

**KENSINGTON MUNICIPAL ADVISORY COUNCIL  
TUESDAY, FEBRUARY 26, 2008  
7:00 PM**

1. Roll Call – Patrick Tahara, Ray Barraza, Pam Brown and Gordon Becker were in attendance. There are usually five members present for board meetings, but we only need three for a quorum so we have a sufficient number of attendees to proceed.
2. Approval of Minutes of January 29, 2008 – Of the four in attendance, only two had been present at the previous meeting so there was not enough KMAC members in attendance to vote on the minutes; it will come up again at the next meeting.
3. Citizens' Comments – Judy Hardin mentioned that there are efforts underway to move the farmer's market from the Arlington Ave location to Colusa Circle and they hope to be there in April. Every Sunday from 10am – 2pm She is working with Supervisor John Gioia on closing a short block of Oak View for the market.
4. Consent Items – no items on the consent calendar.
5. **385 Colusa Ave. (LP 072067 & DP 073041)** Request for approval of a Land Use/Development plan permit that includes variances to off-street parking standards to (1) upgrade the building's interior/exterior new windows, walls, and floor area (2) add an additional apartment unit, (3) establish the take-out food portion of an existing restaurant (Kensington Circus Pub). Off-street parking variance: In 1971 a variance to off-street parking was approved for 24 marked spaces related to a previous restaurant. The current application also requests approval of variance (a) to the required number of off-street parking spaces (21 requested, 54 required) (b) to the minimum width, depth and driveway distances and (c) the minimum area in which landscaping is required. *Continued from January 8, 2008*

Erik Housh represented Narsai David who was unable to attend. He explained Narsai would like to renovate the space and make it an asset to the community. Since the last meeting, he said Narsai listened to the concerns with the community. Based on the proposed use of the space, he said net effect for needed parking would be reduced from 71 to 57 spaces due to the change of use from restaurant to office. He said Supervisor Gioia contacted Narsai and they have worked out an arrangement with Public Works to get more parking on the street and Erik said they have Supervisor Gioia's sign off. As part of that negotiation, he said Narsai is committed to meet landscaping options that will mirror across the street at Ed Hammonds development.

Ray Barraza asked about a garage location in the parking area and inquired about the possibilities of removing that garage to provide one or possible two additional parking slots. Erik questioned whether additional spaces would be generated with removal of that garage but said if KMAC approved the proposal with that stipulation, he could present it to the owner.

Pam Brown asked about whether a parking analysis had been completed. Erik said Narsai hadn't done one but Public Works did although he didn't have a copy and one hadn't been provided to KMAC. Erik said Supervisor Gioia feels based off the information he has been presented, there is no benefit to requiring a parking study.

Janet Hittle was concerned about the landscape proposals because it wasn't on the plans. She has concerns about the narrow 4 foot path on Berkeley Park and the mix of traffic, landscaping and parking. Erik said that Narsai is committed to match the landscaping plans of Ed Hammond's property across the street. Janet also had concerns about increasing the square feet on the proposal with the new apartment and then not enough information on the adequacy of parking.

Gloria Morrison asked question about the parking spaces and parking standards, in particular the 54 space requirement. Ray responded that the parking standards are based on countywide plans and that doesn't necessarily apply to the Kensington standards.

Janet questions since there aren't final plans it is hard to make a decision or know what is being placed in front of the community for review.

Ray feels that in order to take a lead on this issue, Supervisor Gioia wanted to give Narsai information to proceed. Ray thinks getting rid of the parking building would possibly provide one or two more spaces that should be considered especially with the apartment at the top.

Pam cited her concerns of going around the KMAC process to work out an arrangement with Supervisor Gioia's office. It didn't seem as though our input on this issue mattered if an arrangement had already been made for approval. She said as a KMAC member she wanted to treat every citizen the same, no preferential treatment and that we as a board had required Ed Hammonds to produce a parking survey and if Narsai didn't have to do it because of other arrangements with the county, that didn't seem fair. She also expressed frustration that it seemed the precedent being set was that if you don't want to respond to KMAC concerns, work around the council with Supervisor Gioia's office directly. Eric reiterated that Narsai hadn't contacted Supervisor Gioia's office but instead Supervisor Gioia contacted Narsai.

Gordon has a concern installing three parking spaces on Berkeley Park. He said that intersection is already unsafe and that the addition of those spaces there would not only exacerbate the situation, but reduce the possibilities for landscaping on that corner.

Patrick indicated his concerns were that the proposal in front of the board didn't illustrate 24 parking spaces and with the addition of the apartment that makes it 25. Patrick also questioned whether the parking spaces marked on the plan are actually viable parking spaces, particularly the two at the end of the parking lot off Berkeley Park way. Patrick stated we aren't shown the size of the spaces or enough information to determine if the spaces are viable and parking in the area has consistently been a neighborhood concern. It would be hard pressed for me to recommend approval for this plan.

