

To: Contra Costa County Board of Supervisors
From: Michael Chanowitz and Alice Supton
Re: Development Plan Application #DP15-3030 (Lawson Rd., Kensington)

We live at 52 Kensington Court, to the east directly behind the proposed structures on Lawson Road. The scale (height and bulk) of the main building will have a major impact on our property, causing us to face a significant potential loss. The project will effect our most significant view, west toward the bay. We were not included in the mediation effort which Supervisor Gioia attempted with the neighbors to the north but have participated actively in each stage of the review process, most recently at the meeting of the County Planning Commission. We also very much appreciate Supervisor Gioia taking the trouble to make a site visit to our home. We hope that the impact on our property will be among the factors considered as the Board evaluates the application.

We currently enjoy "iconic views" of SF Bay, including the SF skyline, both bridges and all of the East Bay foreground. We are only at a slightly greater elevation than the proposed roof so that we would look over it at a very shallow angle. Because the lot is long and narrow, the roof of the new structure extends about 70 feet along our line of sight toward the bay. While we will still see the bay (though just barely from the lower level), the new roof will become the dominant object in our field of view. Since our viewing angle is shallow the Zoning Administrator's recommendation to reduce the height by three feet would mitigate the impact, though our views from both levels would still be substantially affected.

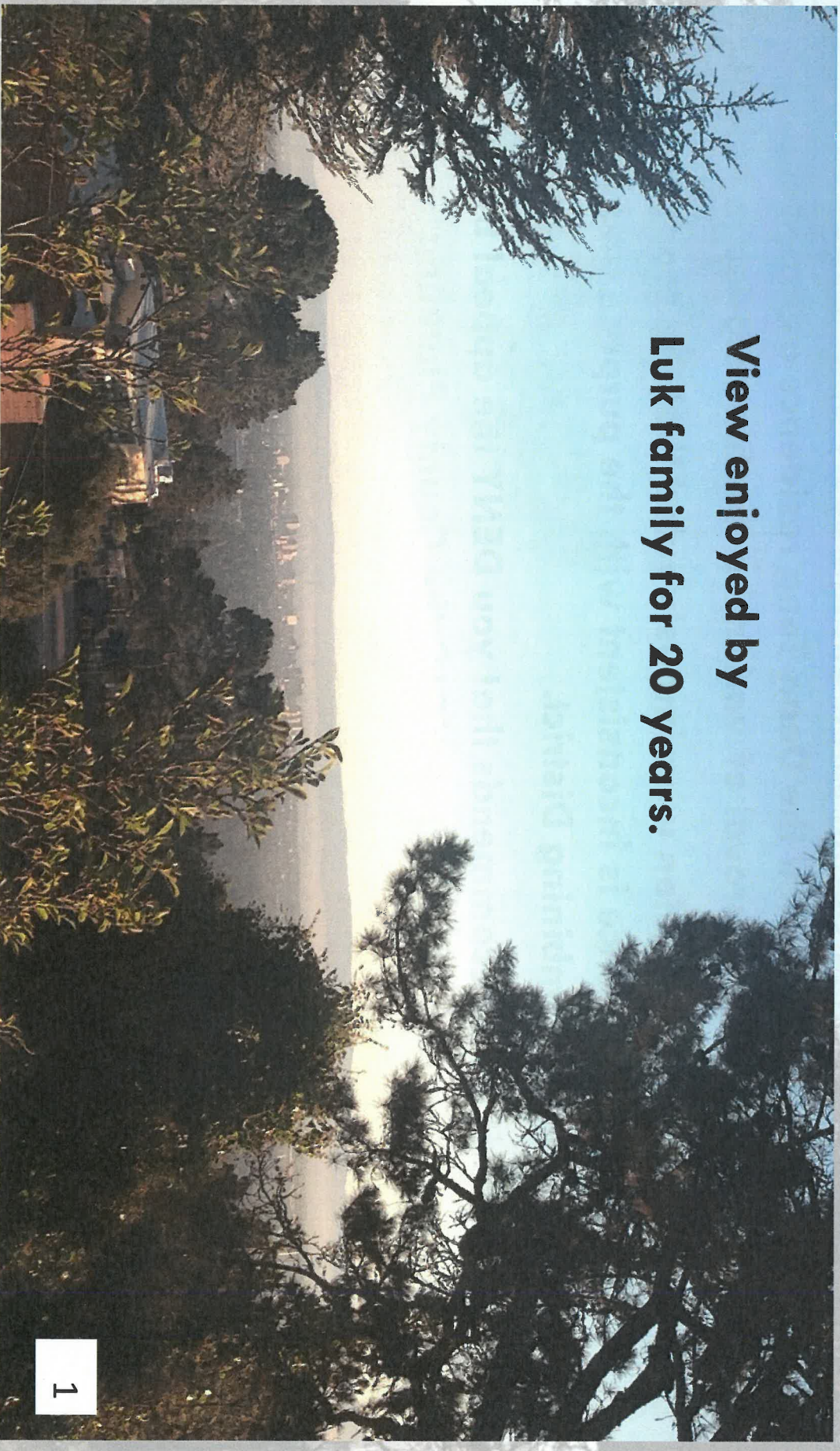
A three foot height reduction would also mitigate, though not fully remove, concerns about the project bulk, which greatly exceeds what is typical for the neighborhood. The volume of the house is greater than a typical neighborhood house with the same 4200 square foot floor area for two reasons. First, if the second floor extended for the full length of the building (above the "great room" with its 20+ foot ceiling height), the area would be about 4700 square feet. Second, the 10 foot ceilings in all other rooms increase the volume by 25% relative to conventional 8 foot ceilings, so that the net interior bulk is comparable to that of a 5800 square foot structure with conventional 8 foot ceiling heights throughout. All together the bulk as originally proposed is almost 40% greater than that of a 4200 square foot house with 8 foot ceilings.

While we recognize the right of our prospective neighbors to develop their property we hope it can be done in a way that minimizes the impact on the existing neighborhood.

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Panoramic Southern View from Luk Home

**View enjoyed by
Luk family for 20 years.**



Reasons for Denial of Dean Tong Appeal

1. **The County Planning Commission unanimously upheld the Luk family appeal and denied the Dean Tong residence as designed. Including denial of approval of variances for three stories in height.**
2. **The Planning Commission unanimously ruled that the proposed single family residence is inconsistent with the purpose and intent of the Kensington Combining District.**
3. **County staff now recommends that you DENY the appeal by Edward Dean and Darlene Tong and UPHOLD the County Planning Commission's decision.**
4. **View and Solar Access Obstruction Leading to Loss of Enjoyment of Property (Obstructing Views as defined in the Kensington Combining Ordinance 84-74.204)**
5. **Excessive Bulk and Scale not compatible with neighborhood as required by the Kensington Combining Ordinance 84-74.204**

Reasons for Denial of Dean Tong Appeal

84-74.202 Kensington (-K) combining district. All land within a land use district combined with the Kensington combining (-K) district shall be subject to the following additional regulations set forth in this chapter. (Ord. 2004-46, § 2.)

84-74.204 Purpose and intent.

(a) The purpose of this chapter is to provide specific regulation to fairly and efficiently implement the Contra Costa County General Plan Policies for the Kensington Area so that future development recognizes the rights of property owners to improve the value and enjoyment of their property while minimizing impacts upon surrounding neighbors and not substantially impairing the value and enjoyment of their neighbors' property; maintains the community's property values; and promotes the general welfare, public health and safety.

(b) It is a further purpose of this chapter to promote the community's values of preservation of views, light and solar access, privacy, parking, residential noise levels, and compatibility with the neighborhood with regard to bulk and scale.

(c) Features of a development that could influence these values include but are not limited to 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 vent
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(Ord. 2004-46, § 2.)

