

DRAFT, not yet adopted by KMAC

Kensington Municipal Advisory Council Minutes

Meeting of March 28, 2006

Council Members present:

Chair: Reyes Barraza

Vice Chair: Pat Tahara

Secretary: Richard Karlsson

Member: Kay Reed

Alternate Member: Gordon Becker

1. The meeting commenced at 7:04 p.m.
2. The *Minutes of January 28, 2006* were approved by a vote of 5 – 0, with the following modifications: page 3, item 5, first full paragraph, the sentence beginning “In her view ...” was stricken. The following sentence, beginning with “In regard to fees ... “ was modified by replacing “fees” with the word “restrictions” and adding to the end of the sentence, “and such restrictions allowed property owners to maintain the values of their homes.” On page 6, item 7, the comments of Vice Chair Tahara about allowing the applicants to “observe the impacts” applied to the resident at 34 Kingston Rd. and not at 38 Kingston Rd.
3. *Citizen’s Comments*: Ms. Reed stated that she had brochures regarding earthquake preparedness and if anyone had any questions related to this topic, she would be happy to address same. Additionally, comments were made regarding the availability of earthquake training through the El Cerrito Fire Department. A question was asked about the availability of drinking water and Ms. Reed stated that one should not assume water would be available and that Sgt. Angela Escobar at the Kensington Police Department was available to help residents with earthquake preparedness.

Chair Barraza then asked members of the audience if they had taken the opportunity to review the plans for proposals to be considered this evening which were available in the Kensington library. Several members of the audience indicated that they had reviewed the plans at the library. Chair Barraza then explained the process of how the meeting would proceed - with the applicant making the presentation, KMAC members then asking questions, followed by members of the audience asking questions and finally KMAC members discussing the materials and comments presented and making a recommendation. Chair Barraza then discussed the three legal factors necessary to make a favorable recommendation on a variance and the considerations for making a recommendation under the Kensington Combining

Ordinance. (Note: the Kensington Combining Ordinance may be found online under the Contra Costa County website).

4. **415 Colusa Ave. (DP 063013).** Development Plan review to raise an existing residence by 2' for the purpose of adding a lower floor with family room and bedroom, expanding the existing main floor eastward by 3'10" and widening the existing garage to 20' with a variance for 0' front setback (20' required).

Maxwell Beaumont, the architect for the owners, Kelly Herndon and Robert Ford, made the presentation. He stated that the plan was to raise the existing house by 2' to allow for subsurface expansion of the residence to have minimal impact upon views. The materials used on the exterior of the house were to match the existing materials. The variance sought is to extend the existing garage to allow for a two car garage and would have minimal impact as the existing garage has a 0' setback and the added space would allow for taking another car off the street, which already suffers from a lack of parking.

Member Reed inquired if there were plans to extend separate building identified as an "office", which is currently being used for storage, and was advised that there were no plans for an expanded office. Member Reed asked about parking in the area and whether other houses in the area had 0' setbacks for parking. She was advised that there were two houses in the immediate area that also had a zero setback for a garage, and that if they were to add another parking space, the only financially viable alternative would be to place it adjacent to the existing garage as there was not sufficient space to the side of the house to allow for a garage. Member Tahara inquired why this project was required to have a hearing under the Combining Ordinance and was advised that it was because the footprint of the building, by expanding the residence over the existing deck, exceeded the ordinance thresholds by 230 sq. ft. Chair Barraza then inquired if the expanded garage would have the same setback as the existing garage and was informed that it would. He inquired about the 2' height increase and was advised that was all that was necessary to achieve the desired expansion, due to the fact that the improvements would be below the existing grade of the current residence.

Janet Hittle, 1612 Oak View, a neighbor to the rear of the residence had questions regarding the elevation of the kitchen and the new overhang. She was advised that it would be no higher than the existing roof and the highest point of the new roof would be 2' higher. Ms. Hittle was pleased that the roof height would not increase more than 2'. Ms. Hittle asked how long the construction would take and was informed that it would be approximately two to three months.

