

DRAFT

KENSINGTON MUNICIPAL ADVISORY COUNCIL

MEETING MINUTES

Meeting Venue: Conference Room, Kensington Community Center

Meeting Date: July 30 2002, 7.00 pm

1. **Present:** J. Carman (Chair), E. Detmer, S. Farneth, D.Jenkins.
2. **Minutes** of the June 25, 2002 Meeting were approved unanimously with one minor editorial change.
3. **325 Colusa Ave. (VR021052, LP022065, APN571-340-030; formerly LP 002066).**

Request: (1) to approve an amendment to land use permit LP002066 for a second (rear) residence which is not permitted in an R-6 district and does not conform to the approved plan to extend the life of a previous nonconforming use dwelling; (2) to approve variances in the front residence that have not previously been approved and do not conform to the approved development plan for this dwelling. These buildings are on a substandard lot as authorized by previous decisions.

Following a site visit by J. Carman and David Jenkins a list of items requiring resolution was assembled by J. Carman. This list was used to focus the KMAC discussion. The Applicant J. Moattar was present to respond to KMAC comments.

a. Front House

- (i) The width and depth of off-street parking does not meet County code or the approved plans.

J. Moattar explained that this occurred because a retaining wall needed to be thicker than anticipated so that the project had to be moved further over into the parking area. He showed photographs indicating that 2 large vehicles could be parked side by side in the available space, and that their doors could be opened.

- (ii) The location of the second floor porch is as in the previous dwelling but the first floor front door, porch and steps are not as shown in the approved plans.

J. Carman indicated that KMAC had advised the applicant and the contractor at the first meeting on this case that the steps to the second level could not be built. From the changes made this appears to have been an accurate assessment of the situation. Indeed J. Moattar confirmed that the steps to the

second floor porch were eliminated because they blocked the light to the first floor. With these steps eliminated the entry to the house was made on the first floor by continuing the outline of the second floor porch down to the first floor. While this intruded on the parking area J. Moattar demonstrated its adequacy (3a(i)). KMAC agreed that this was a good design solution.

(iii) Height and setbacks.

Even though the datum for heights is a little difficult to determine, KMAC concluded that both the height and setbacks conformed to the approved plan.

(iv) Retaining wall and courtyard wall heights.

These heights and the height of the railing around the courtyard wall both conform to the approved plan.

(v) The approved plans showed a door from the first floor kitchen leading to the side walkway. Access to the kitchen door, rear yard and rear house would have been by climbing a flight of steps then descending some steps to the pathway from the rear house. In the constructed building the kitchen door and both sets of stairs had been eliminated. They had been replaced by a door from the second floor family room leading to a bridge across the courtyard and thence to a level path that joins the pathway from the rear house.

J. Moattar indicated that he had made these changes to improve emergency egress from the first floor and rear house. KMAC agreed that the changes were an acceptable improvement but that they might lead to some inconvenience inside the building (e.g. taking the garbage out from the kitchen).

b. Rear House

(i) The dwelling appears to have been built approximately 2 ft higher on the south side and, because the ridge line of the roof was continued, more than that on the north. This height increase is in the pitch of the roof and perhaps in the elevation of the main floor.

J. Moattar insisted that the building was constructed at exactly the same floor level and plate elevations as the building that it replaced. D. Gerstel (283 Colusa) reported that the neighbor directly behind the rear house (F. Wolfe) had stated to him that it was exactly the same height as the previous structure. J. Moattar agreed that the roof on the north side of the building was higher than originally because he had taken the advice of his architect to extend the roof line of the rest of the building through to the south side.

- (ii) The previous dwelling was built on piers. The approved plan showed no crawl space.

J. Moatter agreed that the basement/crawl space was not shown on original plan. He showed photographs of the original dwelling that clearly indicated that

there was an existing crawl space. He stated that neither the height of the building nor the sub-floor had been altered during construction.

- (iii) The porch has been extended to the north bedroom.