Reasons for Denial of Dean Tong Appeal

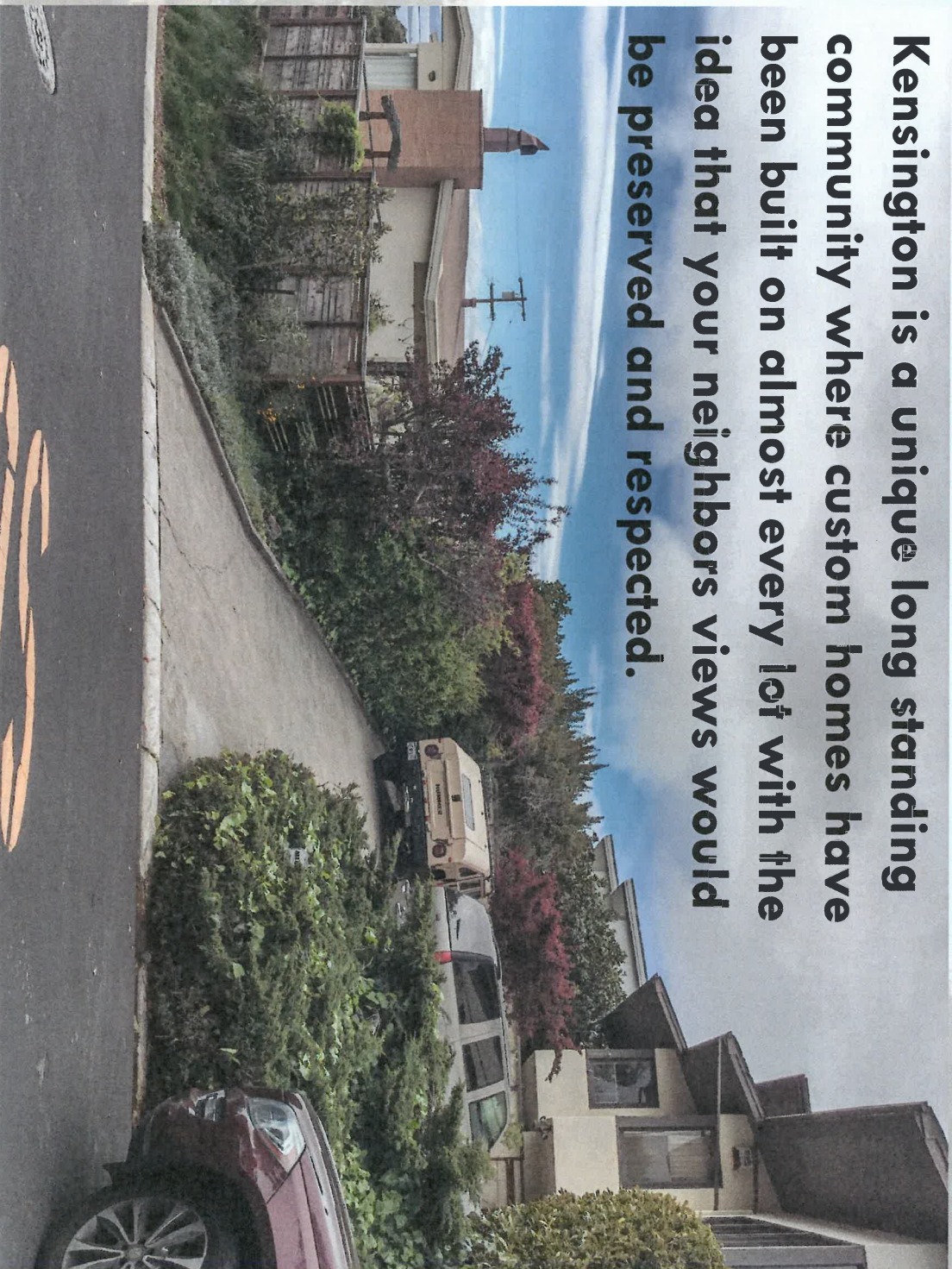
Article 84-74.4

Definitions

(r) “View” means a scene from a window in habitable space of a neighboring residence. The term “view” includes both up-slope and down-slope scenes, but is distant or panoramic range in nature, as opposed to short range. Views include but are not limited to scenes of skylines, bridges, distant cities, distinctive geologic features, hillside terrain, wooded canyons, ridges, and bodies of water. (Ord. 2004-46)

Kensington Neighborhood photos PRESERVING VIEW STATUTE

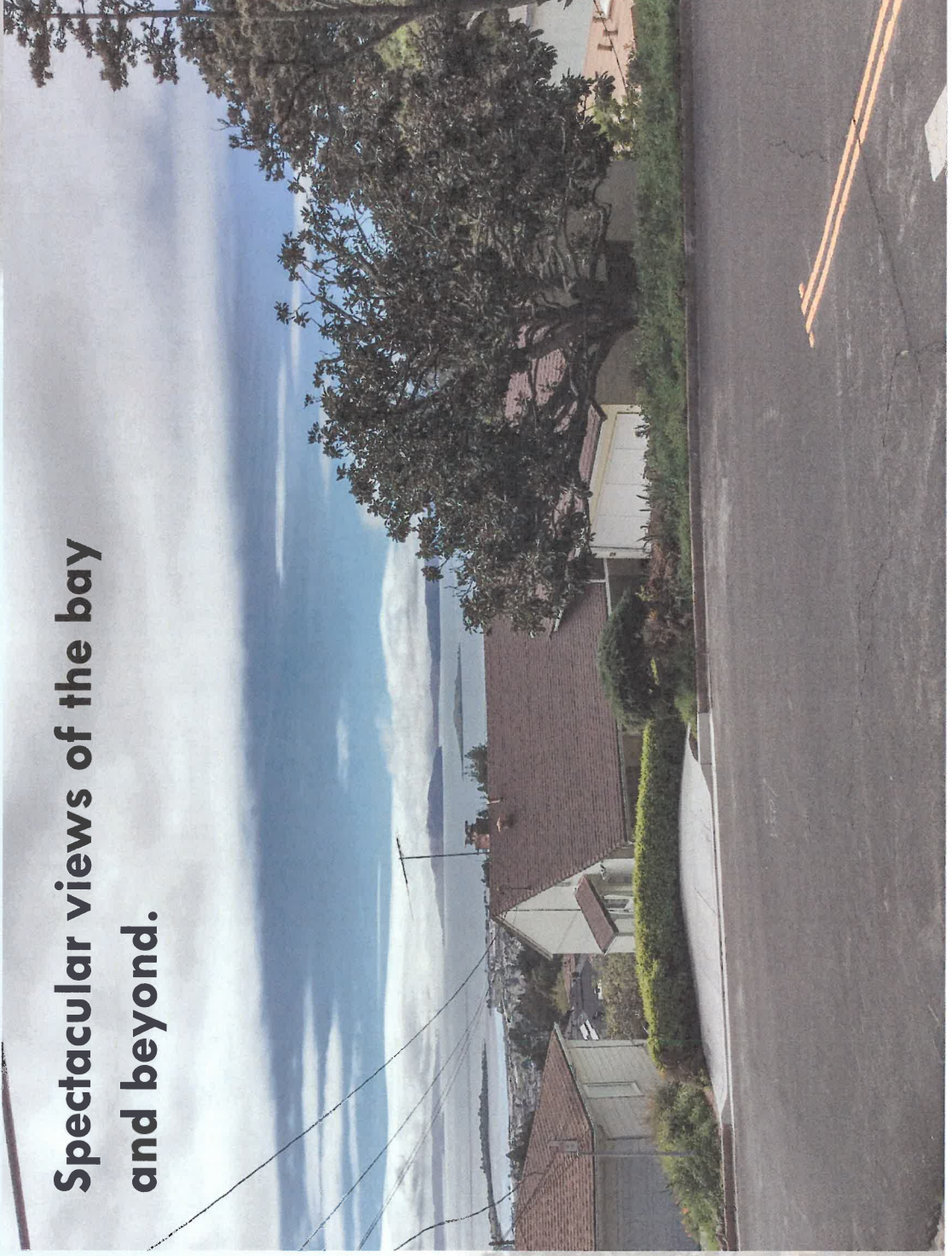
Kensington is a unique long standing community where custom homes have been built on almost every lot with the idea that your neighbors views would be preserved and respected.