Questions then followed by KMAC regarding the materials to be used on the retaining wall and the landscaping intended in the remainder of the front of the residence as the garage was expanding. The response was that the retaining wall would be either stucco or stone, but preferably not concrete. There was an intent by the owners to landscape that portion in front of the house remaining

after the expansion of the garage. Ms. Reed inquired if there was any intent to place a deck over the expanded garage and was advised that there was no such intent and further that it was the architect's opinion that to do so would require an additional permit.

A motion was then made a seconded that: the improvement be recommended for approval, based upon the plans submitted and dated February 6th, 2006, with the following findings/conditions: 1) that the roof be a maximum height of 23' 4" as measured from the front sidewalk, 2) that the proposed improvement met the legal criteria for a variance, 3) that the garage door be a 'roll-up' remote controlled door to minimize impact of the 0' setback, 4) that the maximum depth of the house be 51'3", 5) that the curb cut on Colusa Ave be suitable for a dual car garage, 6) that there be new front landscaping, and 7) that the main house extend no closer than 3'0" to the existing detached office at the rear corner of the property. The motion was approved by a vote of 5 – 0

5. **94 Arlington Ave. (VR 061012).** Development Plan review to add a new dormer front, enclose existing upper floor balcony, add a family room at first floor rear with connection to existing garage, and expand existing garage laterally by 4' with a variance for an 8' rear yard (15' required).

Jason Kaldis, architect, made the presentation on behalf of the owners, Mark and Kristi Choi. Mr. Kaldis stated that the plans were to add a dormer to the front, facing Arlington Ave. for light, to enclose the existing deck on the rear of the house, to extend the back of the house to a currently detached garage and to expand the garage to a two car garage and thus allow for an exit onto Arlington Lane.

Chair Barraza explained that the improvements were within the thresholds of the Combining Ordinance, but that a hearing was required regarding the requested variances. Member Reed wanted to know about the roof lines and whether they would be increased. She was advised that they would not increase the overall height of the roof at the current highest elevation. She inquired who owned the current driveway and was advised that it is co-owned with the adjacent property owner but they have an agreement not to block one another. The problem is that as it is a single driveway to two garages, this makes it difficult to park two cars. Ms. Reed then asked about the curb cut to the rear on Arlington Lane and was advised that this is a rolled curb. Ms. Reed then inquired as to whether the existing beam in the garage was going to be retained and was advised that it was necessary to maintain the structural integrity of the building. Ms. Reed then asked about the turning radius from Arlington Lane and whether this was reasonable and was advised that there was sufficient turning space. Member Karlsson asked information regarding the requested variance and was advised this was necessary as the main house was now extending to the garage and the garage was currently within the setback. The architect stated that the improvements were not extending the existing setbacks and that several other houses in the immediate area were within the side and rear setbacks.

Member Reed inquired, in light of the fact that they would now have access to the rear, whether the concrete driveway to the front of the residence might be replaced with lawn or other landscaping. She was advised that this was not possible because the driveway was necessary for access to their neighbor's property and they needed it for access from Arlington Ave as well. Member Tahara, echoing Ms. Reed's comments wondered whether 'turf block' was not an acceptable means to achieve both. The architect stated that they were interested in doing what they could to both make the property look nice and maintaining access. Chair Barraza then asked what the owners had done to share their plans with the neighbors and involve the neighbors in their proposed plans. He was advised by the Choi's that they spoke to the neighbors, showed them their plans, and that only one neighbor to the rear expressed opposition and that was based upon the fact that they did not want access from Arlington Lane.

Rich Swartz, 9 Arlington Lane, expressed concern about the existing easement to the side of the house that is used by residents as an easy way to access Arlington Ave. He also expressed concern about the van parked in the area to the rear of the existing house, a van used for work that was parked in a muddy area along Arlington Ln. Mr. Choi responded that they had no plans to block the walkway to the side of the residence which he was aware some used to access Arlington Ave. He further stated that if the van was a problem, he could park that elsewhere and it was his plan to improve the rear of his residence, as indicated by the dual car garage door and plans to improve the landscaping toward Arlington Lane as part of this project. His architect added that originally the plans called for a gate to access the garage but this was eliminated so that people would have continued access to Arlington Ave.