KMAC recommends approval for the take out land use permit (4 in favor and 0 opposed)

KMAC recommends denial for the new apartment, variance on parking, development plan in general (3 in favor and 1 abstaining)

6. **242 Cambridge Ave. (DP 073087)** Development Plan review for a proposed new residence on a currently vacant parcel. *Continued from January 8, 2008*

Kris Good, the property owner at 242 Cambridge, presented a letter signed by the adjacent property owners that cited their recommendations to the proposal that would satisfy their neighborhood needs. Kris indicated that she approved the recommendations in the letter.

Gordon Gee, the architect, summarized the changes to the plan based on the last meeting. They moved the property up the hill and lowered the height of the building. The steep driveway has been removed and the garage has been moved up the hill. The stair tower has

been removed. In all, he said they believe they have addressed all the issues that were of concern.

Joe Carlson is the adjacent property owner and is supportive of the development.

Judy Hardin is a neighbor of Kris now and said she is a good neighbor and is concerned about the environment.

Natalia Kusubov wanted to make sure the items in the letter were accepted, particularly in relation to where survey markers are placed. The letter specifically cites the concerns they want to make sure are incorporated into any final motion. Natalia expressed concern about communication issues with the applicant and architect.

Gail Feldman wanted to be sure the items in the letter would be accepted and she appreciated the efforts that have been made to address the neighbors' concerns.

Andre Kusubov is concerned that the drawing be referenced to the surveyor marker on Cambridge. Unless this plan is referenced to a surveyor marker, he described it as a floating project.

Richard Tapp had a question about the reference point on the floor levels which weren't on this plan. He said based on his discussions with the architect and his review of the plans, the ridge height for the current submittal has the 87 for highest ridge, 74 main floor, and 65 for the lower floor and then the changes would be based off that.

Irene Harrison said she is the most impacted neighbor for the view. Kris has a right to build the house but she has concerns about the impact it will have on her view from the living room.

Caroline Day would like the house to remain within the footprint of other houses.

Ray asked about the comparison of plans and elevations. Gordon Gee indicated that Richard's measurements are accurate. Ray said that we specify a top of ridge measurement in any plan and the setback on the property. Gordon Gee clarified the rear deck is being cut a foot and the house is being moved up another foot, so a 27 rear yard setback and then a 14 front yard setback and garage is line with the neighbors' garages.

Patrick asked about moving the house up the hill and maintaining the height; Gordon Gee responded that to do that they would need to dig down the property to keep the ridge line in place. About Irene's place, Gordon Gee said the dining room view was not obstructed. Patrick indicated concerns from viewing it Irene's place in the living room would block all of the Bay Bridge and half of the city view. Gordon indicated there was nothing that could be done even if the house came down even five feet. Kris asked about the neighbors and what they wanted in their views and Irene indicated that Crissy Field was one of her main views she wanted to preserve which is preserved in this plan and that was not obstructed from this plan.

KMAC recommend the plans date stamped 2/11/2008 be approved with the following modifications. First, that any ridge line will not exceed elevation 85.5 project datum. Second, that the roof is modified to 4 in 12 slope roof. Third, that the location of building is moved eastward and the deck is reduced 1 foot so the plot plan now has 27 feet deck to rear property line versus 25 on drawings and that the dimension from rear property to main house is 29 compared to 28. Furthermore, KMAC finds the variance request meets the criteria for granting and recommends approval of an 8 foot front yard setback for garage and 14 foot front yard setback for main house. (3 in favor and 1 opposed)

7. **243 Arlington Ave. (DP 073091)** Development Plan review to enclose an existing open porch on the second floor front and to enclose an existing open porch on the first floor.

Daniel Ewald, architect, stated the plan is to enclose the open deck on the front façade and enclose a middle deck that is not viewable to outside references. Addie Holsing is the owner of the property expressed her desire to complete their house remodel that was the work of her and her husband's who passed away in March.

Ray Barraza asked about a skylight at the back of the property that wasn't on the plans and cited his preference that any part of the building not exceed the ridgeline.

KMAC approves plans date stamped December 21, 2007. (3 in favor and 0 opposed)

8. **127 Arlington Ave. (DP 073089)** Development Plan review to add 473 Sq.Ft. additional story over SE part of existing residence, modify garage roofline and provide new exterior finishes.

Effat Moubedi stated they have been going back and forth with the county because they believe their plans are not above the FAR threshold. But since they want to move ahead with this plan, they are accepting their calculations. Their plans is to develop a one bedroom addition above the building which will cover approximately one third of the roof space. It is a minimal development and in producing this plan, they attempted to consider the light and impact on neighbors with their development. Because of reconfiguration of existing room space/use, the project will remain a three bedroom and two bath house. Effat also indicated there is an artist studio in the back that is a one bedroom and one bathroom.

Mary Hammond spoke on behalf of herself and another neighbor (Nancy) who couldn't attend. Mary indicated Nancy's concerns stemmed from the construction of the unit in the back of the house. At the time of that construction, no one complained because we all thought it was going to be used as a studio but since then it has been used as rental space. Mary has had ongoing concerns over the survey boundaries between their two properties. She also expressed concerns that the current plan will cut back parking from a two to one car garage. Finally, she expressed concern on how the construction would be implemented. In the past, they worked on the project seven days a week and she hoped that this development would be consistent with other projects in the neighborhood that focused on work days and hours.