Kensington Neighborhood photos

PRESERVING VIEW STATUTE

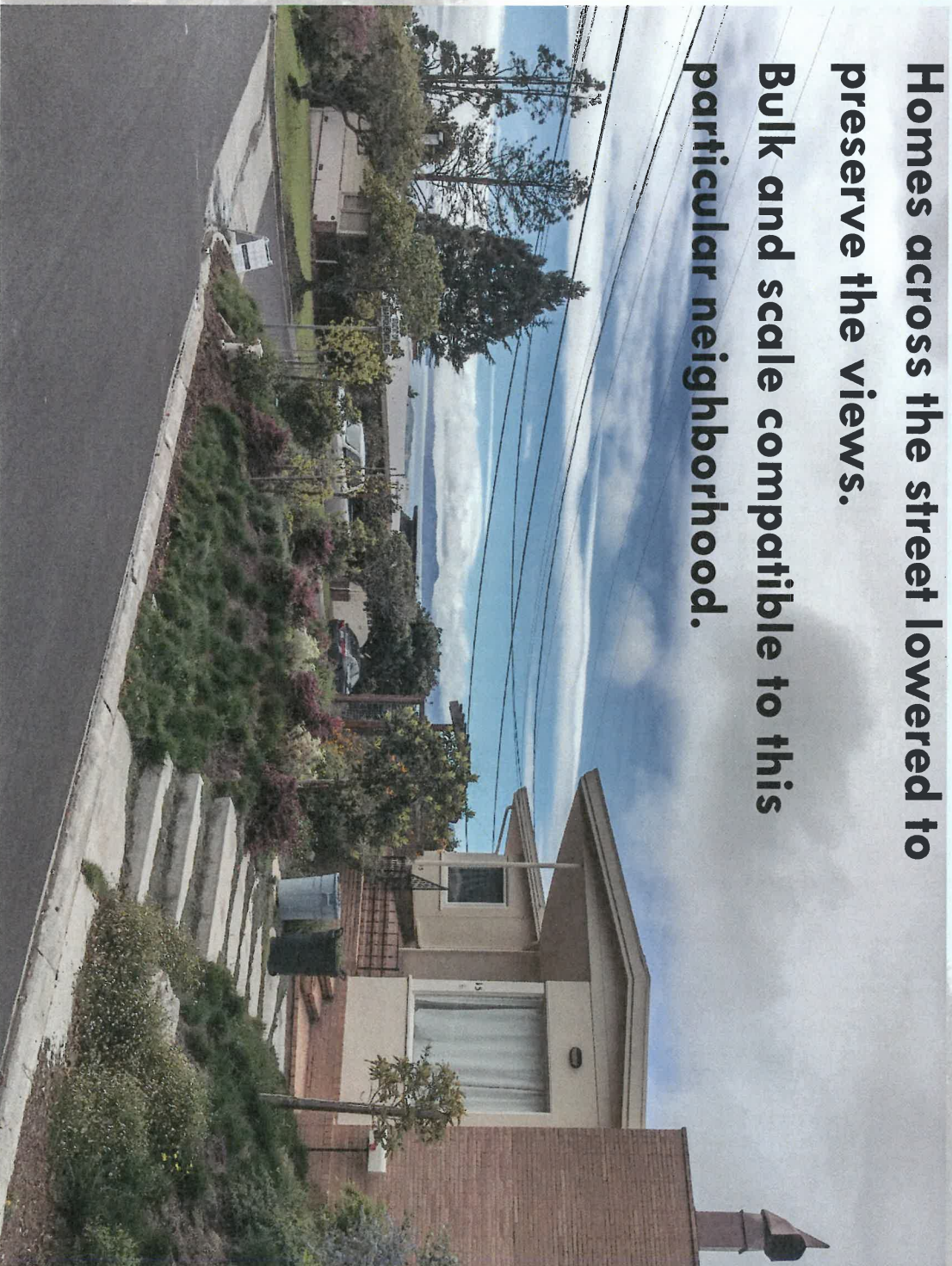
**Spectacular views of the bay
and beyond.**



Kensington Neighborhood photos PRESERVING VIEW STATUTE

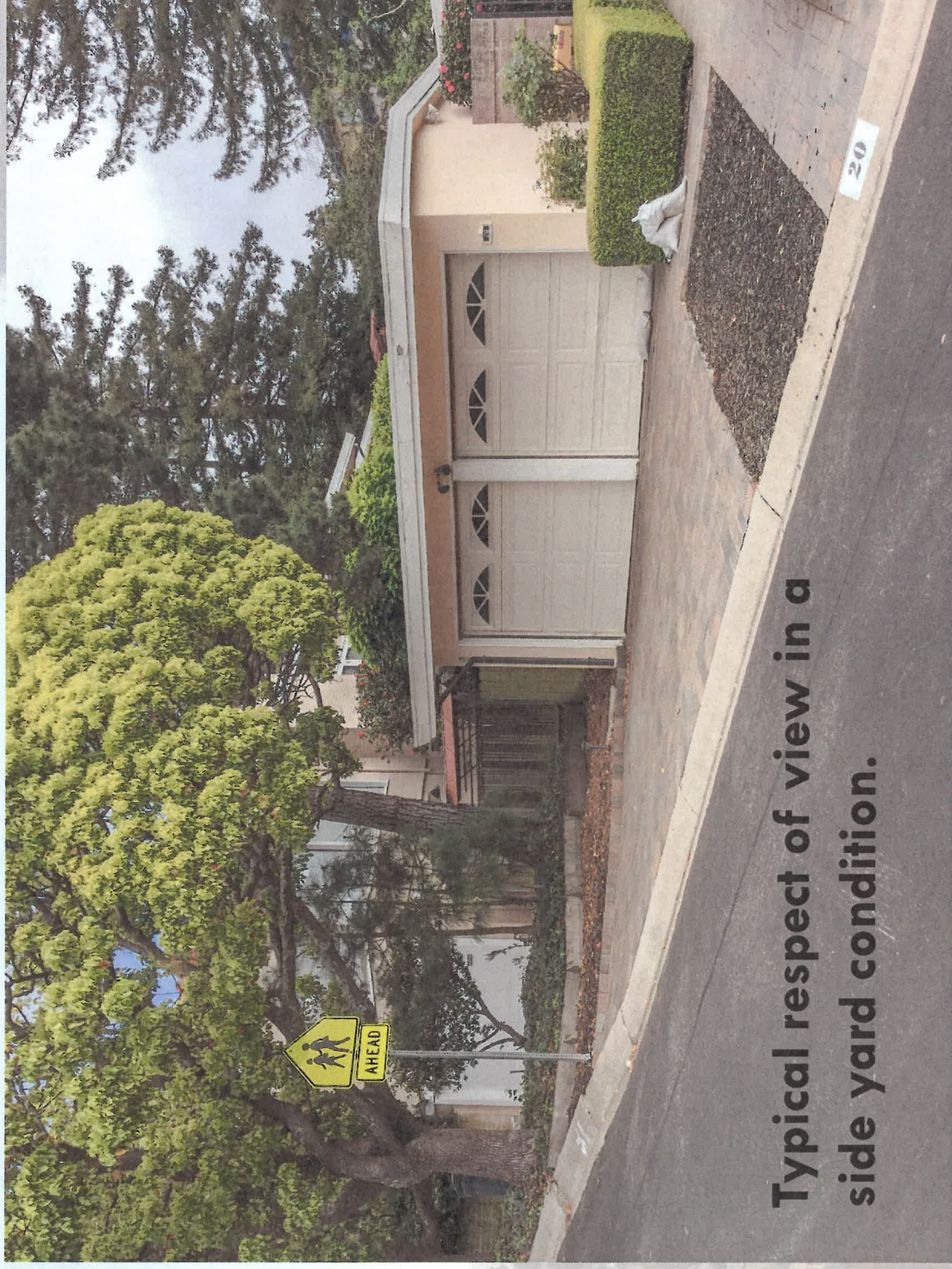
Homes across the street lowered to
preserve the views.

Bulk and scale compatible to this
particular neighborhood.



Kensington Neighborhood photos

PRESERVING VIEW STATUTE



Typical respect of view in a side yard condition.

Kensington Neighborhood photos PRESERVING VIEW STATUTE

**Views preserved. Good
example of compatibility with
bulk and scale of homes.**



Reasons for Denial of Dean Tong Appeal

Excessive Bulk and Scale

Why is this projects BULK & SCALE / MASS so large?

