

DRAFT

KENSINGTON MUNICIPAL ADVISORY COUNCIL

MEETING MINUTES

Meeting Venue: Conference Room, Kensington Community Center

Meeting Date: March 26 2002, 7.00 pm

- 1. Present:** R. Barraza, J. Carman (Chair), E. Detmer, D.Jenkins, and S. Farneth (voting alternate).

Chair Carman noted the absence of Council Member C. Reed because of the recent death of her father. The Council unanimously passed the following resolution:

“KMAC extends its sincerest condolences to C. Reed on the loss of her father”.

- 2. Minutes** of the February 26, 2002 Meeting were approved unanimously.
- 3. 297 Berkeley Park Blvd. (VR021008).**

This is a request for a small lot review to build a deck addition to a dwelling on a substandard lot with variance for secondary front yard setback of 7ft (15ft required), variance for side yard setback of 1ft (5ft required), and to work within the drip line of two trees (84in. pine and 53in. oak). (NOTE: The secondary front yard setback request in the application was mistakenly shown for 7ft 6in.).

The project was presented by the owners J. Zaitlin and M. Nienberg. The subject property is a steep-sloped, oddly-shaped, corner lot that does not have much useable yard space. At the time this dwelling was constructed, a secondary front setback of 7 ft was approved along Ocean View Ave. This application stays with that existing approved variance. The deck construction would make more of the yard space useable. Because of the lot slope a portion of the deck would be elevated. Photographs were presented to show that none of the neighboring properties met setback requirements and most had decks located where lot slopes made some portion of them elevated. KMAC expressed concern about the visual impact of the elevated deck on Ocean View Ave. Chair Carman questioned the need for extending the deck into the side yard. The owners contended that this was needed to give them full use of an existing vegetable garden. The use of a cantilevered structure and screening of the under-deck space was suggested to minimize this impact. No neighbors were present and J. Zaitlin indicated that none of the immediate neighbors had expressed opposition to the project.

The following resolutions were made:

“KMAC recommends approval of a secondary front set back (to Ocean View Ave) of 7ft (15ft required) with the following conditions:

- a. The deck supporting structures are set back at least 9ft from the property line .*
- b. The underside of the deck is screened.”*

Resolution approved 5-0.

“KMAC recommends approval of a side yard setback of 1ft (5ft required).

Resolution approved 4-1.

“KMAC recommends approval of deck construction within the drip lines of an 84in. pine and a 53in. oak with the condition that a registered arborist be retained during the siting of the piers”

Resolution approved 5-0.

“KMAC recommends approval of a variance for construction on a small lot on the grounds that the proposed construction is compatible with the neighborhood and has no adverse impact on neighbors”.

Resolution approved 5-0.

KMAC complimented the owners on the clarity of their drawings and their presentation.

4. 1 Lawson Rd. (LP022021).

This is a request to amend land use permit LP963023 to permit construction of a choir room addition to the Unitarian Universalist Church of Berkeley.

The request was presented by J. Goring (Architect) and R. Sayre (Church board member). A neighbor (B. Werner, 803 Craft Ave) was present. No intensification of use will occur. B. Werner stated that, even though he was a neighbor, his only notification of this project had been through the KMAC notice procedure. KMAC urged the Church representatives to be more proactive with their neighbors on matters such as this in the future.

The following resolution was approved 5-0.

“KMAC recommends approval of the land use permit amendment to construct a 365 ft² choir room addition as shown in the drawings dated January 30 2002”.

5. 656 Coventry Rd. (V1029324B).

This is a request for a small lot review to build a new dwelling on a substandard lot. This project was presented by J. Britton (Architect) and M. Jara (owner). Using an excellent set of site plans, full-size architectural drawings and a scale-model, J. Britton made the following points.

- a. The lot front is 754 Coventry
- b. The proposed project is 2-story with a profile that follows the ground surface elevations, and with a maximum height of approximately 32ft.
- c. The proposed project is not monolithic.
- d. The proposed project includes a 2 SUV-sized garage. The following neighbors made comments at the meeting:

W. Marshall, 660 Coventry; R. Ohanian, 653 Coventry; D. Chemla, 736 Coventry; A. Wautischer, 732 Coventry; S. Campbell, 732 Coventry; A. Reed, 728 Coventry; W. Gillfillan, 744 Coventry.