J. Moatter stated that this had been done to provide emergency egress from the bedroom.

- (iv) Skylights have replaced windows on the east side of the balcony

J. Carman stated that this was done to accommodate the request of F. Wolfe, the neighbor to the east. Discussion of this change can be heard on the tape of the ZA hearing on this case.

- (v) The exterior has been finished in stucco, rather than wood as shown on the approved plan.

J. Moattar stated that a stucco finish is shown on the final construction drawings.

c. Further discussion

J. Carman reiterated his statement of the ZA hearing that the previous building had been completely demolished and rebuilt. The ZAs decision was to move the existing building, not start over.

J. Moattar insisted that the existing building had been taken down piece-by-piece and the new construction built around it rather than through demolishing and rebuilding. He showed construction photographs his point.

S. Lobo, 333 Colusa applauded the wonderful job that J. Moattar had done in upgrading two derelict buildings into two highly desirable residences.

D. Gerstel (283 Colusa) said that, although he was somewhat concerned by the departure from County codes, he liked the changes and thought that the buildings were a great improvement to the neighborhood.

The following motion was passed 4-0.

“KMAC recommends approval of all currently listed variances and land use amendments necessary for project completion”.

4. **189 Purdue Ave. (ZI029389).** Motion to withdraw a request for a public hearing before the Zoning Administrator to consider the request for a small lot review to build a second floor addition on a dwelling on a substandard lot.

From a conversation between J. Carman and the County Planner it became evident that there was no need for a public hearing (no tree removal permit was being requested and the existing garage was never a double garage). The next door neighbor (M. Milton) had withdrawn her request for the public hearing.

The following motion was passed 4-0.

“KMAC recommends that their request for a public hearing on this project be rescinded”.

5. **734 (656) Coventry Road (DP023021).** Request for a small lot review to build a new dwelling on a substandard lot.

The Applicant (Mr and Mrs. Jara) was not present to discuss this project. This project was discussed in another context later in the meeting (see item 8)

6. **43 Anson Way (VR021051).** Request for variances to build a maximum 10 ft high (3 ft allowed) retaining wall in a side yard setback of approximately 0 ft and aggregate of approximately 7 ft (5 ft and 15 ft aggregate required).

The Applicant (C. Williams) and the Engineer (H. Foster) presented the project.

C. Williams stated that he started replacing an existing cracked and leaning 80 ft long retaining wall then discovered that the ground elevation behind it (previously obscured by dense trees and undergrowth) was significantly higher than the 3 ft high wall that he had planned. This prompted him to engage H. Foster to engineer the retaining wall and to apply for the listed variances.

H. Foster stated that the designed wall would vary in height between 4 ft and 6 ft because of the existing topography. D. Calahan (39 Anson Way) requested that approval of the variances be expedited because until the wall was constructed the soil on which his house next door stood was un-retained. D. Calahan had no objection to C. Williams coming on his property to complete the project. K. Seyforth (47 Anson Way) supported the project when she learned that no intrusion into the side-yard adjacent to her property was involved.

The following motion was passed 4-0.

“KMAC recommends expeditious approval of the variances, described above, required to construct the proposed retaining wall to a height that follows the existing grade of the adjacent property at 39 Anson Way. Said variances meet all the conditions of Section 26-2.2006.”

The applicant was advised that because of the 0 ft. setback on the north property line, he would require a variance for any expansion of the house on the south side that did not provide for a 15 ft. side yard setback.

7. **286 Grizzly Peak Blvd. (VR021053).** Request for variance to construct a carport with a front yard setback of 3 ft 6 in (20 ft required) on a substandard lot for the purpose of converting an existing garage into a bedroom.

