

DRAFT, not yet adopted by KMAC

Kensington Municipal Advisory Council Minutes

Meeting of January 2, 2007

Council Members present:

Chair: Reyes Barraza

Vice Chair: Patrick Tahara

Member: Kay Reed

Member: Pam Brown

Alternate Member: Gordon Becker

1. The meeting commenced at 7:05 p.m. at Building E, Community Center Complex.
2. The minutes of November 28, 2006 were approved by a vote of 5 – 0.

The minutes of October 31, 2006 were further amended to include corrections (1) from Mr. Peter Rauch who stated: "There is a two car and a one car garage located across the street and closer to Mr. Peterson's residence than my planned garage, which I believe are both sited closer to the curb/street than my planned garage will be." and (2) from Mr. Russ Tremain in regard to the 24 Sunset application who indicated that his wife's last name was correctly spelled "Chinn". The amended minutes were approved by a vote of 5 – 0.

3. Citizen's Comments: Ms. Reed mentioned that she had brochures regarding earthquake preparedness. Statistics show that one should be prepared to survive for five days on their own for food, clothing and shelter following a major earthquake.

Chair Barraza then stated the procedures: that KMAC reviewed applications, and the order of presentation by the applicant(s), and questions by the audience and KMAC. He thereafter explained the legal criteria under which KMAC reviewed applications under the Contra Costa County Combining Ordinance and State law for variances.

4. **725 Wellesley Avenue (DP063082)** Development Plan review to add 21 sq.ft. addition on the rear of the existing residence. (consent calendar) *Recommended approval of application with drawings dated 10/31/06 by a vote of 5 – 0.*
5. **389 Ocean View Ave. (DP 063054):** Development Plan review to expand an existing residence with variance requests for (1) 16'11-1/2" depth (19'0" required) for new two car garage and (2) zero front setback (20' required) for new garage.

Susan Tweddle, the applicant, described the changes in the design in response to the neighborhood concerns. She stated that the building was lowered and square footage reduced. The new design is a 3 bedroom, 3 bath house. There are no changes to the garage.

Ruth Richards, a neighbor at 385 Ocean View, appreciated the revisions and had no concerns.

Chairman Barraza commented that he was concerned about the depth of the garage at 17' but added that a car can get inside the garage. Member Reed asked about the development threshold of 2000 sf. Member Becker asked about the exterior finish and was told that the new design would be all stucco exterior as opposed to the both stucco and wood siding.

Member Reed thereafter offered a motion to recommend approval of the application with drawings date stamped 12/18/06, with conditions of approval which include a roll up garage door, a 3rd level deck railing not to exceed elev. 27'-5" and the height of the 3rd level parapet not to exceed elev. 35'-5". The findings of the variance is that does not constitute a grant of special privilege, due to its sloped lot and substantially meets the intent of the respective land use district. The motion was seconded and approved 5 – 0.

6. **105 Ardmore Rd (VR 061068)** Development Plan review for replacing an existing garage. New garage to include variances for front yard of 1'-10" (20' required) and side yard of 0' (3' required).

Chairman Barraza asked if all of the members had visited the property. All confirmed their visit to the property.

Member Reed offered a motion to recommend approval of the application with drawings date stamped 12/6/06, with the conditions of approval which includes a roll up garage door. . The findings of the variance is that does not constitute a grant of special privilege, due to the shape of the lot and substantially meets the intent of the respective land use district. The motion was seconded and approved 5 – 0.

7. **605 Canon Dr. (DP 063056)** Development Plan review of proposal to expand present first floor and to add a second story to existing residence.

