

DRAFT

KENSINGTON MUNICIPAL ADVISORY COUNCIL

MEETING MINUTES

Meeting Venue: Conference Room, Kensington Community Center

Meeting Date: November 26, 2003, 7.00 pm

1. **Present:** J. Carman (Chair), E. Detmer, R. Barraza, C Reed and D. Jenkins
2. **Minutes** of the October 28, 2003 meeting were approved with the following changes:
 - Item 3, Paragraph 3, second sentence should read...”The owners desire to replace a dilapidated stairway with a new stairway and deck.....”
 - Item 3, Paragraph 3 should read... “In view of the above the project only requires a variance for a 5 ft. secondary front yard set back.”
3. **Citizens’ Comments**
 - In view of the proposed cancellation of the December 2003 KMAC meeting J. Smith requested that a meeting be held earlier in January 2004 than the scheduled meeting on January 27, 2004 to consider his project at 155 Arlington Ave. KMAC agreed to hold a meeting on January 6, 2003. Depending on the case load it may be necessary to hold another meeting in January 2004. If this is needed it will be held on January 27, 2004.
 - A. Reed (728 Coventry) advised KMAC that construction at 656 Coventry was active on weekends and that stairs had been constructed which encroached on the side walk area. KMAC proposed taking up these matters as Agenda item 8 c). (Note that because of the length of the meeting consideration of Agenda Items 8 and 9 was deferred until the January 6, 2004 meeting)
 - KMAC noted that the Kensington Outlook continued to publish the KMAC meeting time incorrectly as 7:30 pm. J. Carman will contact the Outlook editor to correct this error.
4. **120 Windsor Ave. (DP033061).** Request for a small lot review for additions to the front and rear plus reconfiguration of an existing rear deck on an existing dwelling on a substandard lot.

Chair Carman recused himself from considering this case. R. Barraza took the chair.

This project was considered at the October 2003 KMAC meeting. KMAC recommended that storey poles be erected to determine the extent of the shadows cast on 118 Windsor by the proposed construction. Consideration of means to reduce the impact of the back deck on the privacy of 118 Windsor was also recommended.

C. Lempres (Architect) and E. and J. Kramer (Owners) reported that storey poles had been erected, that the back deck will be pulled back by approximately 3.5 ft and that the illegal garage conversion will be removed.

J. Carman (118 Windsor) stated that the shading of his property under mid-winter conditions was minor and that the new rear deck location was acceptable to him. He complimented the owners on their efforts.

The following motion was passed 4-0 (1 recusal).

“KMAC recommends approval of the proposed project as described in the drawings with the County CDD date stamp of November 12, 2003 with the condition that the eaves of the new construction shall match the eaves elevation of the existing structure, the roof pitch shall be 4/12, one off-street parking place shall be provided and that a garage door with a minimum opening width of 8 ft shall be installed”

5. **33/35 Ardmore Rd. (LP032096).** Request for a land use permit, small lot review and a 3rd storey variance for a duplex addition to an existing non-conforming dwelling on a substandard lot with additional requests for variances for retaining two existing side yard setback variances of 4 ft each and 8 ft aggregate (5 ft and 15 ft aggregate required); 6.5 ft front yard setback variance (20 ft required; 7 ft existing).

J. Carman took the chair.

The proposed project was presented by D. Hertzler (Owner) and B. Jones (Architect). D. Hertzler stated that he and his family have lived in 35 Ardmore and have also lived in or rented 33 Ardmore for the past 30 years. They wish to improve both 33 and 35 Ardmore in anticipation of D. Hertzler's impending retirement to provide more living space and a supplemental rental income. The two bedrooms in 33 Ardmore will be enlarged. In 35 Ardmore a larger kitchen will be constructed on the first floor. Two new bedrooms and a bathroom will be added on the second floor. The property will be provided with a Bay view by the second storey addition. A new laundry room will be added to service both 33 and 35 Ardmore.

D. Hertzler indicated that the improved property would have similar floor area to adjacent 2(or greater) storey properties. He presented letters from the following neighbors indicating “no objection” to the proposed project: M. Lajoie and T McDermott (228 Arlington), M. and R. Starkey (240 Arlington), L. and J. Rucker (37 Ardmore), R. and J. McKenna (17 Ardmore), E. Clark (40 Ardmore), F. Robes and B. Forbes (38 Ardmore) and J. Hanson and K. Laetsch (34 Ardmore).

B. Jones (Architect) stated that heritage trees in the back yard and the Owner's desires for a private back yard patio and a Bay view constrained the project design. Currently the surrounding houses look down on the Hertzler's property, which unlike them has no Bay view and is shaded completely in the winter and to some extent during the rest of the year. Even with the proposed second storey there will be some shading by 29 Ardmore. He presented calculations showing

that the proposed project would cause some loss of northwestern view and light to some of the secondary living spaces of 29 Ardmore.