The Applicant (J. Watt) desired to convert a section of the front of his house from a small garage and a small bedroom into a “full-size” bedroom. To accommodate off-street parking for 2 vehicles, an open wooden trellis-like structure and an extension of the existing concrete parking pad (driveway) was planned. The trellis and concrete pad would extend into the front yard set back. The trellis would be screened by plantings. J. Watt noted that there were residences on Grizzly Peak Blvd., with existing garage-to-bedroom conversions. On the adjacent street, Lake Drive, there were at least two residences (actually four) in which the 20 ft front yard set back had been encroached upon by trellised parking pads. Finally J. Watt indicated that he desired the trellis structure and extended concrete pad because he did not wish to add another vehicle to those already parked on the street. The next door neighbors who would be impacted by the project, L. Gomes and M. Gomes (290 Grizzly Peak Blvd), stated that a nice-covered trellis would be far more pleasant to look at than the car that was parked there now. They enthusiastically supported the project.

KMAC discussion and interchange with the Applicant raised the following points:

- (i) The most important project objective was to obtain a full-size bedroom.
- (ii) The trellis should have an open roof.
- (iii) Encroachment into the front yard set back could impact the “cottage-style” of the house and the “open-feel” of this section of Grizzly Peak Blvd.
- (iv) Denying the variance to build the trellis and the concrete pad would aggravate the off-street parking situation.

- (v) Although the Applicant may construct an open trellis in a tasteful fashion a future owner could convert it into a more solid structure.

The following motion was passed 3-1

“KMAC recommends that the Applicant be allowed to convert the existing garage to bedroom space”.

The following motion passed 3-1

“KMAC recommend denial of the application for a variance to build a trellised carport in the front setback as it is incompatible with the surrounding neighborhood, under the provision of Section 82-10.002(c), and does not meet any of the conditions of Section 26- 2.2006:

- 1. It would be a grant of special privilege in that no other properties in this block of Grizzly Peak Blvd. have such carports;*
- 2. There are no special size, shape, topography, or location circumstances of this property that would deprive the subject property of rights enjoyed by other properties on this street;*
- 3. Granting this variance would not meet the intent and purpose of the land use district.”*

8. Citizen Comments

J.Carman stated that on July 26 2002 Mr. and Mrs. Jara had withdrawn their application (DP023021) to construct a new dwelling on a substandard lot at 734(656) Coventry. J. Carman indicated that the County planner had been led to believe that actions were being taken to reconvey the driveway to 734 Coventry to Mr. Ohanian and thereby remove the “sub-standard” designation from the lot. Several neighbors of the subject lot were present and expressed their concern about this situation. KMAC indicated that since there was currently no active application for this project it could take no official action. KMAC members were however sympathetic to the neighbors’ concerns, as evidenced by their negative recommendations to the County on this project at their March 26, 2002 meeting.

Subsequent to the current meeting, J. Carman drafted and sent a letter to Supervisor Gioa (Appendix I) that expressed KMAC’s concerns and emphasized the need for urgent action on the new ordinance so that situations such as those posed by this case could no longer occur.

9. Procedural Matters

- (a) Draft letter to D. Barry.

The subject letter was reviewed in the context of several projects where problems had arisen from discrepancies between the plans seen by KMAC during its deliberations, the approved development plans, and the construction drawings.

In conjunction with this discussion, the Chair updated the Council on three previously-unreported cases for which KMAC had received complaints concerning such discrepancies: 233 Amherst, 640 Coventry and 222 Willamette. He pointed out that in some of these cases it was not clear whether the approved construction drawing were inconsistent with the code or with the development plan. M. Coombs was present to participate in the discussion of the draft with respect to the 233 Amherst project. The finalized letter sent to D. Barry on July 31, is appended (Appendix II).

10. Information Reports

(a) Past Cases

(i) 417 Santa Fe Ave (Z1029404B)

This application has been withdrawn.

(b) Enforcement Report

(i) 163 Arlington Ave –An enforcement file has not yet been opened on this project.

(ii) 89 and 105 Kensington Road – These projects are under scrutiny of the enforcement officer.

(c) New Ordinance

There has been no progress. The last day to add measures to the November ballot is August 9 2002. See item 8 above and Appendix I concerning a letter sent to Supervisor Gioia on this topic.

11. Adjournment

The meeting was adjourned at 10.25 pm.

Respectfully submitted,

David Jenkins
Secretary KMAC

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