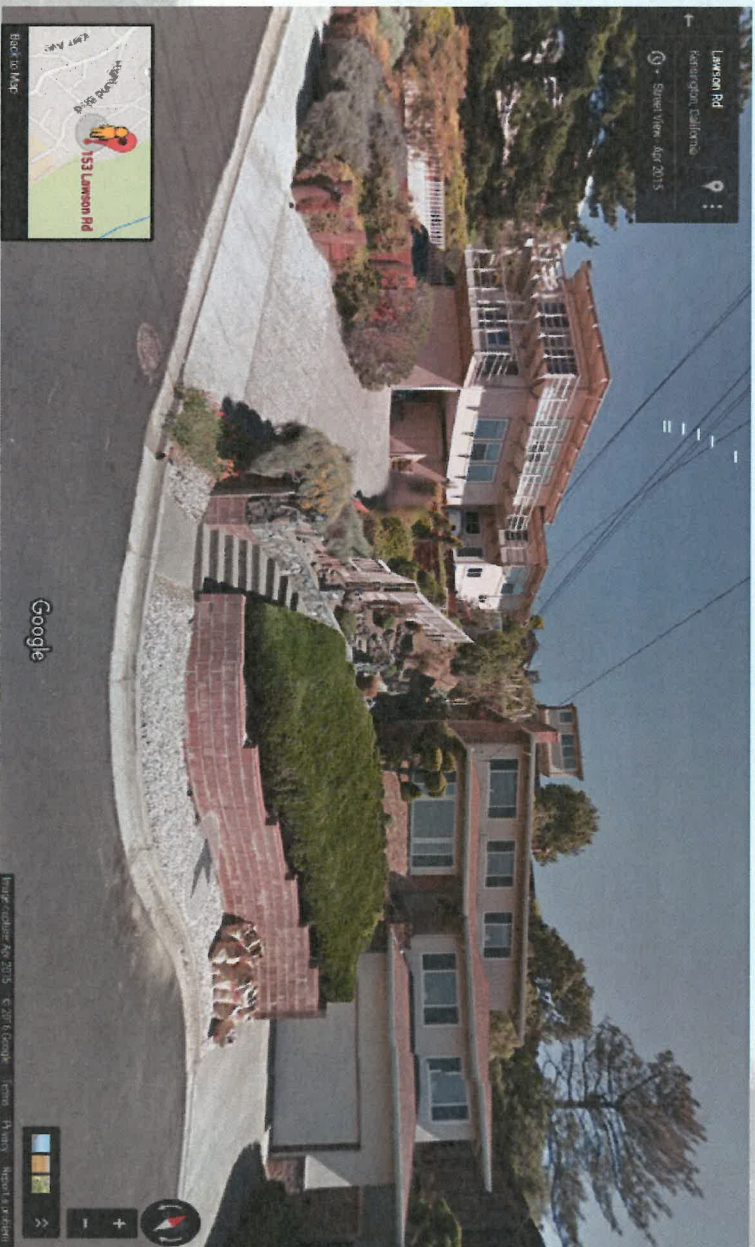
Because they have chosen a design that is not compatible with the neighborhood and are not respecting or complying with the Kensington Combining Ordinance. The maximum average volume of a home in Kensington is approximately 34,500 cubic feet. The volume of their proposed home is approximately 52,834 cubic feet. 53% greater than the maximum average volume in Kensington.

GRANTING OF SPECIAL PRIVILEGE

Building will total 4,224 sf in gross floor area (where the Kensington Combining District gross floor area threshold is 4,000 sf)

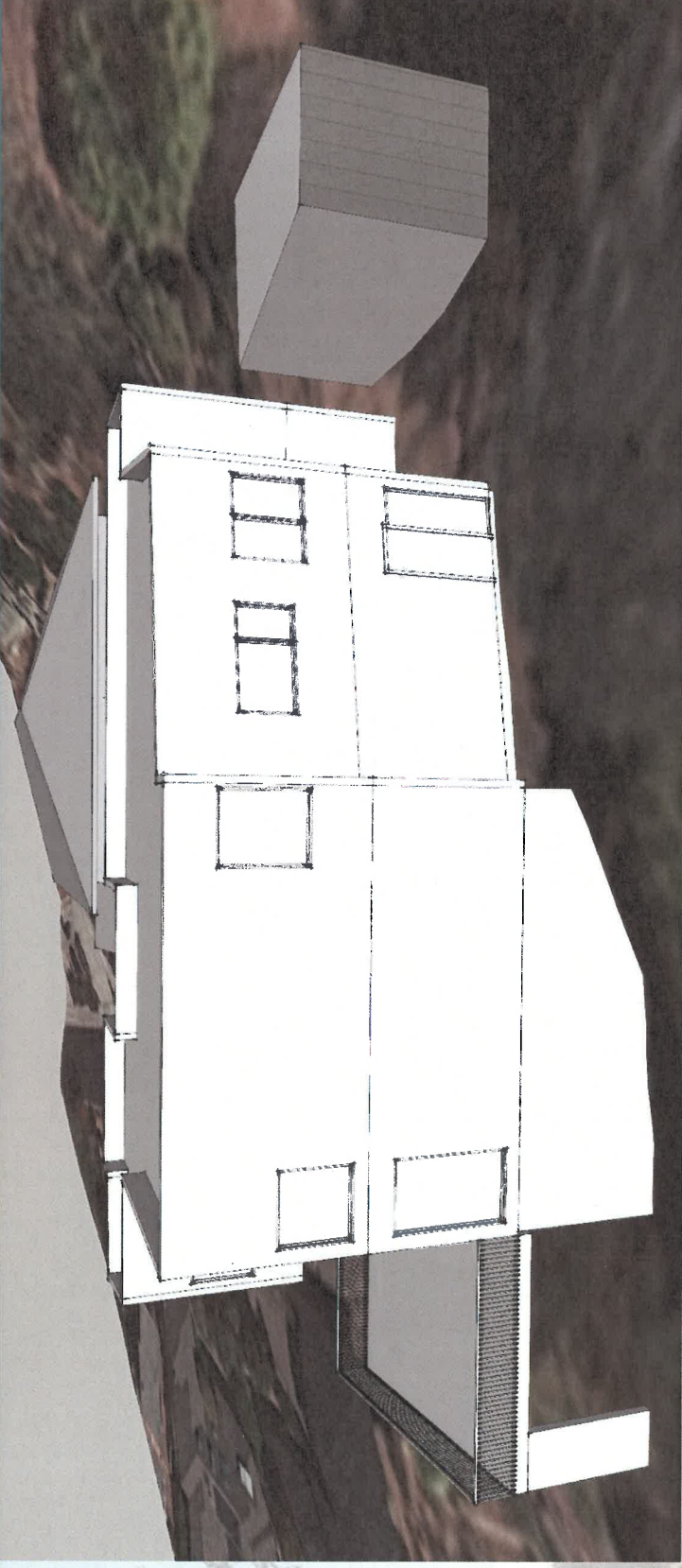
The project includes variance requests to allow 3 stories (where 2 1/2 stories is the maximum), a 3-foot front yard setback (where 20-foot is required) for a retaining wall with a maximum height of 7 1/2 feet, a 0-foot side yard (wh

Bulk, Scale, Mass, & Volume



- 4,000 sf max allowable (KCD)
- $\pm 34,500$ cu ft average volume
- maximum allowable

Bulk, Scale, Mass, & Volume



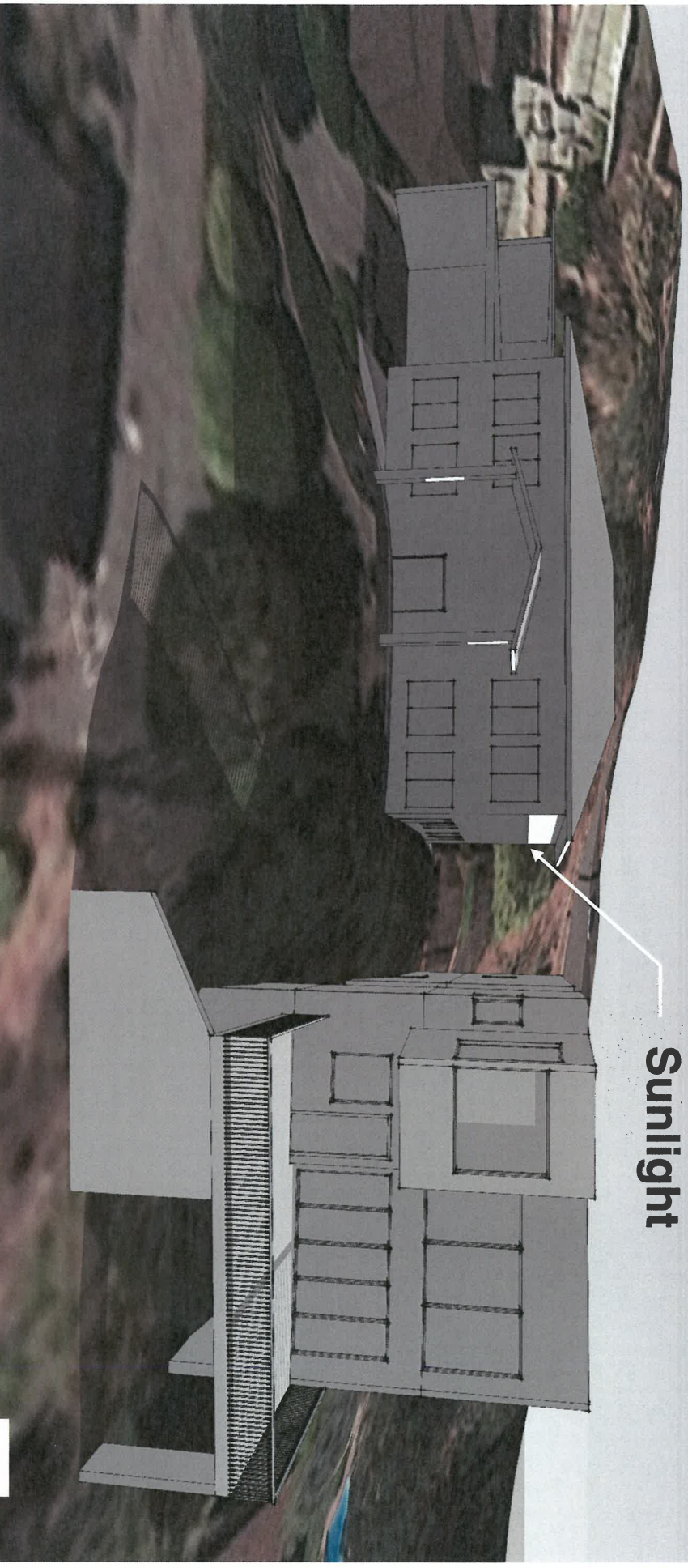
- **Proposed – $\pm 52,834$ cu ft**
 - **53% greater than average max volume**
- **Staff reductions of 3' height = $\pm 47,698$ cu ft**
 - **Still 38% greater than average max volume**
- **Request – reduce to $\pm 39,138$ cu ft**
 - **Still 13.4% greater than max allowable**

