

DRAFT

KENSINGTON MUNICIPAL ADVISORY COUNCIL

MEETING MINUTES

Meeting Venue: Building E, Kensington Community Center

Meeting Date: January 6, 2004, 7:00 pm

1. **Present:** R. Barraza, J. Carman (Chair), E. Detmer, C. Reed, and our new member Patrick Tahara
2. **Minutes of November 26, 2003:** A motion, properly made and seconded, to approve the minutes with the following changes passed unanimously:
 - *P. 2, in the motion of the 3rd para., next last line, should read, "shall be provided and that the garage shall be restored for automobile storage with a garage door opening with a minimum width of 8 ft."*
 - *P. 5, 3rd para. after E. Kramer add "(120 Windsor)."*
 - *P. 5, 3rd para., last line should read, domino effect of York Ave. second stories on west side Windsor properties, and neighborhood compatibility."*
 - *P. 5. after the 4th para., add a sentence reading, "Mr. Detmer read a letter received from D. Jordan, owner of 123 York Ave., asking that he not be shown as being in support of the project."*
 - *P. 6, 3rd para., 5th line, change "envelope" to "footprint".*

3. 33/35 Ardmore Rd. (LP032096). The applicant has asked for us to reopen consideration of this case to make a change in the roof line of the expansion to eliminate the roof deck. Mr. Jones (architect) presented a new plan with county date stamp of 6 Jan. 04 detailing the revised roof design that eliminates the roof deck but retains the sight line from 29 Ardmore. The neighbor at 29 Ardmore was present but did not comment on the proposal. The following motion, properly made and seconded, was approved by a vote of 5 - 0.

KMAC recommends approval of the revised roof plan for this project as shown in the drawing with county date stamp of 6 Jan. 04.

4. 155 Arlington Ave. (VR031108). An application for construction of a new dwelling on an undeveloped lot requiring: (a) small lot review; (b) removal of 3 trees from subject property and 1 tree from 147 Arlington Ave.; (c) variance for 0 ft. front setback (20 ft. required). In addition, the county has asked us to make a recommendation for a utility vault in an uninhabitable crawl space as detailed in a drawing dated 3 December 2003.

The project was presented, with the addition of an excellent set of photographs, by the owner, Mr. Jason Smith and his architect, Mr. Don Phipps.

Mrs. Dorothy Benson, the adjacent neighbor at 147 Arlington Ave. (1) expressed concerns about the difficulty of automobile egress from the garage without more setback;

(2) expressed an opinion that more excavation would make the dwelling more compatible with the neighborhood, and (3) requested that story poles be constructed so that neighbors could see the height of the new house.

Mrs. Sally K. Debenham, 143 Arlington Ave. said she wanted to know more about the height of the proposed new dwelling.

Mrs. Benson's daughter, Michele Benson, said that her mother was also concerned about the impact on her mother's house with regard to light and views.

Mr. Smith reported he had talked to, and presented pictures from, the homes of neighbors on York Ave., the street above, and none had view concerns. From all areas of the homes of those neighbors, one would see only the top of roof of the new house.

Mr. Steve Smith, 140 York Ave., and the previous owner of this parcel, concurred with the opinion that there was no view impact from York. He further expressed concerns about a spring at the rear of 143 Arlington the water from which is now diverted to run off on the lot at 155 Arlington. He expressed a hope that this matter could be resolved between the parties at 143, 147, and 155 Arlington by the time of construction.

Mr. Detmer, Ms. Reed, and Mr. Barraza were concerned about the lack of setback for the garage making egress from the garage into Arlington Ave. dangerous because of lack of visibility.

Mr. Detmer made the following suggestions: (1) He expressed concern about the walled appearance of the approximately 12 foot of garage and wall from the street. He suggested ways to soften the effect. (2) He asked that an arborist specify, and this specification made a condition of approval, for how the remaining trees are to be protected during construction. Construction will be very close to the drip line of the most important oak on the property. (3) Story poles should be constructed as the only way that neighbors' concerned about height could be adequately addressed.

Mr. Tahara asked to be associated with the already expressed concerns regarding garage safety and the need for story poles in order to understand possible height impacts.

Mr. Carman made three suggestions: (1) that Mr. Smith and Mrs. Benson formally agree on the location of the property line and the proposal to remove a tree on her property. (2) That a sectional, articulated, roll-up garage door be specified on the drawings or made a condition of approval. (3) The completion of the sidewalk constructed to county standards be made a condition of approval.

Mr. Smith agreed to the construction of story poles and further agreed to consider the other changes suggested above. He said these things could be accomplished quickly and asked that the Council defer action until January 27. This was agreed.