B. Jones pointed out that the 3rd storey portion of the proposed project would be confined to one stairwell that accessed the garage from the 1st storey. The proposed project will have the required 2 off-street parking places even though 1 of the existing 3 will be eliminated.

D. Rempel (29 Ardmore) stated that although he was supportive of the Hertzler's obtaining more space and a Bay view, the proposed project would severely affect their views and northern light in two offices, the kitchen and the central hallway. He was concerned about the effect of losing of a parking space on an already difficult parking situation. To minimize the impacts on his property he suggested moving the addition further back and towards the center of the structure.

T. Rempel (Architect for D. Rempel) stated that increasing the size of an existing non-conforming property while reducing the number of parking spaces conferred a special benefit. KMAC members stated that the proposed project would have the required number of parking spaces.

E. Lee (226 Arlington) stated that she was the owner/occupant of the house to the rear of the proposed project. The only view from her single storey house was a small window through trees. This view would be preserved with the proposed project placement but would be eliminated if the 2nd storey was moved towards the center of the structure.

M. Milligan (36 Ardmore) expressed concern about the effect of the proposed project on the parking situation.

KMAC thought that the proposed project would improve the appearance of the property that was the only single storey residence on its side of the street among 2+ storey houses. The view and light impacts on 29 Ardmore were not to primary living areas and moving the addition would impact the only view of 226 Arlington, and/or require the removal of heritage trees. KMAC concluded that the very small 3rd storey portion of the proposed project was incidental and unavoidable. Chair Carman asked D. Hertzler whether he wished the Council to take action now or to continue the case to allow further discussion with D. Rempel. On being advised that D. Hertzler desired KMAC to take action, the following motion was passed 4-1.

“KMAC recommends approval of a land use permit for an existing non-conforming structure. Approval under the substandard lot review is recommended because the proposed dwelling will be compatible with the immediate neighborhood. Approval is recommended for variances for a 3rd storey, for two existing side yard setbacks of 4 ft each and 8 ft aggregate (5 ft and 15 ft aggregate required), for a front yard setback of 6.5 ft (20 ft required; 7ft existing). These variances do not grant special privilege because all except the incidental 3rd storey are existing; the small portion of 3rd storey cannot be avoided in the design of the proposed project and does not materially affect the height of the structure that conforms to the requirements of Article 84-4.802.

These recommendations are made in reference to the project described in the plans dated October 20, 2003.”

- 6. 125 York Ave. (DP033065).** Request for a small lot review for a 2nd story addition to an existing dwelling on a substandard lot.

J. Carman recused himself from considering this case. R. Barraza took the chair.

The proposed project was presented by M. Abraham (Owner) and R. Wolff (Architect). M. Abraham stated that he needed more living space than the existing 1380 ft² for a growing family. He was initially encouraged by the reaction of uphill neighbors to a proposed 2nd storey addition. Because of lot constraints he was unable to add a ½ storey like some immediate neighbors on York Ave. and building deeper was not viable because of possible drainage problems-- the existing house is already dug into the grade and requires a retaining wall. To minimize view impacts on the uphill neighbors (Windsor) the proposed 2nd storey would be placed as far to the east as possible, would have a low roof pitch or a flat roof and would be no wider than the existing building.

Storey poles had been erected so that project impacts could be determined. M. Abraham stated that view impacts were not specifically considered by the substandard lot ordinance. This had been acknowledged by J. Carman in comments on the current and new ordinances (Kensington Outlook, July/August 2003) and had been M. Abraham's experience while a KMAC member. The storey poles had elicited highly negative reaction from some uphill Windsor Ave. neighbors, while the following York Ave. residents: N. Sephton (120 York), J. Lowery (152 York), H. Bean (118 York), J. Bunker (118 York), F. Locher (131 York), M. Bell (134 York), C. Bell (134 York), E. Reiss (130 York), D. Orestsky (117 York), J. Johnson (129 York), R. Diener (161 York) and M. Bahn (148 York) supported the project because of its compatibility with the surrounding neighborhood in terms of height, location, size and design. M. Abraham's indicated his continuing willingness to work with his neighbors to develop an acceptable design.

R. Wolff (Architect) noted that the storey poles were located at the edge of the eave overhangs to show the impact of the roof. The bulk of the structure would be less than indicated by the storey poles by about 2 ft all round. In his design he had tried to preserve neighbors' privacy by placing only a few windows in the rear and by using frosted glass where appropriate. The proposed project would retain the existing two off-street parking spaces.