Solar Access

December 21 - 9am

Shortest day of the year

Sunlight

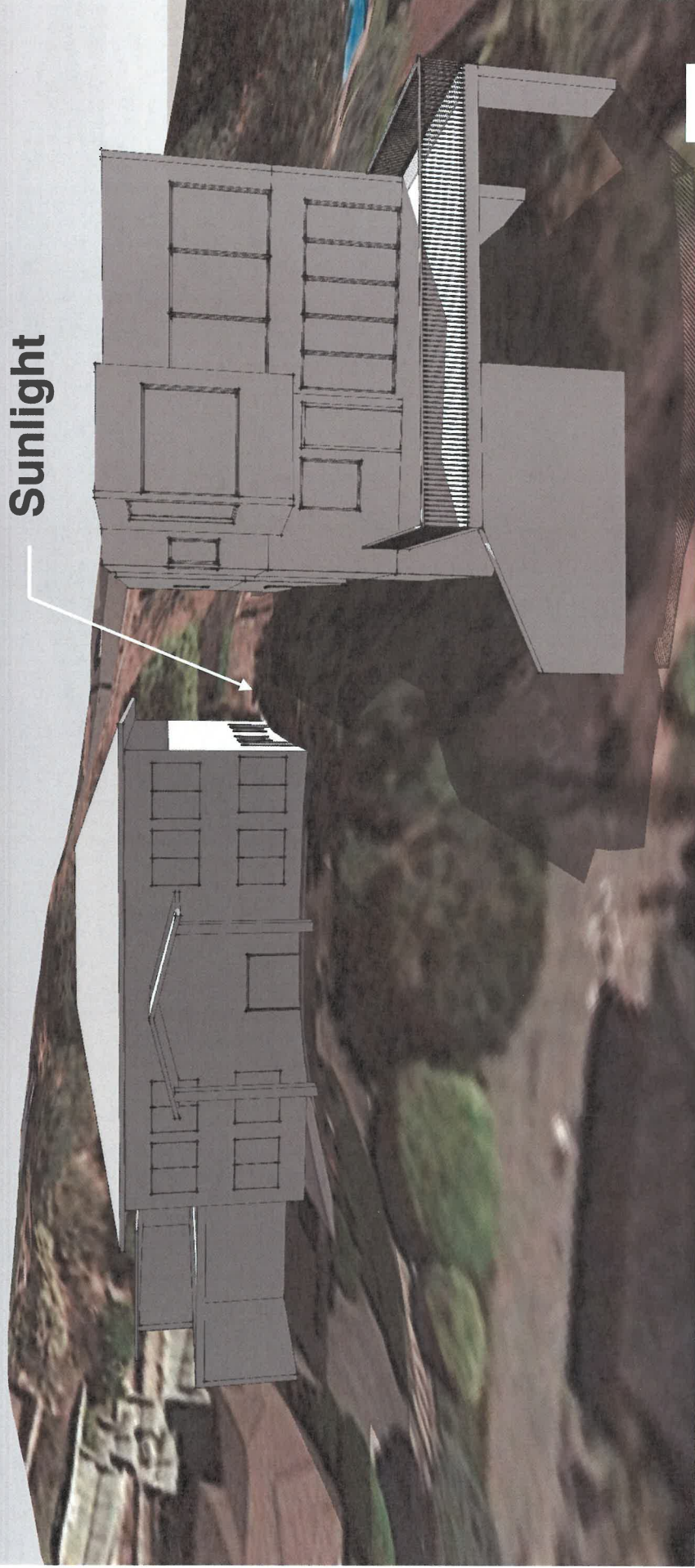


Solar Access

June 21 - 9am

Longest day of the year

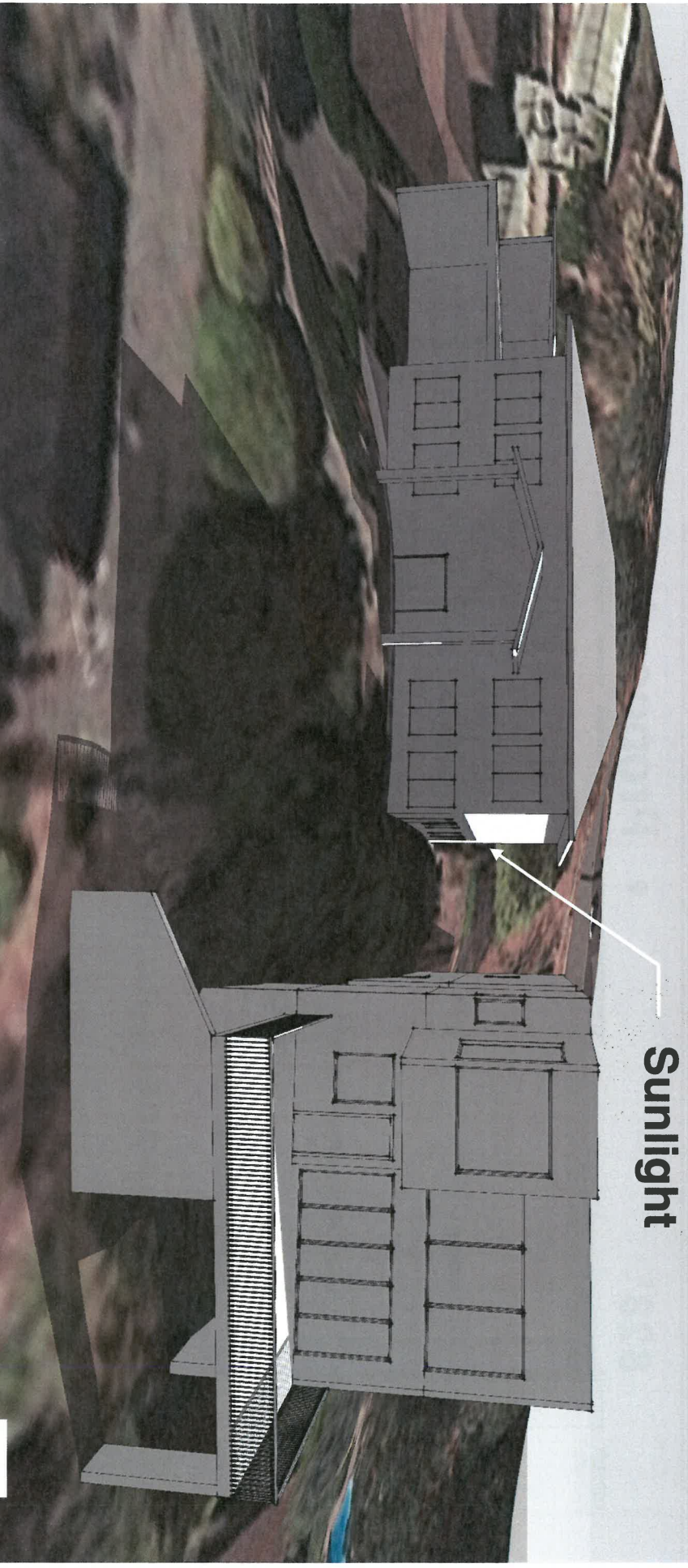
Sunlight



Solar Access

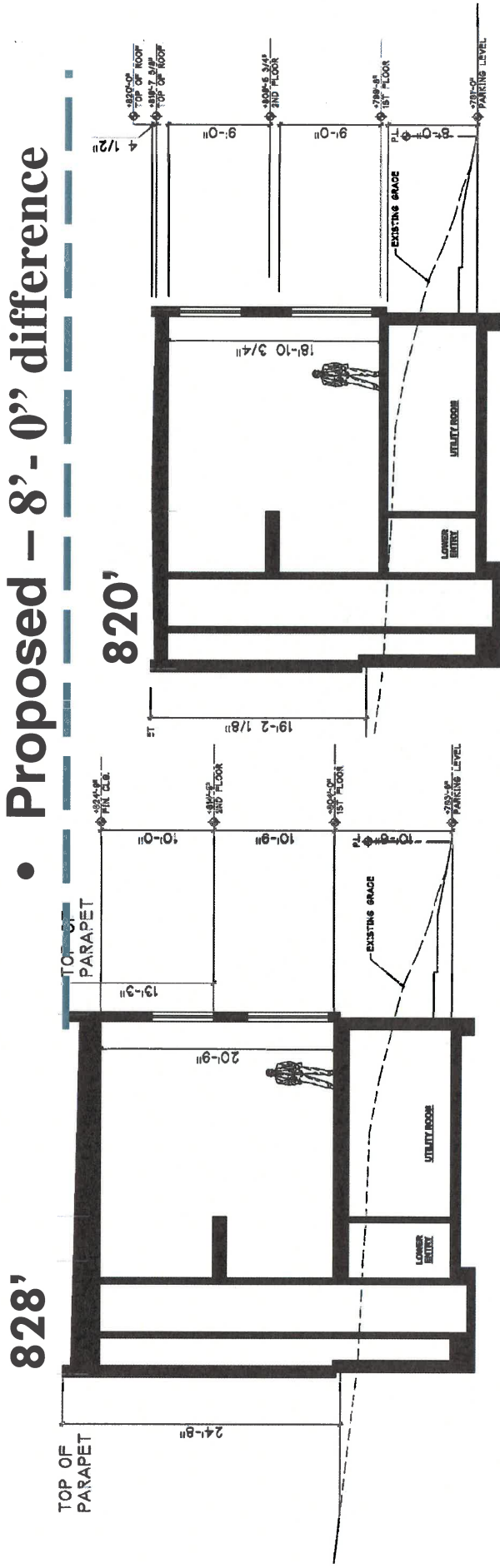
September to March 21 - 9am

6 month average best case



Compromise to conform to KCDO

- Proposed – 8’ - 0” difference



Dean Tong proposed home

Compliance with KCDO

This is a new home which can easily be built to conform to the Kensington Combining District Ordinance (KCDO).

Dean Tong Proposed Home

EXHIBIT 1
SOUTH VIEWS
PROPOSED - Top of Roof Parapet 828'
Luk Family panoramic
southern view blocked

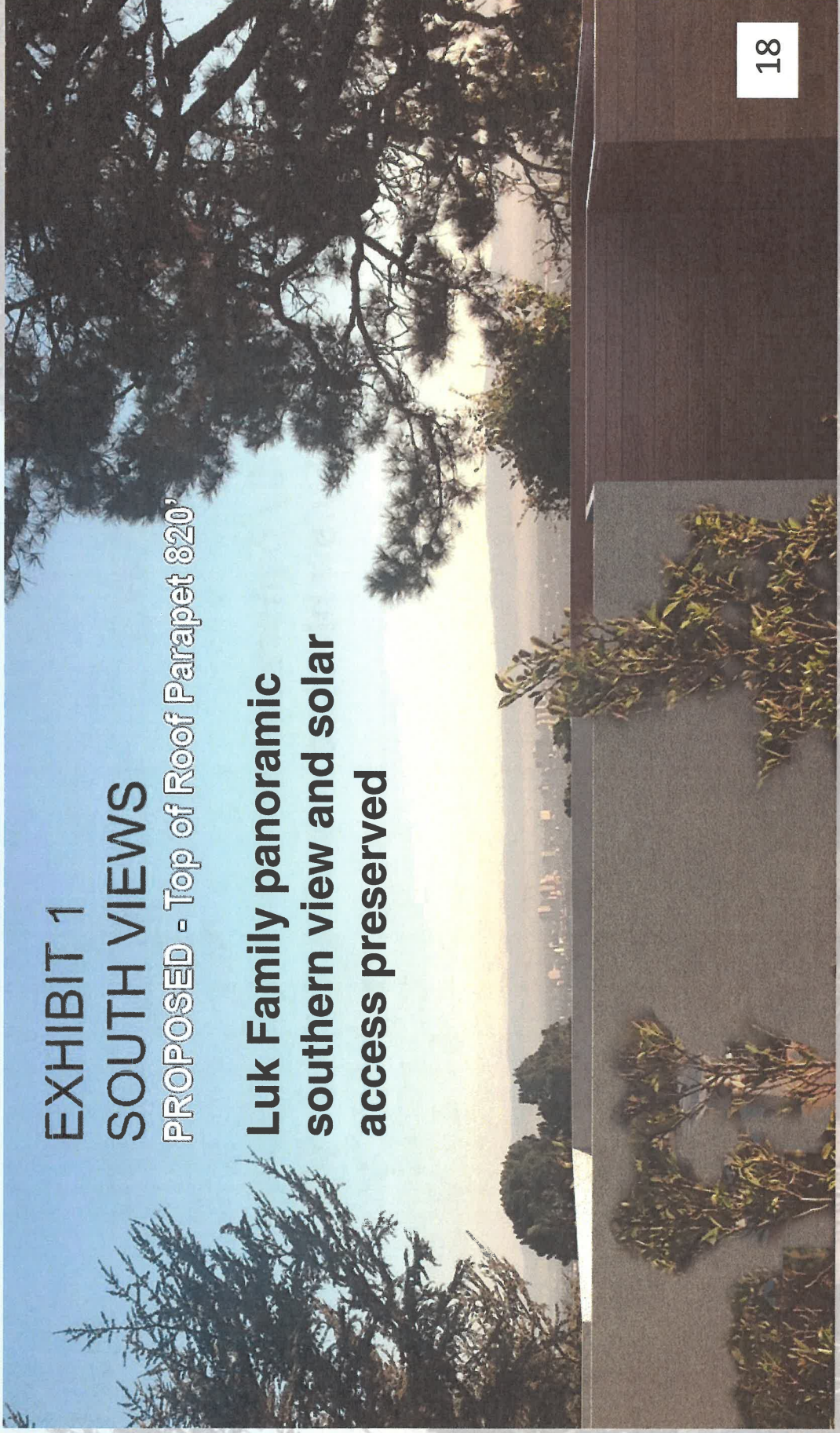


Compromise

In conformance with
KCD article 84-74.204

EXHIBIT 1
SOUTH VIEWS
PROPOSED - Top of Roof Parapet 820'

Luk Family panoramic
southern view and solar
access preserved



Summary Conclusion

- 1. The County Planning Commission unanimously upheld the Luk family appeal and denied the Dean Tong residence as designed. Including denial of approval of variances for three stories in height.**
- 2. The Planning Commission unanimously ruled that the proposed single family residence is inconsistent with the purpose and intent of the Kensington Combining District.**
- 3. County staff now recommends that you DENY the appeal by Edward Dean and Darlene Tong and UPHOLD the County Planning Commission's decision.**
- 4. The western views of the San Francisco Bay are not the only views enjoyed by the Luk family. The Luk family also enjoy incredible panoramic southern views to Berkeley, Emeryville and Oakland.**

Summary Conclusion – cont.

