

Kensington Municipal Advisory Council Minutes

Meeting of June 27, 2006

Council Members Present:

Chair: Reyes Barraza

Vice Chair: Pat Tahara

Member: Pam Brown

Alternate Member: Chris Brydon

Alternate Member: Gordon Becker

1. The meeting commenced at 7:00pm
2. KMAC received several requests to change and/or make corrections to the minutes. In some cases, KMAC was asked to change or exclude items that some members of the public thought were factually inaccurate and in other cases, KMAC was asked to expand comments to include items not directly mentioned in the meeting. After reviewing the requests, KMAC determined that the minutes should accurately reflect what was said at the meeting and that changing the minutes to either correct the factual nature of someone's statement or expanding on their comments to cover issues not mentioned in that public meeting was inappropriate. Therefore, the minutes were approved by a vote of 5-0 with the following corrections;

Item 5 – 40 Kingston Rd

- 3rd paragraph-2nd sentence replace "From her perspective.." with "She stated that"..
- Insert sentence just before last sentence of 3rd paragraph: Sura Wood of 38 Kingston Rd. also spoke in opposition to the project, on the grounds that it would significantly cut off her light and solar access.
- Insert these two sentences in place of existing 3rd paragraph – 2nd to last sentence: She stated she had bought her property which was listed as a partial Bay view because of the view, that it greatly mattered to her, and that the proposed addition would completely eliminate her view of the Golden Gate Bridge as well as views of the Marin headlands. She also stated that her property no longer having these views would significantly decrease its selling value.
- Insert after the 3rd paragraph – 4th sentence: He stated he had made several suggestions as to relocating the addition in a manner that would reduce the impact on views and 38 Kingston's light, all of which the Dingwalls refused to consider.
- 3rd paragraph-last sentence, replace with: Rae Dingwall noted that the view of the bay from 32 Kingston was blocked for many years until the owners recently pruned the tree on their property to open it up.

Item 6 – 401 Colusa

- Architect Andrew Woolman's comments are attached to the end of these minutes.
- 3. Citizen's Comments – There were no citizen's comments at this meeting.
- 4. Consent Items: **75 Kingston Road (DP 053099)**. Recommend modifications to a previously approved Variance and Development Plan. Changes are limited to an exterior door and window locations and addition of a laundry in the basement.

Chair Barraza expressed concerns that the plans that were date stamped June 1, 2006 did not match what he had understood would be submitted based on discussions with the architect (Debra Lane). In particular, it appeared that the applicant intended an alternate use for the ground level space because a room description was changed from workshop to bonus room which was not part of their original discussion. Chair Barraza informed the applicant and the architect that if there was any intention on changing the use of that space, he wanted them to make sure they were aware of the second unit ordinance and complied with it if necessary. Mr. Soto acknowledged the Chair's concerns and stated there wasn't any intention on changing the use of the space. His architect indicated it was a mistake in the plans that were submitted.

Based on that clarification, KMAC approved the consent calendar by a vote of 5-0 and recommended approval of plans date stamped June 1, 2006 that proposed changes a previously approved Development Plan with Variance for 75 Kingston subject to Sheet A-2, Section A-A, being corrected so that the room on the ground floor is correctly labeled workshop, not bonus room.

- 5. **64 Stratford Road (DP 063034)**. Development Plan review to expand main and basement floors to the rear including a Variance for three stories (2 ½ permitted) in the expansion area.

To begin, Member Brown disclosed that she and her partner were using Mr. Wolf, the architect in this project, for an upcoming plan on their home. Chair Barraza inquired if Member Brown had any involvement with this specific project, to which Member Brown indicated she did not. Chair Barraza and other KMAC members did not raise any concerns about a conflict of interest.

Robert Wolf, the architect, described the plans to renovate the Roueche residence to address significant foundation and structural issues while incorporating additional space in the home that minimally impacted the neighbors. The basement would add 189 square feet to a master bedroom and 66 square feet for a new deck at the rear of the home. The first floor would add 127 square feet for a dining room and 197 square feet for a new deck at the rear of the home and 53 square feet at the front entry of the home. The second floor would remove an existing deck of 185 square feet. As for the variance, the improvements in the

basement are what trigger the third floor variance and Mr. Wolf indicated there is a 3 story home adjacent to this property.

Member Becker inquired whether there was any change to bulk or height. Mr. Wolf indicated there was no change to height, but the bulk of the house would be expanded at the rear of the home.

Vice Chair Tahara noted for the record that the proposed size of the home of 2,411 square feet is above the FAR of 2,400 and therefore a hearing would have been required, whether or not a variance was requested.

A KMAC member inquired about whether the applicant had discussed the project with any of the neighbors and Mr. Roueche indicated he had. The neighbor at 62 Stratford Road, Ms. Scheump, concurred that they had discussed the project and while it wouldn't affect their Bay views that they had mentioned some concerns about privacy with the deck. Mr. Roueche indicated that if there were privacy concerns that they would create a privacy screen to address that issue.