J. Carman (118 Windsor) acknowledged the way in which M. Abraham and his architect had discussed the proposed project with him during its development but in his opinion the plan presented was unworkable and could not be modified to make it acceptable to him. He stated that in the original development of Blocks 5, 6 and 7 of Berkeley Highlands Terrace (which now comprise York Ave., St Albans Ave. and Windsor Ave.) the houses were designed and sited to preserve the views of neighbors. The construction of a second storey on 125 York Ave. is

not compatible with the neighborhood with respect to design, height, location and size. To support this statement he distributed data showing that the average floor area ratio (FAR) of the houses on the east side of York Ave. was 0.45 (range 0.26-0.61), that the current M. Abraham house FAR was 0.49 and that the FAR of the proposed project would be 0.76. He stated that this project could create a domino effect in which the row of 8 single storey houses on the east side of York Ave. were converted to 2 storey structures that would result in the loss of views along the west side of Windsor Ave.

G. Morrison (112 Windsor) stated that on the basis of the storey poles the proposed project would have a devastating effect on the views from the primary living areas of his house. He showed pictures taken from his kitchen and living room to illustrate this point. One set of pictures showed the current views. The second set showed the views remaining after the area within the envelope defined by the storey poles had been filled in.

G. Morrison presented a petition opposing the proposed project signed by the following Windsor Ave. residents which stated that it was incompatible with the neighborhood and because of its height and size it would result in significant loss of views and property values: P. Caruther (100 Windsor), D. Gumz (108 Windsor), S. Gumz (108 Windsor), J. Kramer (120 Windsor), M. Emery (124 Windsor), R. Loewinsohn and S. Sandler (130 Windsor), E. Nadolny (125 Windsor) and E. Emery (124 Windsor), L. and C. Mayali (126 Windsor), W. Stanton (134 Windsor), W. and G. McNab (136 Windsor), D. Stanton (134 Windsor), D. and D. Dahrouge and B. Scott (115 Windsor), R. Levin and M. Heisl (111 Windsor), M. Emery (124 Windsor), E. Kramer and R. Loewinsohn (130 Windsor), W. McNabb (136 Windsor), W. Stanton (134 Windsor) and S. Gumz (108 Windsor) all supported the comments and concerns of J. Carman and G. Morrison about loss of views and accompanying property values, the potential domino effect on York Ave. and the neighborhood compatibility.

M. Abraham responded that each property should be considered uniquely and issues such as a domino effect were inappropriate. He questioned the FAR values cited by J. Carman since the County Assessor's records (from which they were obtained) did not always contain the areas of garages and improvements made since the last assessment. Furthermore FARs and views are not relevant to a determination under the current substandard lot ordinance.

KMAC members were concerned about the size of the proposed project, its compatibility with the neighborhood and its impact on the view from 112 Windsor Ave.

The following Motion was passed 4-0 (1 recusal).

"KMAC recommends denial of the substandard lot application on the basis of neighborhood compatibility with respect to size and height."

- 7. 300 Coventry Rd. (VR021072).** Request for a substandard lot review for a 2nd story addition to an existing dwelling on a substandard lot with two additional requests for three variances: an existing front yard setback variance of 15 ft 8 in.

(20 ft required), an existing secondary front setback variance of 2 ft (15 ft required) and a 3rd storey (2 stories allowed).

J. Carman took the Chair.

R.Darakshan (Owner and Contractor) stated that he currently lives in El Sobrante and wishes to move to the subject property after it has been improved. In the meantime it is a rental property. He wishes to tear down the existing poorly constructed improvements and rebuild with a better design and construction. He is not proposing any expansion of the building envelope. He indicated that there were other properties in the neighborhood with high FARs, with 2 stories and with small set backs.

D. Cucuel (308 Coventry) the immediate neighbor to the south, was concerned about the bulk of the proposed project on a small lot and its effect on his privacy and light. He also expressed concern over the neighborhood parking situation and the domino effect that this project might have.

M.Merrill (316 Coventry) stated that the project as designed was not compatible with the neighborhood because of its size, bulk and proximity to the sidewalk.

F. Wolff (324 Coventry) would like to see the current property improved but was concerned about the size and bulk of the proposed design. He suggested that the privacy on the Cucuel's side of the building be preserved by limiting the fenestration.

KMAC discussed some methods to address the neighbors' concerns such as the use of frosted glass and careful placement for the south side windows, reduction of roof pitch, and the use of skylights and dormers.

R. Darakshan requested that the case be continued so that he could address the issues raised..

8. Procedural Matters

Because of the lateness of the hour these agenda items were held over until the next meeting.

9. Information Report

Because of the lateness of the hour these agenda items were held over until the next meeting.

10. Adjournment

The meeting was adjourned at 11:10 pm. The next KMAC meeting will be at 7:00 pm on January 6, 2004.

Respectfully submitted

David Jenkins
Secretary KMAC
KMAC/minutes nov 2003