

DRAFT

Kensington Municipal Advisory Council Minutes Meeting of October 25, 2005

Council Members present:
Chair: Ray Barraza
Vice Chair: Patrick Tahara
Secretary: Richard Karlsson
Council Member: Pam Brown
Council Member: Kay Reed

1. The meeting commenced at 7:00 p.m. All members were present.
2. The minutes of the October 4th KMAC meeting were not yet prepared and were not submitted for approval.
3. There were no citizen comments at the beginning of the meeting. Member Reed presented a pamphlet and spoke briefly about earthquake preparedness.
4. **Consent Item: 255 Amherst Ave. (LP 052073).** Approval of an application to conduct a consulting business from the residence, subject to the conditions of Contra Costa Zoning Code section 82-4.240. *KMAC recommended approval of the consent item by a vote of 4 – 0. Chair Barraza recused himself due proximity of his residence to 255 Amherst.*
5. **260 Willamette Ave. (VR 051093).** *Development Plan review to replace an existing deck with variances for a 3' side yard (5' required) and 10' aggregate side yard (15' required).* Chair Barraza stated the three required findings to grant a variance, which are, in summary: that the variance may not be a grant of a special privilege; that due to the special characteristics of the property, strict application of the zoning laws would deprive the applicant of the benefits enjoyed by other property owners in the immediate area; and that any variance granted must meet the intent and purpose of the zoning laws. Chair Barraza then read the applicable provisions of the Kensington Combining Ordinance.

Owners Jim and Barbara McVay followed these opening comments by making their presentation regarding the construction of a deck. As the deck was to replace an existing deck, the applicants did not believe that they needed prior approval to construct same and therefore made a presentation based upon the existing deck. Much of the presentation concerned the addition of stairs that were necessary to replace deteriorating concrete steps leading from the deck to the ground below the

deck. In addition, Mr. McVay stated that he had constructed an addition to the deck, extending beyond the edge of the railing, that was intended for hanging plants so as to minimize the visual impact of the deck. This extension of the deck meant that the rebuilt deck encroached further into the setback than the existing deck, and the new sideyard requested is approximately one foot. This extension to the deck is not shown on the drawings accompanying the application (Date stamped Sep. 2005)

Questions by KMAC concerned whether the new stairs on the deck would be exempt, as stairs are normally exempt except when built as an extension to a deck, or as part of a landing. The second issue was that the new deck did extend further into the setback, and it was within one foot of the property line. Member Reed inquired about the access to the back of the house and privacy issues from the neighbors, noting that the deck was immediately to the north of the house to the side. The McVay's noted that they had received no objections from this neighbor, and the steps were to replace existing concrete steps that had deteriorated. They were asked by Member Brown whether they had spoken to the neighbors in advance. They replied that they had not spoken to them in advance, but had spoken to them after they had determined a permit was necessary, and that the neighbors had no objection to the deck and were happy that they were fixing up the house. Member Reed asked about the existing handrail and stringers and if those were in the same area as the former deck. She was advised that the handrail was in the same area, but the stringers did extend further out than the former deck and, again, this was for the purpose of planter boxes. Vice Chair Tahara asked about the process and was advised that the building permit was being held in abeyance while they were awaiting a variance. Chair Barraza asked if there were any other homes in the area that were this close to their neighbor's home and were advised that 256 Willamette was within 2' of the adjoining property.

Member Reed then stated that for purposes of the review, KMAC had to consider the project as if it had not yet been constructed and was a request for a variance. Her concerns were as to the extended joist and the deck. She therefore suggested that the deck size be reduced within the setback. Secretary Karlsson suggested that, as the new deck only replaced the existing deck based upon the testimony of Ms. McVay who had resided in the house since a child, the only area in question should be that of the extension. When questioned by Vice Chair Tahara, Mr. McVay indicated that to make this change would require moving the beams and posts supporting the extended area, but could be reasonably accomplished.

A motion was made to recommend denial of the variance for that portion of the deck that extended beyond the handrails (or the area of the former deck) which consisted of the extension for planters. The motion was approved 4 – 1, Member Reed voting no.

6. Vacant Lot at north end of Purdue Ave. (~~MS-051093~~). (MS 050038)

Request for approval to subdivide a 20,370 sq. ft. parcel into two lots. The vacant parcel in question is located immediately west of the residence at 96 Purdue Ave. Todd and Marion Hodson made the presentation. Patty Coluse, who was to share one of the sub-divided parcels, was also present. The meeting began with

questions from KMAC members concerning its jurisdiction. Chair Barraza indicated that it was to receive input from neighbors as to the impact of the proposed subdivision, listen to the explanation as to why it is being requested and make recommendations to the Community Development Department based upon same. It was explained by Mr. Hodson that the Hagen's, whose residence is located at 96 Purdue Ave., have owned the property for many years. They agreed to sell to the Hodson's with a view easement so any structures built could not block their view. As part of the agreement, they were also granting a sewer easement that would also benefit the Hagen property. Ms. Coluse indicated that the intended homes to be built would be 3500 sq. ft. at the largest and that the present intent was that they would each have separate driveways. Member Reed then asked about the proposed property lines and the size of the respective lots. She was advised that the respective lots would be between 9800 and 10,000 square feet.

A motion was made to recommend the applicants' request to subdivide the property as long as each of the two lots, after dividing, were conforming lots. The motion was approved 5 – 0.

7. Information/Enforcement Reports

- a. Temporary Events Ordinance and the Board of Supervisors Meeting of 10/11/05. The Board of Supervisors approved the temporary events ordinance. Ms. Joan Gallegos indicated that there was opposition to the ordinance by neighbors who questioned the need for the ordinance. She also indicated that the request to require input from local entities before a permit was granted was denied, and that the ordinance permitted same ("may") but did not require it.
- b. Ms. Gallegos, as part of public input, requested to know what was occurring regarding the Colusa Circle Development Plan. Chair Barraza indicated that though there had been a request regarding same from Carol Chisholm, a property owner, KMAC could not act until a formal application was made to Community Development.
- c. Ms. Gallegos also requested information concerning the new residential construction at 5 Sunset, as it appeared to be three stories. Chair Barraza responded that there were not requests for a hearing and, that as the residence was represented to be within the existing zoning requirements, including being no more than 2.5 stories, KMAC was not requested to review it.

8. The meeting was adjourned at 8:29 p.m.

Richard Karlsson
Secretary