

Not yet adopted

Kensington Municipal Advisory Council Minutes

Meeting of January 4, 2005

Council Members present:

Chair: Reyes Barraza

Secretary: Richard Karlsson

Council Member: Kay Reed

Council Member: Patrick Tahara

The meeting commenced at 7:00 p.m.

1. The Council approved the minutes of September 28, 2004, without change.
2. Chair Barraza noted at the outset of the meeting the recent death of James Carman, Vice Chair and former Chair of KMAC. The following resolution was adopted by KMAC 4-0:

It is with great regret that KMAC wishes to acknowledge the loss of Jim Carman on December 9, 2004. The Kensington community and KMAC will be less without him. Jim's energy and dedication built KMAC to its current stature. An example of his legacy is the new Planning Ordinance. KMAC expresses its appreciation for Jim's extensive public service.

3. **338 Berkeley Park Blvd. (LP 042119).** Request for Home Occupation Use Permit. Member Pat Tahara was contacted by the Applicant requesting the permit, and the Applicant informed him that she was moving and withdrawing the Application. Mr. Marvin Martin sent a letter expressing his concerns about the Application, and it will be held in the file.
4. **23 Cowper Ave. (VR 041143).** Request for Small Lot Review and Variance for a front setback of 14' 8" (20' required) for residence addition. Appearing in support of the application was Robert Wolf, the architect, and the homeowners, Mary Olivella and Bill Wright. The homeowners began by stating that the home is built on small corner lot with no access to the backyard through the house. The first thought for expansion was to build upward but decided that this was not in the best interests of the neighbors, as it may impact views. Thereafter, they engaged the services of an architect who recommended expansion to the north and east of the existing structure. Preliminary plans were presented based upon this proposed addition. The architect and Ms. Olivella also explained the problems with building an expansion that did not raise the remodeled portion of

the home 22": because to do so would require excavation and, as a result, access to the backyard would be limited.

Questions were then asked regarding the existing setbacks and if variances were not required for both the addition to the front, back and side. The response was that the existing garage was already inside the required setback by prior approval, and, given the topography of the land and the subject property, it was necessary to move within the setback for the in-home office (which, it was noted, was in 'name only' and was not intended to mean that business would be conducted from the home).

Member Kay Reed then asked about the size of the addition and was informed that it was 390' of inhabitable space and that the house was originally built in 1951. In regard to the garage and modifications to same, KMAC members then asked questions regarding the required number of parking spaces and whether the garage was required to have two spaces. The response was 'no.'

Member Reed then inquired as to whether the homeowners had spoken to the neighbors, and the response was that they had received a positive response from those that they had spoken to, but they could not speak to all as some were away for the holidays. Member Reed then asked for the approximate ages of those to whom Ms. Olivella had spoken. The range in age was from 30's to 60's.

Member Patrick Tahara then pointed out an apparent error on the plans, regarding the areas and dimensions, which appeared to be transposed. The architect agreed and said he would correct the plans. Member Tahara then inquired about the cost of excavation versus the raising the existing roofline in the area of the addition. Mr. Wolf indicated that the cost for excavation was approximately \$50k, but explained that the problem was not limited to cost; the practical problem was that the excavation would require a retaining wall that would effectively limit access and utilization of the side yard. Additionally, this would cause complications in the design of roof. The grade of the present roofline and the expansion were to match the grade of the existing property. Mr. Wright stressed that while the roof did go up by 22", the owners were not building a second story addition, their preference, out of consideration for the neighbors.

Chair Reyes Barraza noted that there were two issues involved in the recommendation process of KMAC. The first was the small lot review, and the second was the request for variance. In regard to the second, the rear setback was 5' and was required at 15'. In regard to the small lot review, he expressed concern over the loss of one offstreet parking space in the existing garage and noted that under the proposed new Kensington planning ordinance, this loss of an offstreet parking space would be a consideration.

The architect, in response to the first question answered that the present garage had no functionality for two cars in its existing design and that the needs of the occupants for interior space outweighed expanding the garage. Additionally, if

one did not cut into the garage, the flow of the house would not work for the addition.

