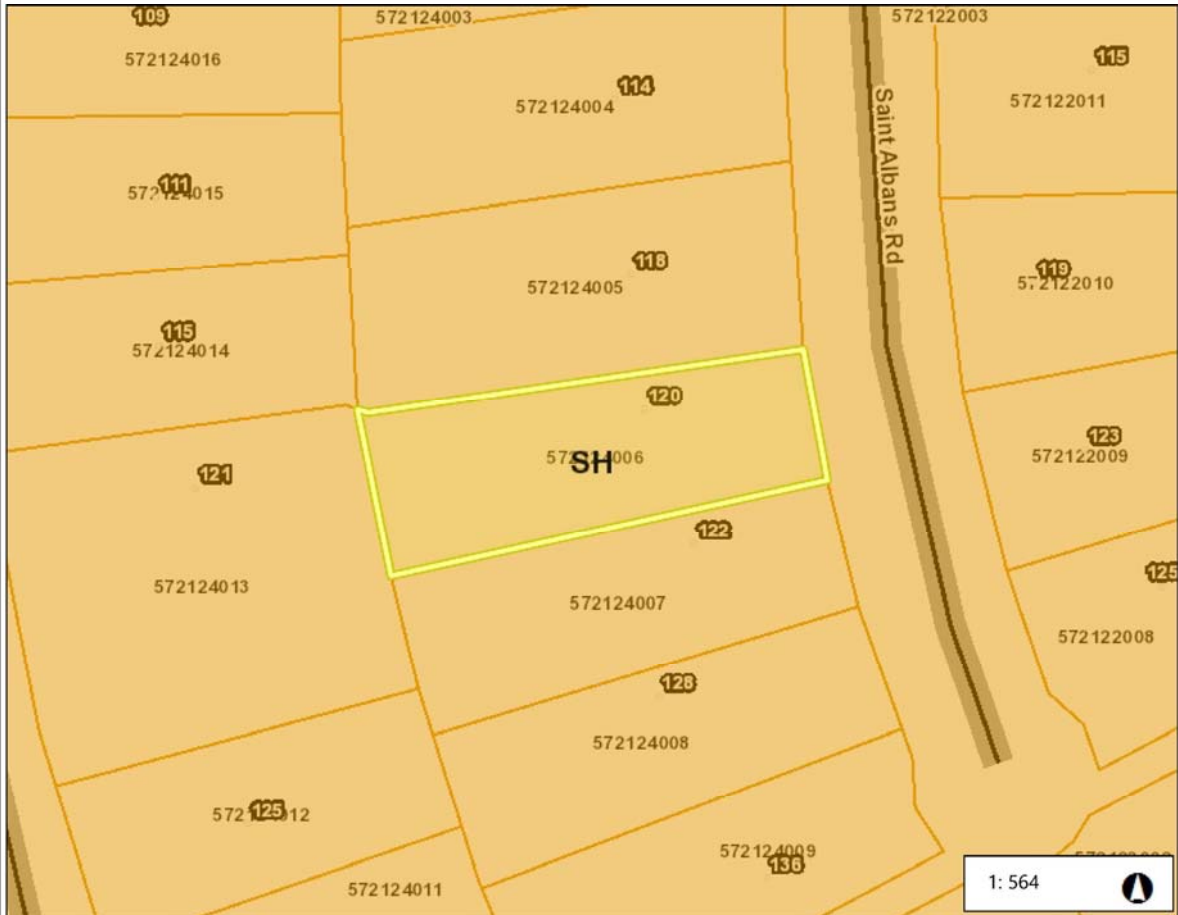
Contra Costa County Board of Supervisors
Tuesday, November 3, 2020
9:30 a.m.



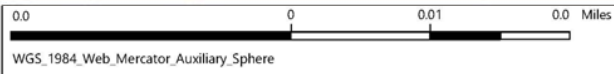
PROJECT DESCRIPTION

This is a hearing of an appeal of the County Planning Commission's decision to approve a Kensington design review development plan for an approximately 326-square-foot two-story addition, an interior remodel of the upper level and a new deck at the rear of the existing single-family residence at 120 St. Albans in Kensington.