Cathy Roha, the applicant's architect, presented the plans. She stated that the design intent of the project was to show the mass of the building toward the center of the property and focus the house toward the pool. The new addition would provide level access to the pool area. Also, a reconfigured pool house was in the plans. The proposed project is a 6 bedroom/ 5 bath house. The current house is a 3 bedroom/ 2 bath house needs improvement. In addition, looped driveway has been added due to the difficulty of maneuvering vehicles onto Canon Drive. The house is over by 14% of the area threshold guidelines. The square footage of the project is 4898 sf. There is a crawl space under the new addition and will be about 6'-6" high and not considered part of the floor

square footage. There is exterior access to the crawl space only. She did not speak to the neighbors regarding the design and has left this responsibility to the Owner/ applicant.

Kiyoung Chung, the Owner/ applicant, stated that he is a current resident of Kensington at 64 Norwood and has lived in this community for a number of years. This proposed residence will house his family and will provide guest rooms for his extended family. He indicated that he provided large sideyards in concern of his neighbors. He likes the site for the trees.

Sarah Chung, the Owner/ applicant, stated that the need for the two driveways is for safety concerns. She did speak to the neighbors but did not revise the drawings after they were submitted to the county.

Kathy Elliot, a neighbor at 604 Canon, voiced her opposition of the proposed design. The proposed residence is much bigger than the neighbors. Parking is difficult on the street and the new drive would eliminate an on street parking space. She also stated that backing out on her driveway is not a problem. Her house is a two story house, approximately 2600 sf and the lot size is undetermined.

Charles Elliot, a neighbor at 604 Canon, stated that he is opposed to the project. He stated that the trees are dying and will probably need to be removed. With the trees eliminated, he does not want to look at a big house.

Mollie Katzen, a neighbor at 609 Canon, agreed with the residents at 604 Canon. She also stated that backing out of Canon Drive is not a problem. Ms. Katzen is concerned with privacy issues if the upper porch/ deck is constructed. The deck will look into her back yard area. She also would like to request a sun shadow analysis to see what effect the new addition will alter the solar access to her property. She also submitted letters of opposition from residents at 601 and 602 Parkside. Her house is about 2800 sf. She stated that she had not been consulted of the plans by the applicant.

Terry Bennett, a neighbor at 606 Canon, stated he had not been consulted by the applicant as well. He stated that his concern was the effect on the pumping station and infrastructure which is located at 608 Canon. He also is concerned with parking. On street parking will be impacted with the loss of one parking space and should be addressed. He also added that he is an avid astronomer and is concerned with the new lights which will be generated from the new addition.

Robert MacKimmie, a neighbor at 609 Canon, stated that he is in opposition of the proposed project. He stated that he is concerned that the proposed project will not blend into the park like setting of the neighborhood. The addition of the second floor will change the light and will create a looming large house which is out of scale. He believes that story poles should be installed which shows the addition.

Janet Forsburg, a neighbor at 601 Canon, voiced her opposition of the project. She believes that the proposed project will lose the early morning sun on her property. Also, views to Tilden Park from the upstairs bedroom will be lost with the proposed project. She does not believe that the story poles which were erected show the entire roof line of the addition. Her home is around 3200 sf.

Frank Forsburg, a neighbor at 601 Canon, stated that their driveway poses no problem for him or the other neighbors. The story poles only show the addition and not the entire structure. He voiced his opposition with regards to its large size and privacy issues which the new proposed residence will look down on his property with a hot tub and garden.

Chairman Barraza stated that he had asked the applicant to provide for complete story poles showing the extent of the proposed project. He expressed concerns about light, privacy and the large size. He was not concerned about parking as the new project will provide some additional off street parking.

Member Brown stated that the driveway did seem to be a concern since and said backing up is difficult. She also stated that it was difficult to evaluate the story poles. She is concerned with the large size of the residence but is not as concerned with the concept of a two story house. She suggested that the applicants talk to the neighbors.

Member Becker stated that he would recommend to the applicant to possibly reduce the number of bedrooms and baths and subsequently lessen the square footage.

Member Reed stated that she would encourage that both the applicant as well as the neighbors to work with one another on this proposed project. Her overall concerns were that the residence was too bulky and large. She also thought that the crawl space was rather large. Window placement should also be reviewed.