KMAC recommended approval of the plans submitted May 2, 2006 for 64 Stratford Road and granted the request for a variance for three stories because it met the conditions for a variance.

6. **429 Berkeley Park Blvd (DP 063036)** Development Plan review for installation of a full bathroom in the basement with Variances for a 1'-6" side yard (3' required) and a Variance to remove required off-street parking space.

Mahmood Pourzand, the architect, described the plans to Medueczky residence. The plan was to excavate a section of the basement to make it useable and then to replace the garage door with wall and window. Mr. Pourzand believes that initially this project wouldn't require a hearing, but because the basement work required a variance, they then decided to include plans to add a bathroom to the project. In the future, there are plans to further develop the basement, but the Medueczky's indicated that the bathroom project would be what currently fits in their budget. As for the loss of a parking space, while it technically required a variance, because of the slope of the driveway, it has not practically been used for that purpose. The owners have followed the practice of other neighbors and parked in the driveway pan.

Chair Barraza raised questions and concerns regarding the parking situation, particularly in light of the discussion KMAC had at the last meeting regarding a proposed development at 401 Colusa. Chair Barraza indicated that parking problems are prevalent in that neighborhood and inquired whether or not there was any attempt to try and maintain and/or improve the driveway and garage to allow for off-street parking. An additional concern was raised that if they remove the garage, the owners could lose their curb cut and that side of the street has no parking. So removing the garage, whether functional or not, could eliminate any

parking in front of the house. Mr. Pourzand indicated that they could possibly look at ways to at least allow a temporary parking spot, but the topography of the land makes it difficult and even if you pulled in a car to the existing spot, you might not be able to open the doors. KMAC suggested that they examine ways to install a small (substandard) parking space in the area where they propose to remove an unusable driveway in order to retain the right to the curb cut in front to the present driveway.

Chair Barraza and Member Becker expressed concerns about constructing a bathroom in the basement when there was no direct access to the house. They believed that without development plans for that area, it was unwise to approach the project in a piecemeal fashion. Vice Chair Tahara commented that while there might not be direct access from the home, there could be use from the back yard and some functional purpose for the owners. Mr. Pourzand indicated that it would be relatively easy to provide their development plans. Some KMAC members thought that approach would be preferable and that the Medueczkys could then receive full approval for the project and only request permits on the areas they intended on developing.

Based on discussions with the Medueczkys, *KMAC by a vote of 5-0 granted continuance for applicant to submit a proposal for their complete development plan for the property including their proposed residential uses of the basement.*

7. **1 Willow Lane (VR 061034).** Development Plan review for (1) 0'-8" house lift, (2) expansion of basement & 1st floor deck at S.W. corner of house, (3) addition to rear (bathrooms & closets at bedrooms) with variance for 4'-0" side yard (5' required), and (4) addition to north side of basement to align with north wall of kitchen above with variances for 3'-3" front setback (20' required) and 2'-0" side yard (5' required).

Joe Monforte, one of the applicants, described the plans for their home renovations. Mr. Monforte described how they enjoyed the cottage nature of their home and the trees around it. After they purchased the home, they purchased the lot adjacent to their property and went through the process to combine the two lots into one. Mr. Monforte stated they had three primary issues that prompted their need to renovate. First, the home is dilapidated and some significant structural issues needed to be addressed. Second, they wanted to address some issues with space, particularly the home had a number of very small bathrooms and storage was at a minimum. Third, they wanted to have a way to clearly identify the front door of the house which was somewhat unclear with the current architectural condition of the home.

Jason Kaldis, the architect, along with Mr. Monforte provided some specifics to their proposed project. With their project, they intended on expanding the basement under the main floor kitchen. This work would entail some foundation

work and greatly improve the structural support of this area of the home, which currently is being held up in part by a masonry chimney. By expanding the basement to the existing main floor, two variances would be required for each corner which extended into the setback. Mr. Monforte illustrated how the placement of the existing home and main floor on the lot required these variances. In addition, there would be additional foundation work and new walls added around the home. On the main floor, there were plans to construct a new waterproof deck, provide architectural changes to highlight the front door for the home and expand the back area of the home to expand the bedroom and add a new bath and closet. The new bathroom would extend into the 5' setback and would require a variance. The upper floor then would expand an upper bedroom, add a closet and bathroom above the main floor bedroom. However, this expansion would not require a variance. Mr. Monforte indicated their expansion of storage would allow them to remove items currently stored in their garage so they could then park their cars off street.

Mr. Monforte indicated they had spoken with their neighbors to address any potential issues of privacy and their changes would not impact anyone's views. Ros Wyatt, a neighbor, concurred that they had been contacted and kept apprised of the project and they thought the renovations were needed and in keeping with the neighborhood.

Chair Barraza indicated because of the basement work, including the significant expansion of storage space and the ability to access the basement from the exterior, he wanted the owners to become familiar with the second unit ordinance to ensure that they would either comply or not conflict with that ordinance.