General Plan Map: Single-Family Residential - High Density



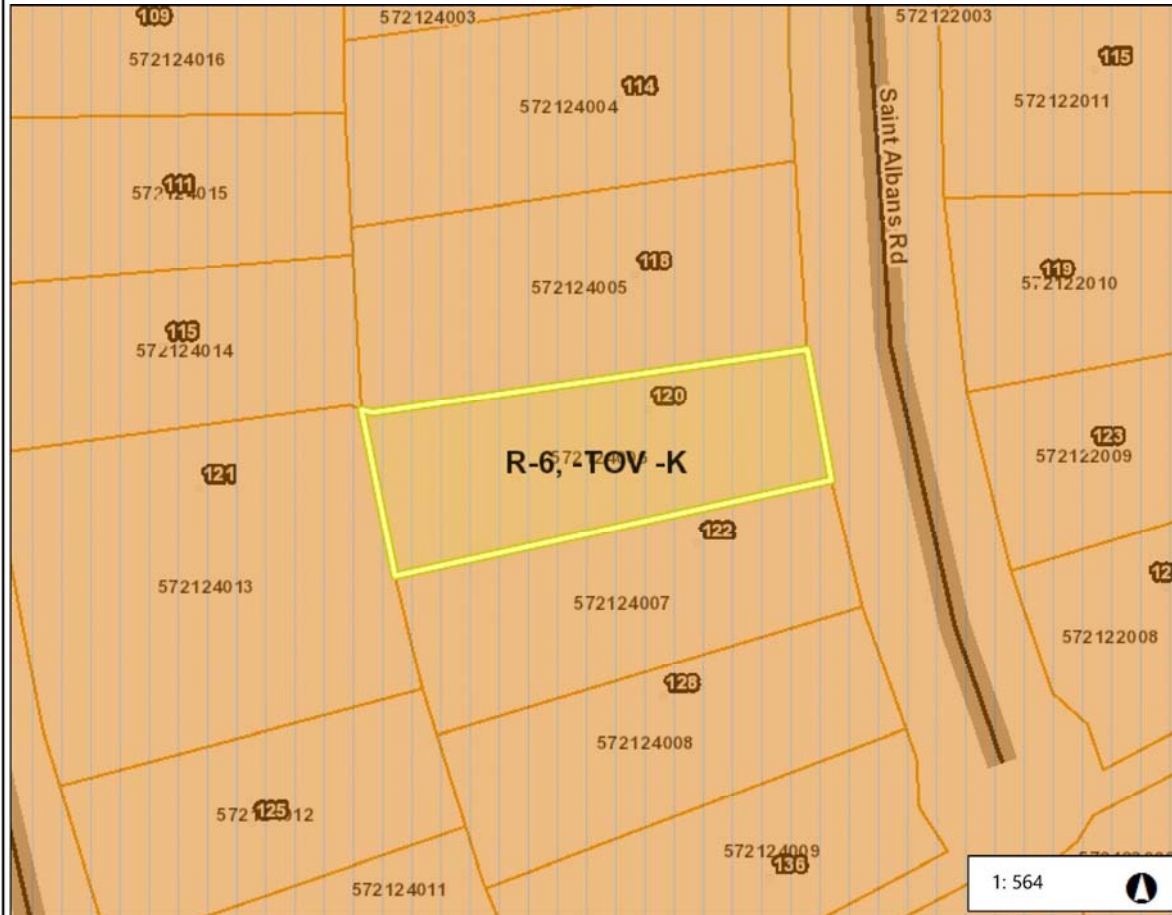
- Legend**
- General Plan**
- SV (Single Family Residential - Ver
 - SL (Single Family Residential - Low
 - SM (Single Family Residential - Me
 - SH (Single Family Residential - Hig
 - ML (Multiple Family Residential - Lc
 - MM (Multiple Family Residential - Iv
 - MH (Multiple Family Residential - H
 - MV (Multiple Family Residential - V
 - MS (Multiple Family Residential - V
 - CC (Congregate Care/Senior Hous
 - MO (Mobile Home)
 - M-1 (Parker Avenue Mixed Use)
 - M-2 (Downtown/Waterfront Rodeo I
 - M-3 (Pleasant Hill BART Mixed Use
 - M-4 (Willow Pass Road Mixed Use)
 - M-5 (Willow Pass Road Commercia
 - M-6 (Bay Point Residential Mixed L
 - M-7 (Pittsburg/Bay Point BART Star
 - M-8 (Dougherty Valley Village Cent
 - M-9 (Montalvin Manor Mixed Use)
 - M-10 (Willow Pass Business Park A
 - M-11 (Appian Way Mixed Use)
 - M-12 (Triangle Area Mixed Use)
 - M-13 (San Pablo Dam Road Mixed
 - M-14 (Heritage Mixed Use)