In addition written communications were received from the following persons:

S. Littlejohn, 719 Coventry; W. and G. Gillfillan, 744 Coventry; E. McDonald, 740 Coventry. All expressed opposition to the application.

The following summarizes comments on various aspects of the proposed project:

- a. House size (including lot coverage, height, bulk, floor area, style) is incompatible with neighborhood (McDonald, Littlejohn, Gillfillan, Reed, Chemla, Campbell). A. Reed presented data from 46 properties showing that the proposed house would have double the living area of the average neighborhood house. A copy of his analysis is attached to these minutes.
- b. Views and solar access will be adversely impacted (Gillfillan, Chemla, a Campbell, Wautischer, Reed)
- c. Neighbor views have been or currently are impacted by trees (Ohanian)
- d. The house is 3 stories (Chemla)
- e. The project will decrease neighboring property values (Campbell)
- f. The project will increase neighboring property values (Marshall)
- g. The project will cause a loss of privacy (Campbell)

- h. The applicant should have been proactive in addressing neighborhood concerns (Chemla)

KMAC discussion raised the following points:

- a. S. Farneth was not convinced that the eastside of the property should be considered the front.
- b. S. Farneth and J. Carman indicated that applicant was incorrect in stating that the property had 3 side yards. The west side of the property should be considered either a backyard or secondary front yard (15ft setback required in either case). The side yard setback requirement is 5 ft minimum with a 15 ft aggregate (Sec. 84-10).
- c. E. Detmer and J. Carman pointed out that the “lower play area” invades this backyard setback, is considered a structure since the retaining wall and fence appear to be at least 8ft high, and consequently will require a variance if they remain.
- d. E. Detmer and J. Carman pointed out that the area under the living room and master bedroom has a height more than 6ft above grade at some points and is therefore considered a story (Sec. 82-4.266). Thus, this building has three stories, and a variance on this point will be required.
- e. All members believe the bulk of the house exceeds what this lot should carry. It is recommended that the gross floor area of this residence not exceed 3,330 ft² including the garage but excluding porches and decks. The building proposed has about 5,048 ft² of floor area.
- f. J. Carman stated that since the east side of the property is the front and there is no curb parking on Coventry for this house, the house should be sited in such a way that a guest or delivery vehicle can park in front of the dwelling south of the garage and have room to execute a K-turn so as to exit to Coventry driving forward.
- g. R. Barraza stated that the proposed project was incompatible with the neighborhood with regard to its bulk, siting, size, building envelope, height, setbacks, relative scale, view and light impacts, and off-street parking spaces.
- h. D. Jenkins expressed concern about structural bulk and lot coverage and wondered whether these issues could be addressed by building some of the structure below existing grade. J. Carman suggested the bedroom floor should be below the main floor and that there be no story above that.

- i. E. Detmer stated the design and roof treatment of the house are incompatible with the neighborhood.

Following this extensive discussion the following resolution was passed unanimously (5-0)

“KMAC finds that the proposed project is incompatible with and has negative impacts on the surrounding neighborhood because of its location, size, height and design. For these reasons KMAC recommends denial of the application under the provision of Sec. 82-10.002(c). In addition there is need for variances identified above but not identified by staff.”

6. Citizen’s Comments

None

7. Procedural Matters

- a. **New Ordinance** – Chair Carman met with Supervisor Gioia and D. Barry to resolve final issues with comments on the ordinance. The County Counsel is currently redrafting the draft ordinance to make it legally compliant. Chair Carman will be meeting with D. Barry on April 2, 2002 to clarify some definitions for the ordinance and to develop a protocol for KMAC/County interaction.

8. Information Reports

- a. **www.aboutKensington.com** The web site has the Jan and Feb 2002 KMAC minutes posted. The web site staff were commended for their fine site and helpfulness.
- b. **Enforcement Report** 2 cases have been closed and 1 new case opened.
- c. **Report on EBMUD “Potential Roles as an Electric Utility”**. Chair Carman noted receipt of the subject report.

9. Adjournment

The meeting was adjourned at 9.50 pm.

Respectfully submitted,

David Jenkins
Secretary KMAC
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