Jane and Ivan Sturman, 7 Arlington Lane, objected to the garage and the driveway. She did not see the need for such a unique driveway, affording access from both Arlington Ave and Arlington Lane. She felt it had a detrimental impact upon them because it increased traffic on Arlington Lane, a cul de sac, and resulted in a loss of parking on Arlington Lane due to the driveway. Prior restrictions, which expired in 1986, prevented Arlington Ave. residents from accessing their property from Arlington Lane and she believed that this project, though not legally prevented any longer, should not be sanctioned by KMAC.

John Jensen, 104 Arlington Ave. has a garage on Arlington Lane. He says that while one could at one time have kids playing on the cul de sac, as practical matter, that doesn't happen anymore because of safety issues unrelated to traffic. He believes that this will improve Arlington Lane, and that the views will not be impacted because it will be better to see the improved garage and landscaping rather than back of fence. He believes that the neighborhood would improve.

Kristi Choi says that presently she has to back out of her driveway every morning and that it is not safe to do so onto Arlington Ave because their house is right where road curves. Ross Laverty, 11 Arlington Lane, has no problem with the

improvements except the double car garage facing Arlington Lane. When they purchased their property on Arlington Lane, their idea was that they would have a buffer from the houses on Arlington Ave. He felt Arlington Lane is nice quiet cul de sac which, to date, most on Arlington Ave have respected by not making improvements on their street. Kasey Clagett, 5 Arlington Lane, has no problems with the improvements and has no concerns about the parking, especially if the van is then moved. He thinks that the landscaping will improve the area from what is now a muddy area with a fence. He states that people already park in front of the fence.

Chair Barraza then asked where the Choi's recycling was picked up, and the response was on Arlington Ave and that with this improvement it is their intent to build an area for garbage pickup and recycling. Chair Barraza then noted that the traffic on Arlington Ave was terrible in that area and that having access on Arlington Lane would be beneficial to the neighborhood. Alternate member Becker noted that he hoped that the landscaping would minimize the impact upon the driveway and that Mr. Choi would no longer have the need to park on Arlington Lane with his van if this improvement was recommended. Vice Chair Tahara did feel that overall this was a good project and, while sympathetic to the neighbors, he believed that the impact was minimal and that it could actually be beneficial in appearance. Member Reed echoed Vice Chair Tahara's comments and believed that this would be an improvement with the planned landscaping and, while sympathetic to the concerns expressed by the neighbors, she believed that the plans were in keeping with the goals of KMAC. Thereafter, she made the following motion:

That the plans, dated February 16th and amended March 10th, 2006 be recommended for approval, subject to the following conditions/findings: 1) that as part of the project an enclosed garbage and recycling area be built to the rear of the property, 2) that landscaping be included as part of the project, facing Arlington Lane, with consideration for street trees, to the extent same did not negatively impact parking, 3) that pavers or turf blocks be installed rather than concrete for the driveway on Arlington Lane and 4) that the conditions for granting a variance were met. The motion was seconded and approved 5 – 0.

6. **31 Kenilworth Ave. (DP 053067).** Development Plan review to expand an existing residence by extending the residence to the rear of the lot. (Continued public hearing regarding the proposed changes with respect to an application previously considered and continued at the request of the owner on October 4, 2005).

The presentation was made by Don Waters, owner and developer of the property. Mr. Waters indicated that he had made substantial changes to his former plans in deference to the neighbors' objections. In response to their concerns, he had eliminated the second story of the residence, reduced the size by approximately 500 sq. ft., and changed the design from "southwest" to something more compatible with the existing residences, with shingle siding.

The building is the same height as the former residence and the existing roofline was extended.

Chair Barraza asked questions in regard to the location of windows and doors shown in the extension and whether same could be moved. He was advised that they could be moved a matter of a few inches. He was further advised by Mr. Waters that they had obtained a survey and that they were certain of the locations as shown and that they are willing to add additional parking if the neighbors so desired.