This map is a user generated static output from an Internet mapping site and is for reference 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

Notes
 Contra Costa County - DOIT GIS

Zoning Map: R-6, -TOV, -K

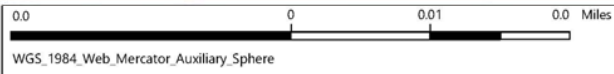


Legend

- Zoning**
- R-6 (Single Family Residential)
 - R-6, -FH -UE (Single Family Resid Urban Farm Animal Exclusion Com)
 - R-6 -SD-1 (Single Family Resident Hillside Development Combining Di
 - R-6 -TOV -K (Single Family Reside View Ordinance and Kensington Cc
 - R-6, -UE (Single Family Residential Exclusion Combining District)
 - R-6 -X (Single Family Residential - Combining District)
 - R-7 (Single Family Residential)
 - R-7 -X (Single Family Residential - Combining District)
 - R-10 (Single Family Residential)
 - R-10, -UE (Single Family Residenci Exclusion Combining District)
 - R-12 (Single Family Residential)
 - R-15 (Single Family Residential)
 - R-20 (Single Family Residential)
 - R-20, -UE (Single Family Residenci Exclusion Combining District)
 - R-40 (Single Family Residential)
 - R-40, -FH -UE (Single Family Resic Urban Farm Animal Exclusion Com)
 - R-40, -UE (Single Family Residenci Exclusion Combining District)
 - R-65 (Single Family Residential)
 - R-100 (Single Family Residential)
 - D-1 (Two Family Residential)
 - D-1 -T (Two Family Residential - Tr

Notes

Contra Costa County - DOIT GIS



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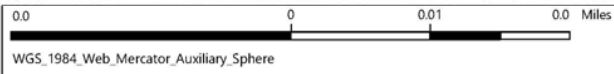
Aerial Photograph



Legend

- Address Points
- Streets
- Assessment Parcels
- World Imagery
 - Low Resolution 15m Imagery
 - High Resolution 60cm Imagery
 - High Resolution 30cm Imagery
- Citations

