

**DRAFT**

# Kensington Municipal Advisory Council Minutes Meeting of June 28, 2005

Council Members present:

Chair: Reyes Barraza

Vice Chair: Patrick Tahara

Council Member: Pam Brown

Council Member: Kay Reed

Alternate Council Member: Christopher Brydon

The meeting commenced at 7:00 p.m. All members were present.

1. The Council approved the minutes of May 31<sup>st</sup> with no changes.
2. There were no citizen comments at the beginning of the meeting; all those in attendance stated that they were present to address or observe the matters on the agenda before the Council.
3. **229 Lake Drive (VR 051045).** (Development Plan review and Variance Request for a 10' aggregate sideyard where 15' is required for a one story bedroom addition behind the southeast corner of the existing residence and modified existing deck). The first speaker was Paul Plouffe, the owner of the residence at 229 Lake Drive. Mr. Plouffe described his plan to replace a portion of the garage and the existing lower deck and hot tub with the proposed bedroom. He indicated he had spoken with his neighbors to the south, north and west (Tilden Park is directly to the east of the residence). He indicated he had received positive response from them and that it wouldn't directly impact any views or privacy issues.

In reference to the variance, Michael Harlock (the architect) indicated that originally they received input from the county that there wasn't a variance issue with this plan. However, upon further review, because portion of the new bedroom has less than a combined 15' sideyard, this new construction would require a variance.

Council Member Brown inquired about the use of the garage and number of spaces available. Mr. Plouffe indicated he had one space in his garage and one space in his driveway. However, Chair Barraza indicated the driveway space wasn't considered an official parking space but since there was a space in the garage and the home only needed one space, the current parking situation was adequate. Council Member Reed commented that the plans indicated there

were two existing and two proposed parking spaces. However, based on this discussion, there appeared to be only one in both cases. Chair Barraza further inquired about the plans that showed a working bench in the garage. Specifically, he questioned whether it was moveable and prevented a car from being parked in the garage. Mr. Plouffe indicated the bench was moveable. Finally, Council Member Reed questioned whether the replacement of a section of the current garage which would reduce the length from 28' to 19'6" would be sufficient to park a standard auto. Vice Chair Tahara indicated that was a sufficient length.

Council Member Brown inquired about the location of two proposed windows to the south, specifically whether they infringed on the neighbors privacy. Mr. Plouffe indicated that there was a large shrub between the properties that would block any privacy concerns.

Vice Chair Tahara inquired whether there was any effort to avoid the variance issue when developing the submitted plans. Mr. Harlock indicated that because they were under the initial impression that there weren't any variance issues, they didn't examine any other alternatives for this construction. Finally, Mr. Harlock mentioned that the kitchen gable in the back would be altered.

*A motion was thereafter made and seconded to recommend approval of the plans submitted and date stamped by the County as of 5/5/2005 for the property located at 229 Lake Drive., subject to the following conditions: (1) sheet 1 of the plans include the following corrections – (a) the proposed side yard distance would be 10'2", (b) the existing and proposed parking spaces be changed from 2 to 1, and (c) the proposed number of stories be changed from 2 to 1; (2) the height of the new kitchen gable won't exceed the current ridgeline of the roof; (3) the ridgeline of the new addition would not exceed 3'6" above the existing main finished floor; and 4) the workbench in the garage would be removed and the length of the garage would be at least 19' to allow one car to be parked within the garage. Also, the Variance request meets the 3 requirements for a variance. The motion was passed 5-0.*

4. **9 Windsor Ave (DP 053037).** (Development Plan review for a proposed detached two-car garage behind an existing residence). The first speaker was Jeff Clark (the architect) who described the owners' interest in constructing a two-car garage. This proposal was under review because it exceeded the FAR; there were no variance issues with this proposal. While the original plans indicated a one-car garage existed on the property, it appeared that that was never developed.

Chair Barraza had visited the property and inquired about the apparent construction in the basement. Lucinda Hsu, a daughter-in-law to the owners, indicated that they were renovating the kitchen and in the process, found that the floor needed to be shored up and that work was being done in the basement. In response to further questions about the basement, Ms. Hsu indicated there was a concrete floor with 7-8' ceiling, so it eventually could be developed. Vice Chair

Tahara commented that because of the parking issues in Kensington, it was a good idea to promote off-street parking which this project provided.

*A motion was thereafter made and seconded to recommend approval of the plans submitted and date stamped by the County as of 5/12/2005 for the property located at 9 Windsor Avenue., subject to the following condition, that the height of the garage shall be no higher than 10' 6" from the existing driveway. The motion was passed 5-0.*

5. **335 Yale Ave. (VR 051051).** (Development Plan review and Variance Request for a third story where 2 ½ are allowed in order to develop the rear portion of the existing basement area as a family room). The first speaker was Walt Gill, the owner of the residence at 335 Yale Ave, and he described his plan to develop the rear portion of the existing basement to construct a family room. Mr. Gill indicated he had contacted his immediate neighbor by sending them letters regarding the project. He provided a binder with a copy of the letter, photos of existing properties in the neighborhood that he believed had 3 stories, and other supporting materials.

Robert Wolf (the architect) discussed their plan to move a retaining wall to expand the existing space within the basement. They were going back and forth with the county on whether or not this move resulted in an expansion of the envelope. Regardless of this interpretation, the project needed a variance to proceed. Several KMAC members commented that it was preferable to build below where there would be no or minimal impact on the neighbors than back or up where neighborhood impact would be greater.

Finally, while there was some potential concern that the basement unit could eventually be developed into a second unit, there didn't appear to be any means to preventing such a development. Mr. Gill indicated that wasn't their intent.

*A motion was thereafter made and seconded to recommend approval of the plans submitted and date stamped by the County as of 5/27/2005 for the property located at 335 Yale Ave, indicating that this proposal was suitable under the Kensington Combining District Ordinance and met the three conditions to support a variance. The motion was passed 5-0.*

## **6. Procedural Matters.**

- a. Discussion of proposed KMAC Bylaws. Chair *Barraza had previously* distributed copies of the proposed KMAC Bylaws. Council Member Brown provided some initial comments in writing. The KMAC members wanted further time to review the proposed bylaws and it was tabled for discussion at a future meeting.
- b. Modify meeting date for September. Chair Barraza indicated that several council members would be unable to attend the September meeting at its regularly scheduled date. A motion was made and seconded to move the

September meeting to the week before, September 20<sup>th</sup>, to ensure a full quorum at that meeting. This motion was approved 5-0. Vice Chair Tahara requested that special efforts be made in the upcoming months to notify community members about this date change. Chair Barraza indicated he would post a special notice at the 3 locations where our agenda is posted and would also have a notice printed in the Kensington Outlook.

## **7. Information Reports**

- a. Enforcement Report: Danny Scher was cited with a land use violation for mounting permanent outdoor lighting in the trees around his amphitheater. Chair Barraza expected that there would be an application coming in regards to replacing the driveway that was removed for a garden at 285 Los Altos.
- b. Chair Barraza was composing a letter to Dennis Barry to notify the Berkeley Association of Realtors regarding the specific regulations for second-unit restrictions.

**10. Adjournment.** The meeting was adjourned at 8:55 p.m.