5. Citizen Comments. None

6. Procedural Matters.

c) SB952 and Proposal for Recommendation to Supervisor Gioia. The upcoming consideration of SB952 by the Senate Local Government Committee prompts the need for consideration of two matters by KMAC. The first concerns retroactive approval of a letter written by Chairman Carman to Senator Torlakson in response the latter's invitation to provide additional input to the committee in advance of their January

7 hearing. Mr. Carman's letter was structured around committee staff's analysis of the bill. This and the revised bill were distributed. The following motion, properly made and seconded, was passed by a vote of 5 - 0.

The Council approves and endorses the letter sent by Chairman Carman to Senator Torlakson as representing the views of the Council.

The second concerned a recommendation to Supervisor Gioia as to the community's preference for the handling of this matter. In January 2002, the Council had recommended to Supervisor Gioia that a county-wide noise ordinance was the best approach and encouraged him to introduce such an ordinance. It has developed that the Contra County Sheriff and county staff have not been in favor of such a county-wide approach. The Chair asked for recommendations from the audience. Joan Gallegos, Toni Folger-Brown and Jack Walker spoke to the issue. Ms. Folger-Brown also provided the council with a complete record of past events, letters from other interested parties including Chief of Police Garfield, and copies of a number of noise ordinances that may be useful as models for an ordinance. All speakers agreed that, in light of the county opposition, the ordinance should apply to the Kensington area only and that enforcement should be the responsibility of the Kensington Police Department. In addition, all speakers, including members of KMAC, recommended a noise ordinance as contrasted with an "amplified sound" ordinance. The former would be useful for the whole community and not just the Coventry Neighborhood; it would be less likely to provide the basis for a law suit; it would deal with noise beyond that generated by electronic amplifiers. The following motion, properly made and seconded, was passed by a vote of 5 - 0.

The Council authorizes Chairman Carman to write Supervisor Gioia recommending he introduce to the Board of Supervisors a noise ordinance covering the Kensington area only and to be enforced by the Kensington Police Department.

a) Election of KMAC Officers and Allocation of Duties for the year 2004.

The Chairman discussed the past allocation of duties among members and the need to adjust these to accommodate these to the desires of new members and new officers. The following persons were nominated for officers and positions. In each case, the persons nominated were elected unanimously.

Chairman: Reyes Barraza
Vice Chairman: James Carman
Secretary: Richard Karlsson
Good person No. 1: . . . Catherine Reed
Good person No. 2: . . . Patrick Tahara

b) Financial Report for 2003. The Chairman reported expenses for the year to be \$48.28 leaving a cash balance of \$156.88. He recommended that it would not be necessary to request additional funding for 2004 from KIC and KPOA. The following motion, properly made and seconded, was passed by a vote of 5 - 0.

The Council requested that the new Vice Chairman write KIC and KPOA thanking them for their past financial and other support; informing them for the year 2004 no additional funding would be necessary, but funding for 2005 remains a possibility.

d) It was agreed the Council would hold a January meeting on Tuesday the 27th.

7. Information Reports

a) Mr. Barraza reported he represented KMAC at the ZA hearing concerning 125 York Ave. on January 6. After hearing all speakers, Mr. Drake closed public comment but put off a decision on this matter until the ZA meeting of January 26.

b) Council members should be receiving a small lot review request regarding 601 Wellesley Ave. This is the same plan on which the Council has twice recommended rejection, VR031021. The only difference is that the ceiling/floor between the second and third story has been removed, so that the new room now has a ceiling height of 20 ft. Please let Mr. Carman know if any member feels we should not ask for a hearing in this case.

c) There for four active enforcement cases on the monthly report. They are all old cases with which the Council is familiar.

d) Not on the report is a new enforcement case concerning walls around the front yard at 120 Kenyon Ave. The case was investigated by Mr. Broderick before he received two requests from neighbors to investigate. The wall clearly will have to be substantially altered or the owner will have to apply for a variance.

e) The Chairman discussed with Catherine Kutsuris the interdepartmental handling of the illegal steps and wall built across the footpath at 656 Coventry. She said any request for permits to legitimate this structure would probably be coordinated through Larry Hogan, the inspector on the job who cited the owner for this structure in the first place. At the counter full-time is a representative of Public Works, Bob Endry. Mr. Hogan will coordinate any application for permits with him. Neighbors who want to track this case should remain in touch with Mr. Hogan.

f) Apparently, Public Works is conducting a comprehensive inventory and marking of all sidewalks that need maintenance to meet county standards. The Council may hear from citizens should they receive citations.

8. Adjournment. The meeting was adjourned at 10:20 PM.

Catherine Reed
Acting Secretary