

DRAFT

Kensington Municipal Advisory Council Minutes Meeting of April 26, 2005

Council Members present:

Chair: Reyes Barraza

Vice Chair: Patrick Tahara

Secretary: Richard Karlsson

Council Member: Pam Brown

Council Member: Kay Reed

The meeting commenced at 7:05 p.m. All members were present.

1. The Council approved the minutes of March 29th by a vote of 5-0, with corrections of two typographical errors: Item #3, "Jessen Ct." was misspelled as was 'aggregate" in the first sentence.
2. There were no citizen comments at the beginning of the meeting; all those in attendance stated that they were present to address or observe the matters on the agenda before the Council.
3. **12 Jessen Court. (DP053015).** Request for a Design Review and a Variance for aggregate side yard setbacks of 10' 6" (15' required) for a residence addition. The owners of the subject property, Lisa and Clay Bartley, made the presentation. This matter had been carried over from the meeting of March 29th on one issue, that the height of the structure was 24" higher than shown on the initial drawings. Notice was provided regarding the correct (increased) height in advance of this meeting by KMAC. No one appeared in opposition to the revised plans, dated and stamped March 24th, 2005. Hearing no objections, a motion was made to recommend approval of the project based upon the conditions imposed at the meeting of March 29th, including the increase in height, as shown on the revised plans date stamped March 24th, 2005.

KMAC thereafter adopted a recommendation to recommend the revised drawing set with Sheets 1-2-3 stamped February 25, 2005, and Sheet 4 date stamped March 24th, 2005, subject to the conditions previously approved at the March 29th meeting: 1) that the existing garage door be replaced with an automatic garage door, and 2) that the excavation on the east side of the proposed basement adjacent to the existing uphill neighbor be supervised by a licensed soils engineer. The motion was

approved by a vote of 5-0.

4. **144 Ardmore Rd. (DP 053015).** Request for review under the Contra Costa County Small Lot ordinance for a two story expansion to the rear of an existing two story residence. Chair Barraza began by explaining the provisions under which the property would be reviewed, under the small lot ordinance which provides review that would be based upon location, size, height and design. The owners, Tim and Melissa Snyder, made the presentation. The owners described the planned expansion of the existing structure, which would be expanded back to the east and to the northern portion of the lot. All work would be within the setback and no variances were requested. Questions were asked by KMAC members regarding the size of the lot, the height of the basement and whether this would be utilized as an additional room, and the impact of the improvement upon neighbors and notification of same.

The first neighbor speaker was Peter R. Kohn of 22 Ardmore Rd. who provided written objections to the proposed plans, as well as challenging the authority and jurisdiction of KMAC to make recommendations regarding same and challenging the review of the application under the Small Lot ordinance rather than the Kensington Combining district ordinance. Mr. Kohn lives to the northeast of the subject property and stated he believed that the expansion would: 1. block his views toward the bay; 2. since the subject property already exceed County zoning laws, further the excess; 3. create a wind-tunnel effect based upon prevailing winds from the west; 4. block sunlight; 5. create a mega-structure that exceeded square footage of neighboring residences; 6. further the problem of what he believed was unpermitted expansion, and 7. lead to a snowball effect of radical changes to the neighborhood. Mr Kohn further stated that some of his concerns were based upon information and belief, since he had not received a legible copy of the plans for the proposed expansion. In regard to the jurisdiction of KMAC, Mr. Kohn was advised that KMAC was a duly authorized body, created by Contra Costa County to make recommendations to the Community Development Agency regarding proposed development in Kensington and that if he or any other resident of Kensington desired to challenge the recommendations of KMAC, the process was to request a hearing before the zoning administrator of the County and the hearing would be based upon evidence presented at that hearing and the KMAC recommendation would not be binding. In regard to the appropriateness of the Small Lot ordinance, Chair Barraza read a statement from CDD affirming the application of the Small Lot ordinance to this application. Mr. Snyder responded by stating that Mr. Kohn was called by the Snyder's who offered to meet him to discuss their plans. Mr. Kohn did not respond to their calls.

The next speaker was Jim McGuire, of 140 Ardmore Rd., who resides in the property adjacent to the subject property to the north. His stated concern was that the proposed plans would extend an otherwise large, two story structure back to the east which would create a huge wall against their

backyard, depriving their property of light and privacy. He indicated that he regretted objecting to his neighbors' proposal at the meeting, but had received notification of the plans late in the process.

KMAC members, in response to the concern expressed by the neighbors and their own observations of the improvements (based upon the drawings and a site visit to the subject property), expressed concerns regarding the proportion of the size of the structure to the size of the lot. This response was also prompted by the size of the other houses in the area and by the fact that the deck and the basement were not included in the total square footage of the proposed completed structure. In addition, it seemed that the neighbors were concerned that they had not had adequate notice or copies of the plans for them to make an informed good faith response to the proposal. It was also questioned whether the improvements, in terms of the master bathroom and expanded area below it, were necessary in light of the negative impacts upon the neighbors. The Snyder's were thereafter given the opportunity to proceed, based upon the existing proposal before KMAC, or to request a continuance for the purpose of meeting with the neighbors and discussing alternatives. The Snyder's requested a continuance and stated that they would provide a copy of the plans to the neighbors in an effort to address their concerns.

A motion was thereafter made and approved, 5 – 0, to approve the request for a continuance by the Snyder's and to reschedule their application at a later date, following their submitting a copy of the plans to the neighbors and providing an opportunity to discuss the impacts upon them and to consider alternatives.

5. **Procedural Matters:** Chair Barraza made note of the new notice of hearings and how they would be adapted based upon the issue raised in the application.

6. Information Reports

a. Enforcement Reports:

1. 443 Beloit Ave. regarding debris and condition of the property
2. 89 Kensington Rd. Chair Barraza made brief comments regarding this open case and stated that CDD is attempting to arrange a meeting of concerned parties to discuss future action to close the case.
3. Complaint that a resident was re-roofing without a permit.

b. Progress on Bylaws: Chair Barraza indicated that he had obtained a copy of the North Richmond MAC Bylaws.

c. Proposed dock safety ordinance. Chair Barraza indicated that as a

Contra Costa MAC, KMAC had been requested to comment upon a proposed dock ordinance, regardless of the fact that there were no docks in Kensington. KMAC authorized the Chair to make appropriate comments, if any.

d. County notices on Kensington Combining District – KMAC was advised of intent to issue a building permit for 5 Sunset.

5. The meeting was adjourned at 8:55 p.m.

Richard Karlsson
Secretary