The next to speak regarding the proposed addition were Hilary and Daniel Goldstine and their daughter, Mia, who presently lives in their home at 41 Cowper with her grandmother. Their home is across the street from the subject home. Their concern, about which they brought photographs, was that another house had been remodeled in the same area as that of the subject, at 32 Highland Blvd. and the roofline was to increase only 24", based upon the approved plans. However, upon completion of the improvement, the roofline detracted considerably from their view. Accordingly, their concern regarding the proposed addition to 23 Cowper was the obstruction of their view.

Discussion then followed as to the impact of the new ordinance and whether the proposed addition was within the existing ordinance. It was then clarified, by Chair Barraza, that the proposed addition was within the existing ordinance. Given that the issue raised concerned the small lot review, and not the requested variances, a motion was brought before the Council to approve the front setback of 14'8" (20' required) and back yard setback of 5', where 15' was required. Given the unique conditions of this corner-lot property - in terms of size, location of the existing structure and topography - the motion passed, 4-0.

The next issue was the small lot review and the requested increase in the roofline by 22". It was noted, given the concern of the Goldstines and a lack of any objective criteria to measure the impact of the increased roofline, that KMAC had insufficient information to make a recommendation. Accordingly, it was suggested that if the homeowners of the subject property were to erect story poles, both the Goldstines and KMAC would have evidence as to the impact of the addition. Mr. Wright and Ms. Olivella, following consultation with their architect, thereafter requested a continuation of the present hearing, until January 25th, to erect story poles. The motion to continue the matter, as to the small lot review, carried by a vote of 4 – 0.

Procedural Matters:

- a. **Appointment of Members and Election of Officers:** Discussion was had regarding the existing terms of members. The term of Member Reed was thought to have expired 12/31/04, but instead, as noted by Supervisor Gioia's Office, she has a remaining year in her term of office. Ed Detmer's term as first alternate will be extended by Supervisor Gioia to 12/31/07. Christopher Brydon will be appointed as second alternate and his term is through 12/31/08. Pam Brown will be appointed to the remaining term of Vice Chair Carman, which expires on December 31, 2005. Steve Farneth's term on the Council had expired, and KMAC thanked him for his participation. As for the election of officers, Chair Barraza and Secretary Karlsson were nominated to continue in their positions. Member Tahara

was nominated as Vice Chair. The nominations were approved by a vote of 4 – 0.

- b. **Financial Report:** KMAC started 2004 with \$157 in its account. We spent \$366 leaving a deficit of \$209. Projected expenses for 2005 are \$391. So, KMAC authorized Chair Barraza to request \$300 each from KIC and KPOA to cover the 2004 deficit and projected 2005 expenses by a 4-0 vote. Chair Barraza noted that Gail Feldman of KPOA had requested a detail of expenses from KMAC, and it will be furnished to both organizations.
- c. **Formal Bylaws:** Chair Barraza indicated his intent to draft proposed bylaws for KMAC and presented copies of the Board Resolution creating KMAC which is currently the only guidance we have to conduct our business. He noted the need for bylaws in number of areas, such as whether a quorum of the Council could act and the ability of the Chair to continue a meeting or act in advance of a meeting in behalf of KMAC.

Informational Reports:

- a. **Enforcement Report:** 1625 Ocean View: A non-permitted shed at this location was cut loose from the anchor bolts and is therefore no longer considered a “structure”. 89 Kensington remains an open issue to be determined and may be discussed at the next meeting. 24 Edwin was not approved for building permit changes and construction may not therefore continue.
- b. **Progress on Kensington Overlay Ordinance:** The ordinance goes before the Board of Supervisors on January 18th for first reading of the ordinance and is expected receive final approval after the second reading, the following week.
- c. **Update on Amateur Radio Transmission Tower:** The cost of a telescoping antenna is being explored.
- d. **Update on 200 Amherst and 300 Coventry:** The residents at 200 Amherst have withdrawn their application, based upon objections by the neighbors. The recommended approval of the improvements to 300 Coventry by KMAC has been appealed to the planning commission by nearby residents.

- 6. The meeting was adjourned at 9:15 p.m.

Minutes prepared by Secretary Karlsson