1: 564



WGS_1984_Web_Mercator_Auxiliary_Sphere

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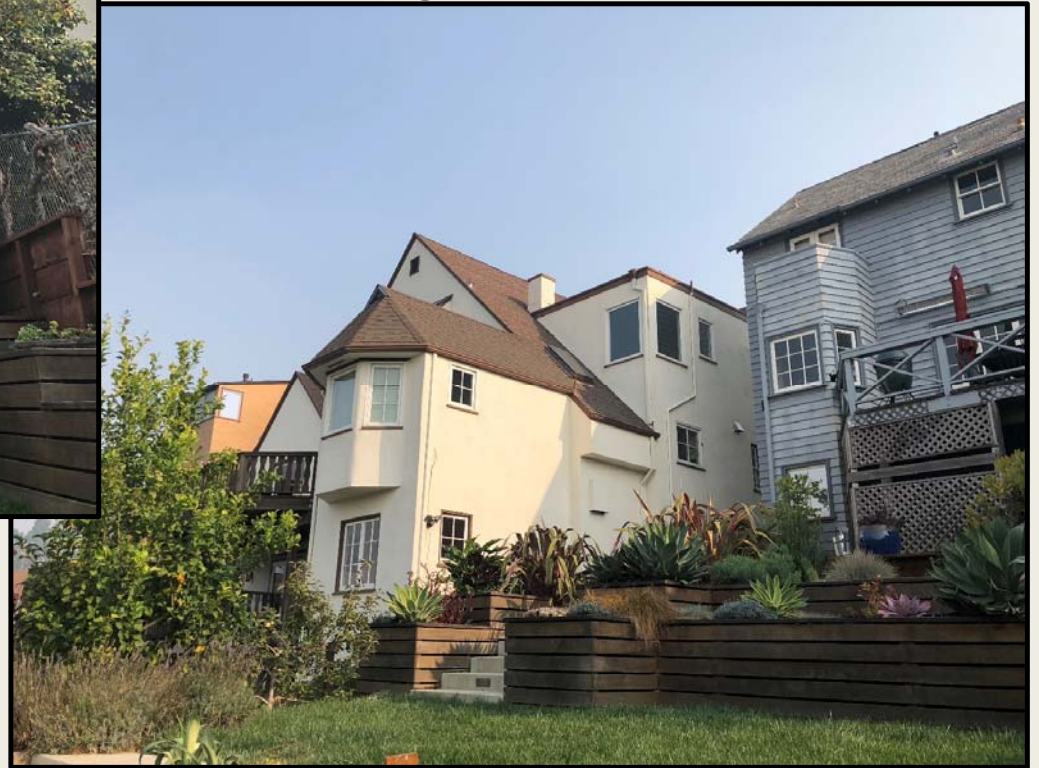
Notes

Contra Costa County - DOIT GIS



Existing residence at 120 St. Albans Rd.

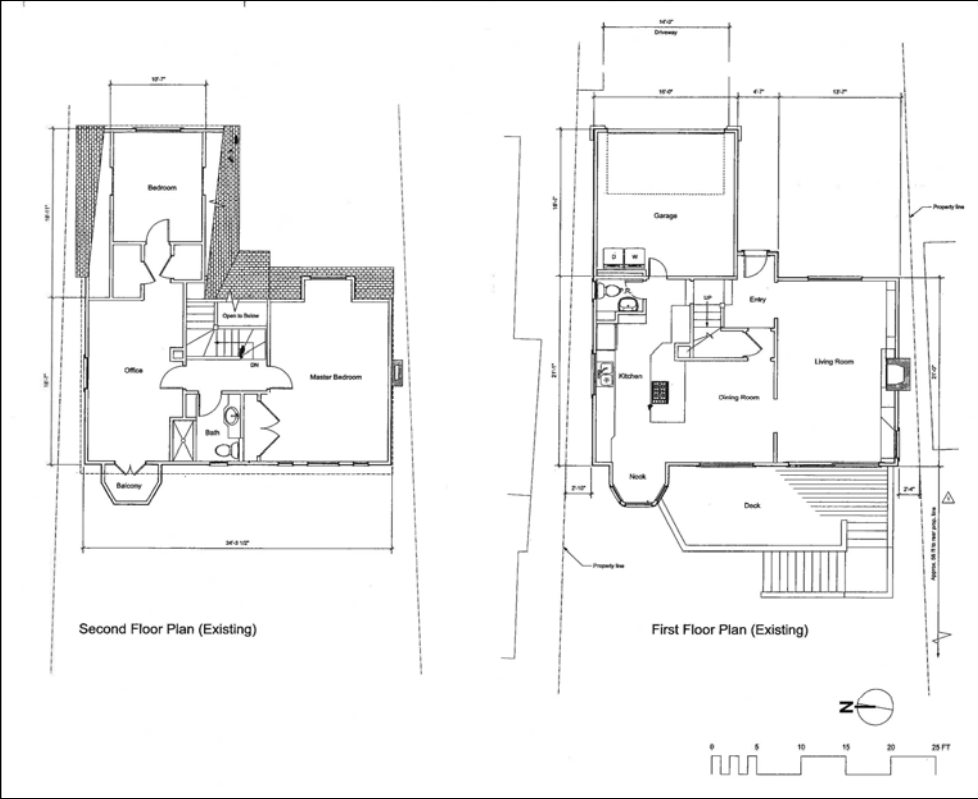
View of existing residence at 118 St. Albans Rd.