5. **Height and bulk of proposed residence will block the spectacular southern views and solar access the Luks have enjoyed for over 20 years.**
6. **The Dean Tong design is NOT in conformance with Kensington Combining District article 84-74.204 preservation of views and compatibility with the neighborhood with regard to bulk and scale.**
7. **The appellant should be responsible for future maintenance if development is allowed over existing storm drain pipe without recorded easement and sewer pipe at the disputed property line.**
8. **We respectfully request that the Dean Tong residence top of parapet be no higher than elevation 820 feet.**
9. **There is no “hardship” as required to granting variances. TI**

Appendix

Public Safety Hazard and Financial Impact to Neighbors

1. **Do not allow proposed fence and retaining wall to be constructed over existing sewer pipe along property line. A minimum of 2 feet of easement shall be granted by Dean Tong.**
2. **The actual location of the storm drain pipe shall be verified in the field. A new 10 foot wide storm drain easement shall be granted along the existing storm drain pipe. If the proposed retaining walls and fill are to be built over the existing storm drain pipe then property owner shall be financially responsible for the maintenance and/or replacement of the storm drain pipe.**
3. **Average slope of property is less than 20%. A 3-story home shall not be allowed where a maximum of 2 1/2 stories are permitted.**
4. **There is insufficient Analysis and Justification For Cedar Tree Removal.**

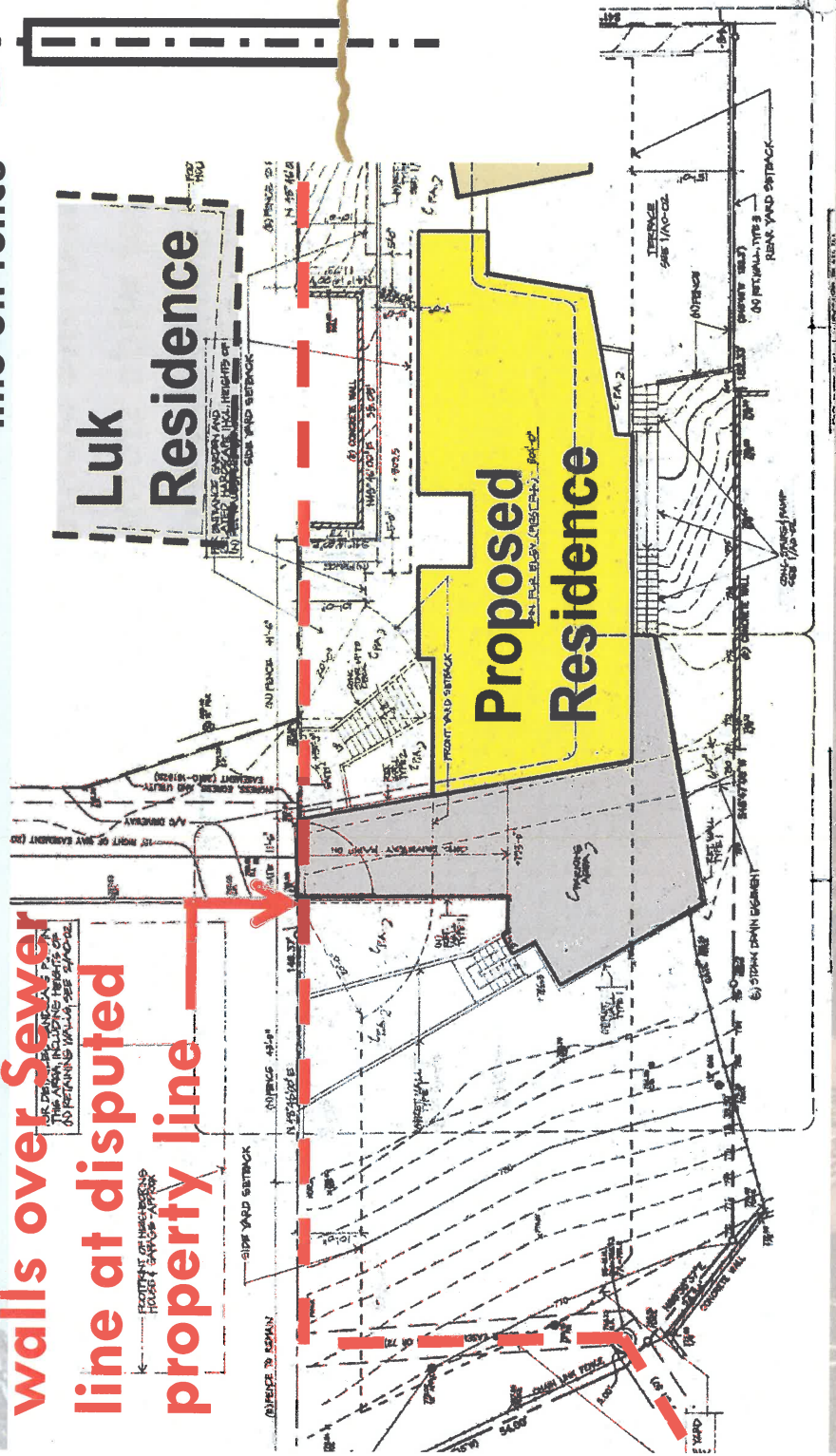
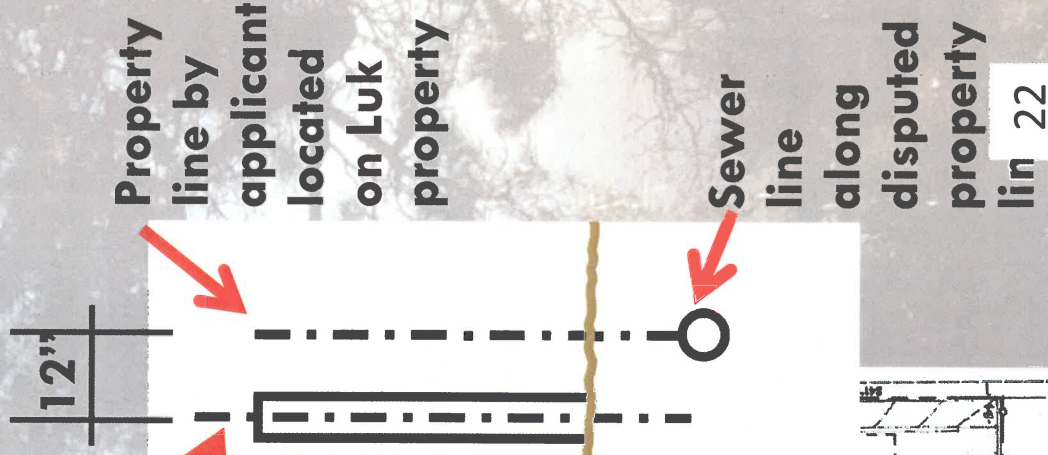
Responsibility for Maintenance

Public Safety & Welfare

- Sewer line along property line

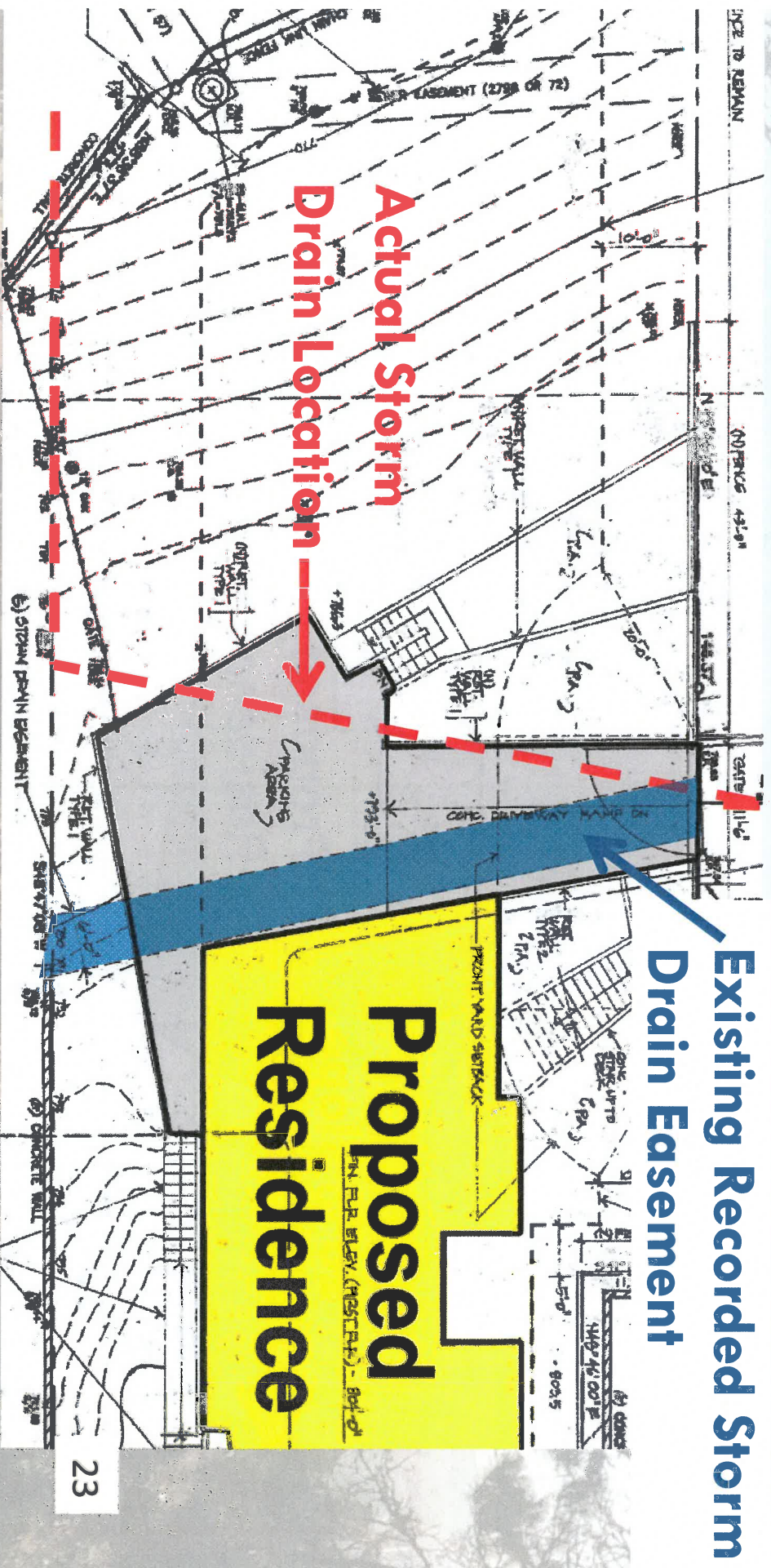
Proposed retaining walls over Sewer line at disputed property line