Mr. Greg Collis, 14 Cowper Av., began by thanking KMAC and Mr. Waters for their time and respecting the process. He was much happier with the new design but had four concerns: the first being the boundary fence between the property (Mr. Waters responded that he was willing to build same but it would have to be in accord with the survey markings and not the former fence), the second being whether there were any plans to build decks in the rear or to the side of the house (he was advised that anything over three feet above ground would require a permit), the third being whether the window locations could be fixed in perpetuity (answer, no but to the extent permits were required he would be allowed to object) and fourth he hoped that Ms. Heidi Adler's concerns were addressed.

Ms. Deanna Collis, 14 Cowper Av. stated that she objected to a privacy fence if it was going to be located in accord with the survey, because the survey was erroneous and would put the fence on their property. Mr. Waters responded that he paid a fair amount of money for the survey and unless someone was able to present an alternative survey, he was unwilling to build the fence where Ms. Collis desired.

Ms. Heidi Adler, 27 Kenilworth Dr. wanted to thank both KMAC and Mr. Waters and stated that the project was much nicer. That said, she would prefer hip roof rather than the proposed design. Mr. Waters responded that given the reduction in the size of the house, a hip roof design was too expensive and he would not be able to recover his investment in same. While he too preferred the look of a hip roof, the reductions he had made in the size of the home meant that he could not recover his expenses for that type of more expensive roof. He stated that this would add \$5k to \$6k in additional cost.

Ms. Elyse Eisenberg, 23 Kenilworth Dr., wanted to thank Mr. Waters for the new design, which she much preferred. She wanted to know if they could underground the electrical and whether they would be using French drains for run-off from the hill behind the property. Mr. Walters indicated that they would be using French drains, which would be required, and would do that which was required for electrical. She also stated that she too would prefer a hip roof design.

Member Reed stated that while the residents may not be getting everything they desired, she believed that Mr. Waters had gone more than half way in meeting

the neighbors' concerns by dramatically revising the design of the residence, and eliminating the second story. While a hip roof might be nicer to some, it was not required under the ordinance and was a matter of preference that was within the discretion of the builder. She then offered the following motion:

That the plans dated March 8, 2006, be recommended for approval with the following provisions: 1) that the height of the structure not exceed the existing roofline or 18' 10" and 2) that the addition to the east be no wider than 18' 0" and no deeper than 36'. The motion was seconded and approved 5 – 0.

7. Procedural Matters

- a) Chair Barraza discussed the need for KMAC input to CDD regarding Temporary Events Permits in the Kensington area with Catherine Kutsuris. He reminded her that KMAC's letter of 6/22/05 recommended 125 maximum participants (among other aspects), and wondered if recommending additional conditions would be helpful to the ZA. Catherine had replied "yes". Chair Barraza noted, however, that since his discussion with Catherine, one of the Deputy ZA's had issued a permit for a event of 300 participants in the Kensington area indicating that at this point in time KMAC's existing recommendations were being ignored by the ZA.

8. Information Reports

- a) By-law status: County Counsel returned KMAC's Bylaws with comments recommending changes needed to secure Board of Supervisor's approval. The counsel's office complimented KMAC on the quality of Bylaws reviewed. Chair Barraza will make the suggested changes.
- b) Enforcement Reports: Property owners were cited for providing mis-information regarding their proposed changes on Los Altos Ave.
- c) Catherine Kutsuris, Deputy Director of CDD, has noticed real estate developers of restrictions related to second units in Kensington.
- d) Community Development Department reports that they are very happy with the new Overlay Ordinance and they indicate that problems encountered by some were mainly due to a misunderstanding of the ordinance by those who worked with the public. Chair Barraza was also advised that below grade changes that impact the threshold limitations were subject to

hearing as CDD considers a building envelope to extend below grade.

9. Adjournment: The meeting was adjourned at 10:06 p.m.

Minutes prepared by Secretary Karlsson