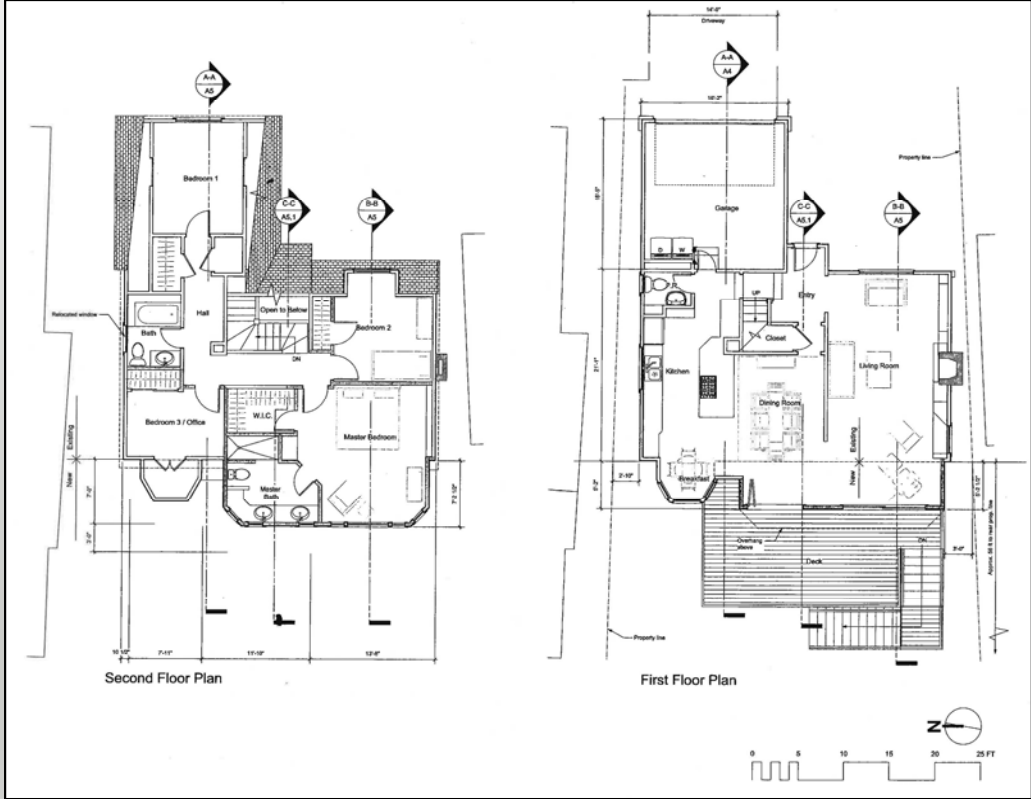
BACKGROUND

- A Kensington design review application (County File #KR19-0011) was submitted on July 26, 2019.
- Two hearing requests were received during the required 34-day public comment period.
- A development plan application (County File #DP19-3019) was then submitted on September 18, 2019.
- The project was scheduled at the December 16, 2019 Zoning Administrator hearing. The project was continued twice until the Zoning Administrator approved the item at the January 22, 2020 meeting with changes to finding #3 and finding #7, and changes to Condition of Approval (COA) #3 and the addition of COA #4 and COA #5.
- Staff received one letter on February 3, 2020, appealing the Zoning Administrator's decision to the County Planning Commission.
- Staff received one letter on February 3, 2020, appealing the Zoning Administrator's decision to the County Planning Commission. At the August 12, 2020 County Planning Commission Meeting, the Commission upheld the County Zoning Administrator's decision and denied the appeal. The motion was passed by the Commission with a 5-2 vote.
- One appeal has been filed on the matter by Jillian Blanchard, representing Nicole Ashar and Joseph Petroziello.