Lawrence Tribeaux, another adjacent neighbor, is objecting to the plan because they will lose the view from the living room and breakfast area and they have concerns about privacy. Lawrence presented a series of photos to illustrate the view impacts, and he stated their view was part of the reason on he originally purchased the house.

Ray asked further questions about the unit in the back, particularly when it was build and whether it was considered a second unit. Ray stated if it was a second unit and it was constructed at a time where that might have been acceptable, the applicants would have had to have obtained a Land Use permit for a second unit. Under current law, construction of second units on substandard parcels is not permitted under any circumstances. Effat indicated this doesn't comply as a second unit and the county has come out on multiple occasions and reviewed the unit and they agree. Ray asked if it is being used as a rental and Effat said that yes, at this time they were renting the space out to a family friend.

Ray asked about the use of the garage and that it now shows two spaces, but that the applicant is considering taking one space away for a workplace. Effat agreed that was his preference but if he was required to keep both parking spaced he would do so. Lastly, Ray discussed the possibility of putting up story poles to illustrate impact.

Pamela expressed initial concerns that whether or not the county was considering that unit in the back as a studio or a second unit, if they were using it as a rental and adversely impacting the neighbors that they should address those concerns. Pamela's other concern related the view impact on the neighbor. Effat indicated that Lawrence's living room wasn't affected but kitchen view is obstructed. He said he placed the room on the southeast corner to have the least impact and has some alternate options like lowering the top plates.

Patrick discussed the impact on the view of the neighbor. If there are ways to eliminate the impact on the view, then the council would be more willing to accept a variance. Effat indicated they could consider other options that wouldn't require building a second story, like building in the front or make the basement space more usable. Ray indicated that he thought would be preferable to expand into the back yard and have less of an impact on the neighborhood.

KMAC upon consultation with the applicants made a motion to continue this matter so the applicants could consult with the neighbors to develop a new plan. Gordon made the motion and Ray seconded it. (4 in favor and 0 opposed)

9. **5 Lenox Rd. (VR 081001)** Development Plan review for remodeled and expanded (by 151 Sq.Ft.) residence including remodeled front stairs with Variance request for 0' front setback (20' required).

Yuen Min Chung, the architect, described the work on the plan which includes adding 151 square feet in rear, a remodel of the front entry in front setback and then raise central roof higher to address front entry change. The variance relates to work on the front setback.

John McAfee has concerns about the right of way and a wall that encroaches on that right a way. He would like to have the wall removed and work done to make the sidewalk, including curb, gutter and sidewalk. There is no sidewalk currently and as a part of this project, it would be helpful to have a sidewalk. As for the project, he supports it with the conditions of those changes to the property.

Lillian Vidal had questions about the property line and fence work. She had concern about how much of the expansion will affect the shading in her back bedroom. Based on the review of the plans, she didn't think it was going to have much of an impact on the sun going into their yard. She also requested before construction they address the pest control problems so the construction doesn't cause the rats to come to other homes in the neighborhood. Ray suggested they ask why vector control hasn't done anything. It appears that part of the problem in addressing these issues is that the home has an absentee owner. Ray suggested the neighbors contact Kate Rauch in Gioia's office as she assists with Kensington matters.

Rick Seegers is an adjacent property owner. He also has a concern about the width in the street area and the retaining wall impact on the right of way. Furthermore, the reconfiguration would make 5 bedrooms and it says two parking spots and he questioned whether it actually could only serve one car because of the configuration. The architect explained there are currently four bedrooms and the basement room that will be fixed up and it will be made a bedroom. They would like the living space area to go from 8 feet now to 10 or 12 feet in the area.

Ray asked if the owner is aware of the condition of the house and the architect said she would bring these matters up with the home owner, but she is only responsible for only the work she is involved in. There was some discussion on whether the sidewalk and curb improvement could be included as part of this project. Ray thinks story poles are in order and Patrick and Pamela questioned what information that might provide to the project since

view impact didn't seem to be a primary concern. But instead, it was more so issues with the right of way and pest control/lack of upkeep with the property. There were some questions of light, but it doesn't seem that story poles would provide that information. Ray would feel ill at ease where there are concerns about view impacts. Some of the neighbors assumed story poles were required, KMAC indicated there are no requirements for story poles and they instead are handled on a case by case basis.

KMAC with agreement with the applicant's architect made a motion to continue the discussion to see the potential view impact. (4 in favor and 0 opposed) The applicant's architect will contact the owner to see about installing story pole prior to any site visits.

#### 10. Information Reports

- a) Enforcement Report. The cover sheet indicated there were 16 open cases but only 6 show up. Tom Brooks will be coming to the next meeting to provide further information on these reports and how they are addressed and closed.

#### 11. Adjournment at 10:15pm