

DRAFT

KENSINGTON MUNICIPAL ADVISORY COUNCIL

MEETING MINUTES

Meeting Venue: Conference Room, Kensington Community Center

Meeting Date: October 29 2002, 7.00 pm

1. **Present:** J. Carman (Chair), R. Barraza, E. Detmer, D.Jenkins and K. Reed.
2. **Minutes** of the September 24, 2002 Meeting were approved unanimously with one change as follows: Item 8, a) should read “Noise ordinance: D. Scher’s recent concert resulted in neighbors complaints about noise. Supervisor Gioia’s office has reactivated its efforts on developing noise ordinance for all unincorporated areas in the County”.
3. **32 Kenilworth Drive. (VR021077).** Request for variances, on a substandard lot to: construct a first floor deck with a rear yard setback of 14 ft (15 ft required); a second floor deck with a rear yard setback of 12 ft (15 ft required) and to legalize a front setback of 4 ft 4 in (20 ft required).

This is a continuation of a proposed project first presented at the September 24, 2002 KMAC meeting. A continuation was granted to allow the owner and neighbors to discuss possible mitigation of project impacts. R. Erdtmann (owner) stated that he had discussed the proposed project with his neighbors (A. Gutierrez, 37 Arlington Ave) and H. Patton (11 Cowper Ave) and as a result would be modifying the project to construct both the upper and lower decks within the required 15 ft rear setback.

A. Gutierrez was present and indicated that he was satisfied with this modification.

KMAC commended the parties for working together to resolve the issues and moved as follows:

“KMAC recommends approval of the project under the small lot review for neighborhood compatibility, with both upper and lower rear decks to be constructed within the 15 ft rear setback, as shown in the drawing dated 20 October 2002”.

Passed 5-0

4. **130 York Ave. (Z1029590B).** Motion to withdraw a request for a public hearing before the Zoning Administrator to consider the request for a small lot review to finish a basement of an existing family residence and to install new pair of French doors at the rear of house on a substandard lot.

This hearing grew out of a request (on September 5, 2002 by J. Carman to the County (Ms. Allen) to provide further details on the nature of the basement construction. The information attached to the 300 ft notice was not detailed enough to determine whether the basement was being developed as an additional living unit nor to determine if the dwelling would become three stories high. Ms. Allen refused to supply the additional information requested. Consequently, the applicant was forced to supply additional information directly to the Council. These materials arrived too late for the Council, at its September meeting, to determine whether this additional information would answer the two questions raised by the Chairman. Thus, this meeting was the first opportunity KMAC had to review these new materials submitted by the applicant. Unfortunately, in the interim the applicant was informed by the County that his application had lapsed and further consideration of the project would require payment of another application fee.

J. Reiss was present to describe the project. KMAC was satisfied that the development was not an additional living space and that it was entirely within the boundaries of the existing structure.

KMAC moved as follows:

“This is the first opportunity that KMAC has had to review the necessary documentation of the proposed project at 130 York Ave. KMAC has no issues with the application and withdraws its request for a public hearing”.

Passed 5-0

“KMAC authorizes Chair Carman to write a letter to the County Zoning Administrator indicating that this was KMAC’s first opportunity to review the Application, and based on this review KMAC has no issues with the application. Therefore KMAC recommends that the decision to require the Applicant to pay an additional Application fee be rescinded”.

Passed 5-0.

69 Norwood Ave. (LP022080). Request to legalize an existing second unit.

The owner, S. Morganelli described the property, indicating that it was originally constructed in the 1920's, two upper bedrooms were added in the 1940's and the "in-law" unit was built (with permits) in 1953. Drawings dated 8/20/53 and permits were shown. S. Morganelli recently purchased the property and is renting out the in-law unit. Prior to this the in-law unit was not rented; rather a parent of the previous owner lived in it for a period of time.

Chair Carman indicated that the two following variances would need to be approved to legalize the in-law unit according to current legislation:

- A 12 ft rear set back where 15 ft is required
- Two off-street parking spaces in tandem when the requirement is three off-street parking spaces, 2 of which can be in tandem, and none of which may be within the front or side setbacks.

J. Taylor, 71 Norwood Ave., objected to the legalization of the in-law unit because access to it impacted her privacy and increased noise and traffic.

J. Taylor presented letters objecting to the legalization of the in-law unit from W. and M. Sakamoto (120 Norwood Ct.); W. and D. Fujita (227 Arlington); F. and M. Roisoukhi (106 Norwood Ct.) and L. and B. Sell (65 Norwood Ave). Grounds for objection included changing the neighborhood from single to multiple occupancy dwellings, decrease in property values, parking problems and increase in traffic.

D. Barker (75 Norwood Ave) objected on the basis of a change from single to multiple residency dwellings, increases in noise, traffic and parking problems.

P. Taybi (lot and new construction at 121 Norwood Ct) had no objection to the proposed legalization. He stated that overgrowth of trees into Norwood Ave. blocking "no parking" signs contributed significantly to parking problems there.

After participating in a lengthy discussion, KMAC suggested that the Applicant and the neighbors attempt to resolve the issues indicated above prior to KMAC's November meeting at which it will consider and act on the legalization request. The applicant and the neighbors present agreed to do this.

6. Citizen Comments

None.

7. Procedural Matters

(a) Process for KMAC requesting public hearings

Following the problems encountered with the 130 York Ave. project described above, KMAC clarified the method that it would use in the future to obtain additional information from the County as follows: should any KMAC member require further information they will individually contact Donna Allen at the County. It was also emphasized that each KMAC member had the right to request a KMAC hearing on a project, and to keep D. Foley informed of these requests.

(b) KMAC meeting with D. Barry and C. Baltonado.

R. Barraza and K. Reed are meeting on October 30 2002 with D. Barry and C. Baltonado to discuss methods for improving the consistency in handling ZA approved plans from CDD to the Building Inspection Department. They will prepare a written report for discussion at the November meeting.

8. Information Reports

(a) Enforcement Reports

New reports included:

- _ 500 Coventry (violation of land-use permit by holding a fund-raising concert to which the public was invited)
- _ 77B Norwood (raw sewage running in basement, yard and street).

(b) The Brown Act Videos are on Channel 27 and the Supervisor's office.

(c) E. Detmer stated that the Design Guidelines would be "80% completed by December 31 2002"

9. Adjournment

The meeting was adjourned at 9:40 pm.

Respectfully submitted,

David Jenkins
Secretary KMAC

Mydocuments\KMAC\Oct..doc