FLOOR PLAN

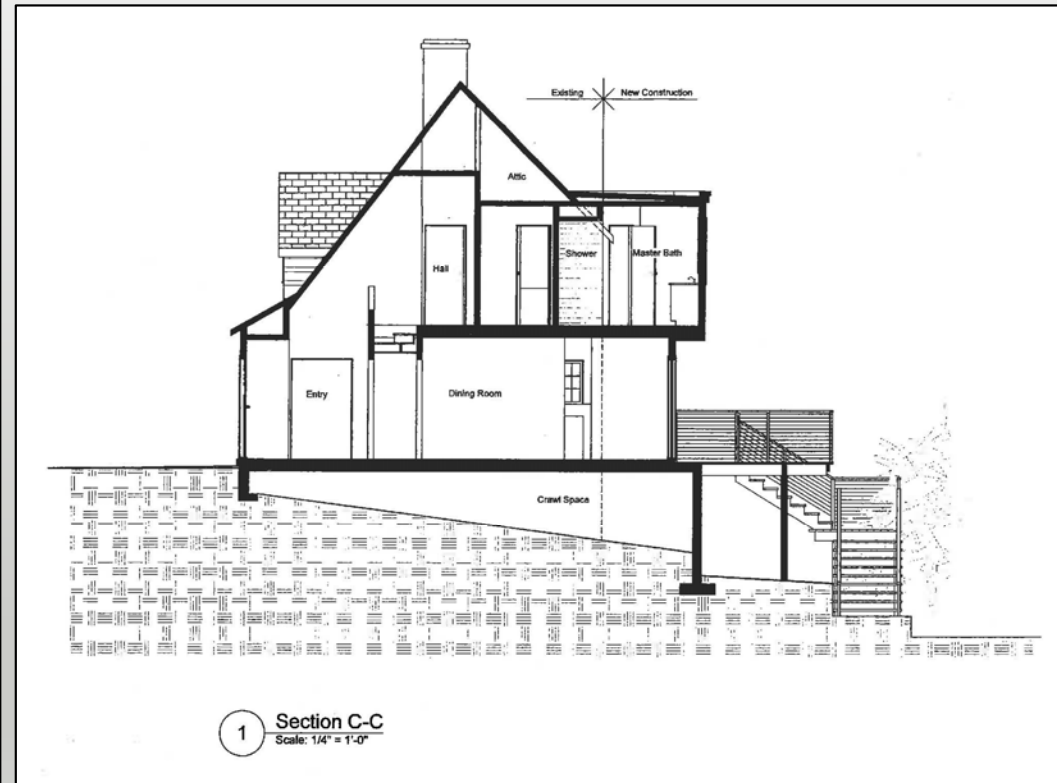
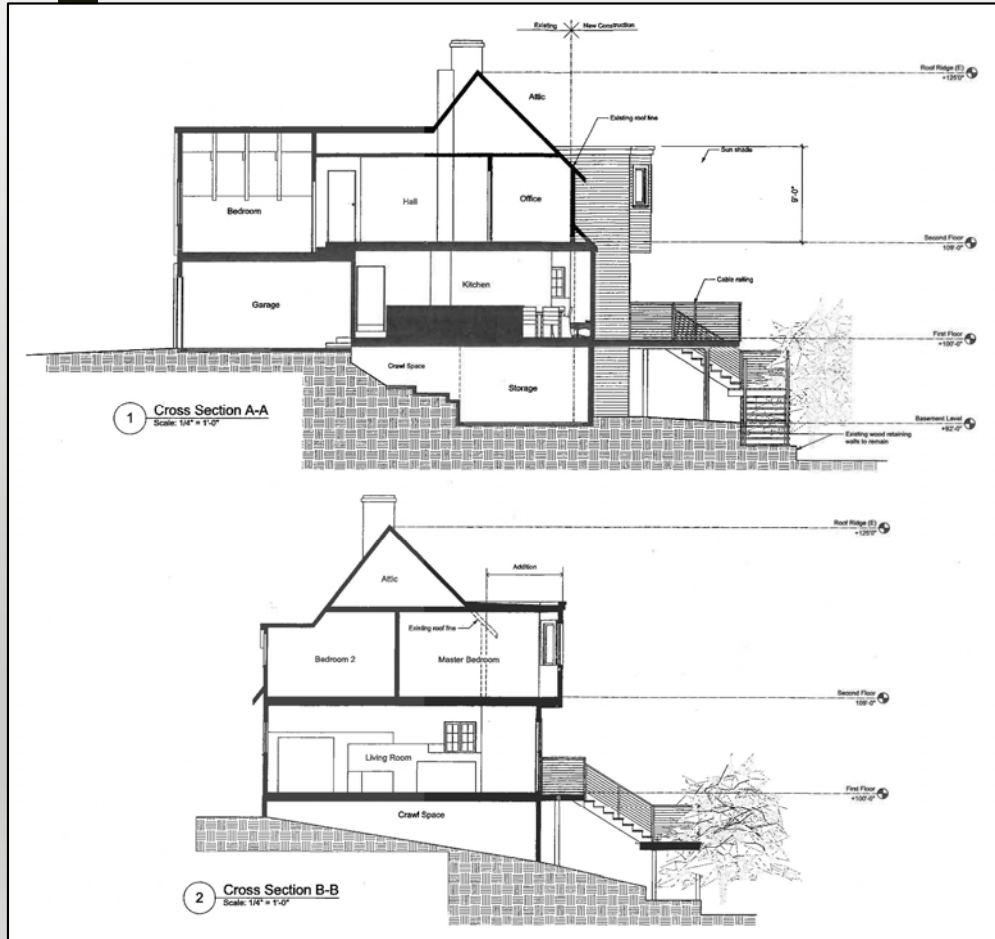