- Luk property line on fence



Responsibility for Maintenance Public Safety & Welfare

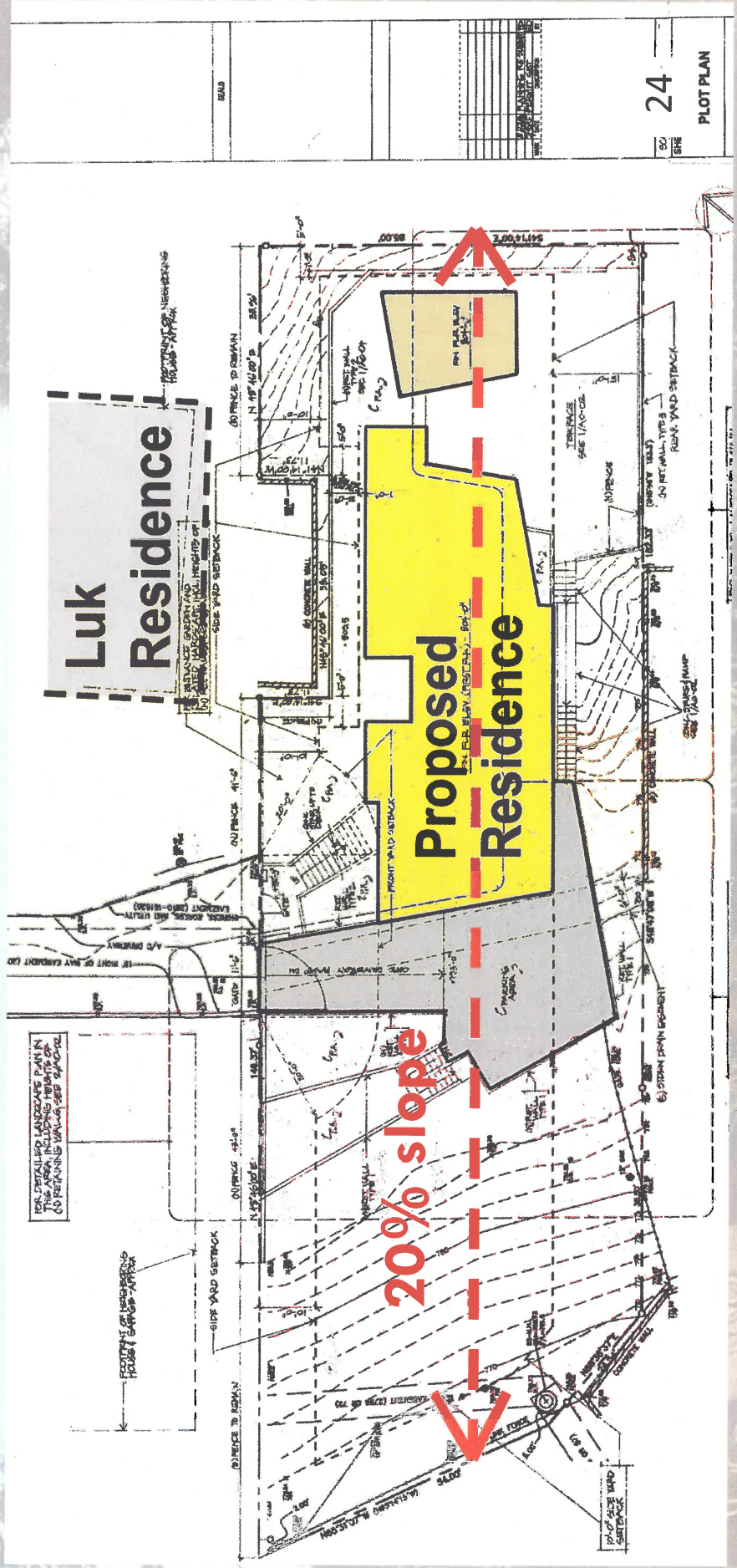
● Retaining walls and fill over existing storm drain



VARIANCE FINDINGS

There is no "Hardship" to allow - 3 stories where 2 1/2 is permitted

- Average slope less than 20%
- Average slopes in Kensington are greater than 50%



To: Supervisor John Gioia & County Board of Supervisors
From: Lawson Road Residents, Property Owners & Neighbors
Re: 158 Kensington Development
County File #DP15-3030

158 Lawson Road Development violates the Kensington Ordinances with respect to view, light, solar access, size, bulk and building height, relative scale, compatibility with the neighborhood with regards to bulk and size, variances governing the development. Granting such development is granting a special privilege and opening a precedent case for non in compliance with the Kensington Ordinances. The Lawson Road residents, property owners and its neighbors are against such development and request the Board of Supervisors to respect the will and rights of his constituents.

Signed By: _____ *AKM*

Print Name : _____ *ANDREW K. MIXER*

Address: *146 Lawson Rd Kensington, CA*

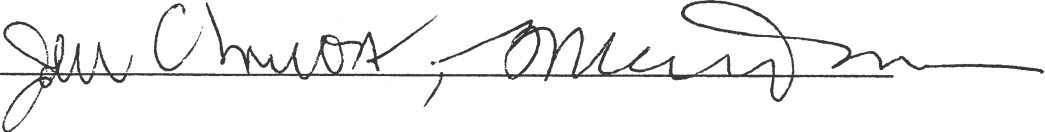
Telephone: *510 455-1590*

Date: *10/24/16*

**

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Signed By: 

Print Name: John C. Norcross, Bruce V, Morrow

Address: 134 Lawson Road, Kensington, CA 94707-1018

Telephone: 510-526-6500

Date: **

To: Supervisor John Gioia & County Board of Supervisors
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Signed By: Edna M. Combs, John Combs
Print Name: Edna Combs John Combs

Address: 145 Lawson Road, Kensington, CA94707-1018

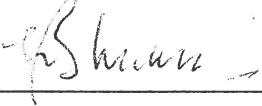
Telephone: 510-524-8260

October 22, 2016



To: Supervisor John Gioia & County Board of Supervisors
From: Lawson Road Residents, Property Owners & Neighbors
Re: 158 Kensington Development
County File #DP15-3030

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Signed By: 

Print Name: Leonard Anderson

Address: 138 Lawson Road, Kensington, CA 94707-1018

Telephone: 510-524-2606

Date:

To: Supervisor John Gioia & County Board of Supervisors
From: Lawson Road Residents, Property Owners & Neighbors
Re: 158 Kensington Development
County File #DP15-3030

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Signed By: Kristina Combs 10/22/2016

Print Name : Kristina Combs

Address: 145 Lawson Road, Kensington, CA94707-1018

Telephone: 510-524-8260