Member Becker asked about the 8" lift for the house and Mr. Monforte indicated it was to prevent future dry rot and allow for some leveling of their current home. Vice Chair Tahara inquired about whether or not they attempted to expand the main floor bathroom in such a manner that a variance would not be required. Tracy Peterson, the other applicant, indicated that the topography of the land provided them some constraints. Several other KMAC members concurred that while the variances to line up the basement with the existing main floor seemed acceptable, that the construction of new space appeared to be a grant of special privilege.

KMAC then approved by a vote of 5-0 the plans data stamped May 4, 2006, including the (1) 0'-8" house lift, (2) expansion of basement & 1st floor deck at S.W. corner of house, and (3) addition to north side of basement to align with north wall of kitchen above with variances for 3'-3" front setback (20' required) and 2'-0" side yard (5' required). However, KMAC recommended denial of variance of 4' side yard (5' required) for the first floor bathroom addition on the east end of the house

8. **Procedural Matters:** Chair Barraza indicated that in their efforts to develop a brochure regarding the KMAC Combining District Ordinance that they identified a noticing issue that appeared inconsistent. Specifically, for projects where the proposal was under the FAR, the County sends out notices and allows neighbors 34 days to request a hearing. Chair Barraza indicated that KMAC, however, provided less time for neighbors to review upcoming projects that exceeded the FAR and required a hearing. He thought that the noticing time should be consistent at a minimum of 34 days.

Vice Chair Tahara and Member Brown expressed some concern about extending the noticing period to 34 days because in some instances it could mean that applicants would have to wait two months for a KMAC hearing, followed by the existing two months to receive a final permit from the county after a KMAC recommendation. Vice Chair Tahara inquired on whether any complaints had been made regarding the current process. Chair Barraza indicated that while there hadn't been any specific complaints, he felt that consistent timing was the intent of the community members who drafted the Combining District Ordinance. He had created a schedule that could be posted to make applicants aware of the timing. Member Brydon thought the extended timeframe could help some neighbors who might be out of town on an extended vacation and could miss the current KMAC noticing process. Vice Chair Tahara inquired about whether or not the county could send out notices, like they do with the projects under the FAR, but Chair Barraza indicated the county does not distribute notices related to KMAC proceedings.

KMAC then approved by a vote of 3-2 with Vice Chair Tahara and Member Brown dissenting the new proposal to provide neighbors a notice of at least 34 days of the KMAC hearing when a project requires mandatory hearings.

9. There were no enforcement reports.
10. The meeting was adjourned at 10:10pm.

Minutes prepared by Member Pamela Brown

Attachment: Comments by Andrew Woolman on Item 6 (401 Colusa) of 5/30/06 minutes

These comments affect the entire third paragraph on this agenda item except for the first two sentences.

Mr. Woolman further stated that this is within a commercial designated General Plan Area and they were applying for a general plan amendment.

Mr. Woolman summarized the following facts:

1. Phase II of the 1983 approved plan presents 8,054 sq. ft. of net leasable commercial space plus a 6,400 square foot (footprint) two-level parking garage adjacent, of which 1,854 square feet of footprint are on the 401 parcel, and 4,546 square feet are on the adjoining 411 parcel.
2. The current proposal presents 2,160 square feet of net leasable commercial space + 3 dwellings totaling 5,640 square feet of residential space; grand total 7,800 square feet conditioned space plus 1,071 square feet of enclosed parking within the building footprint.
3. On the 401 parcel alone, building mass of the current proposal (115,000 cu. ft.) is 80% of that of the approved 1983 plan (143,253 cu. ft.).
4. The current proposal is for two smaller retail spaces and for five parking spaces under the development and for four newly created spaces along the perimeter.
5. Three spaces would be available along Colusa Ave, and they would also reconfigure the bus stop such that the bus would stop within the lane of traffic at a new widened sidewalk bulb at the STOP sign where Colusa Avenue meets the Circle in front of 401. It was noted that the bus currently holds up traffic on Colusa Avenue when dropping/loading passengers, because its rear end remains largely in the lane of travel.
6. The 1983 approved project for this site is for all commercial space and requires fifty-one (51) parking spaces by current county standards, and the current project would be, in Mr. Woolman's opinion, an improvement over the last project brought before KMAC by this group (in 2004) in that it did not have as many new parking spaces (seven rather than the currently proposed nine) . Regardless, the current proposal would be short of the required parking by six (6) spaces, while the approved 1983 project for this site is short of required parking by approximately twenty-five (25) spaces. If time-phasing is considered, the approved 1983 project is short of required parking by six (6) spaces, while the current proposal is short by five (5) spaces.
7. In Mr. Woolman's informal study of parking, he identified an average of over 30 available spaces at any given time in the neighborhood and accordingly believed the neighborhood could accommodate this project without significant impact.

Secretary Karlsson asked Mr. Woolman why they needed retail space and why the space could not be residential. Mr. Woolman responded that there was a need to have more commercial spaces to support the existing businesses in the area, and, more importantly, that the site is situated well within a General Plan designated Commercial Area. In response to a question regarding parking and this site, Mr. Woolman responded that the parking study previously identified parking necessary for the entire development of Colusa Circle area, and not just this improvement at 401 Colusa.