Existing



Proposed

PROPOSED CROSS SECTIONS



SUMMARY OF APPEAL POINTS

- Variances for three stories and the setbacks should be required for the addition.
- The project does not comply with the Kensington Combining District with regard to views, privacy, property values, and use and enjoyment of the home.
- The decision to approve the project was not based on substantial evidence in the record, and the staff reports include misstatements.
- There were procedural and substantive due process violations, including failure to provide adequate notice, violations of the Brown Act, failure to require story poles, “impartial” decision-makers testifying on the behalf of the applicant, and relying on biased testimony when rendering a decision.

AERIAL PHOTO



VIEW FROM APPELLANT'S MASTER BATHROOM WINDOW



VIEW FROM APPELLANT'S MASTER BATHROOM WINDOW



These images are different angles through the same window and show detail from the prior slide.

VIEW FROM APPELLANT'S KITCHEN WINDOW



STAFF RECOMMENDATION

Staff finds that the proposed development is consistent with the Single-Family Residential High-Density (SH) General Plan land use designation and complies with the intent and purpose of the Single-Family Residential District (R 6), Kensington Combining District (-K), and Tree Obstruction of Views Combining District (-TOV). Two conditions of approval have been added to the attached Findings and Conditions of Approval; one that requires the deck and addition to be setback 3-feet 2-inches in order to comply with the 8-foot aggregate side yard setback, and one that requires the deck railing to be cable or glass. The Zoning Administrator also modified COA #3 to address concerns brought up by the appellant regarding privacy. No compelling evidence has been provided by the appellant to overturn the decision of the Zoning Administrator to approve the project. Therefore, staff recommends that the Board of Supervisors deny the appeal and sustain the County Planning Commission's approval of County File #DP19-3019, based on the attached findings and subject to the attached conditions of approval.



QUESTIONS?