KMAC, in response to the applicant's request, voted 5 – 0 to grant a continuance.

8. **85 Richardson Rd. (DP 063080)** Development Plan review for a 40 sq.ft. first floor and a 615 sq.ft. second story addition. Request variance for 8'-8" aggregate sideyard (15' required).

John Connolly, the applicant, stated that the proposed project will assist in accommodating his family of five. He has contacted all the surrounding neighbors and presented his intentions of the project. Upon meeting with the neighbors, he stated that he had revised the plans to address their concerns of light, privacy and views. He believes that parking is not a problem. Story poles were erected to show the extent of the addition.

Jason Kaldis, the applicant's architect, stated that the design intent is to fit with in the program of his client and working diligently in preserving views and privacy.

Some of the design features to lessen impacts to the adjacent properties include: 8' ceiling height, 3/12 roof pitch minimum and smaller roofs in areas to create lower height. He believes that the property most affected by this project is 3 Marchant Gardens and has revised the plans to address their concerns. Mr. Kaldis stated that he researched the county records and believes the proposed 85 Richardson project square footage is in line with the adjacent properties on Richardson. On Marchant Gardens, the residences are smaller due to the size of the properties.

Ruth Roots, a neighbor at 3 Marchant Gardens, spoke in opposition of the proposed project. She presented a chart showing a relationship between property size and the amount of rooms. She believes that the proposed 85 Richardson project is not similar to the adjacent properties. She believes that the proposed two story project is too bulky and does not fit within the neighborhood. She also presented photos which show that her views will be obstructed by the proposed project.

Chris Foskett, a neighbor at 4 Marchant Gardens, voiced his opposition of the project on issues relating to the Kensington Combining District Ordinance. He stated that the views from their residence to Mt. Tamalpais will be obstructed. Also, the two story addition will create privacy issues creating views into primary living areas. He believes that the proposed project will diminish the property values and create increased parking problems in the neighborhood.

Member Becker stated that based upon the comments presented, he could not vote on a favorable recommendation. He stated that a site visit would need to be set up to better understand the adjacent neighbor concerns.

KMAC, in response to the applicant's request, voted 5 – 0 to grant a continuance. Site visits will be arranged by Chairman Barraza.

9. **1625 Ocean View Ave. (VR 061088)** Development Plan review to demolish existing garage at rear of property and replace it with an accessory structure with a full bathroom. Request variance to occupy 44.3% of the required rear yard (30% maximum allowed).

Phillip Moss, architect, presented the project at the meeting. He stated that his client would like to build an accessory building comprised of a studio and full bath and is located in the area of the existing garage. The full bath is required so the building could be used when needed as an additional bedroom. The proposed location is 3' from the back property line. The existing garage is located on the back property line. He also said that the attic area of the existing residence is not in the area calculations since the ceiling height is 6'-6" high and is not code compliant. The attic has a room and an existing bathroom. Mr. Moss stated that the parking was acceptable by the Planner and has agreed that a deed restriction which will be placed on the property will indicate that the building will not be rental.

Ida Teshima, a neighbor at 1629 Oceanview, voiced her opposition of the project and stated that the proposed project will be a 4 bedroom 2 1/2 bath house. She also is concerned that this house has only one parking spot. The previous

design indicated a two story building and was located on the property line which she and her husband opposed. She is less concerned with the access to light since the project is currently shown as one story.

Ron Wizelman, a neighbor at 1635 Oceanview, voiced his opposition to the project and believes that the proposed project is a “mother in law” unit. He presented a real estate flyer which was advertised in 1996 as a 3 bedroom 2 bath house.

Councilmembers noted that there is adequate space within the present backyard to add an additional room to the residence without need for setback variances. Mr. Moss responded that while the space is there, such an addition would require modifications to the existing interior for access.

Chairman Barraza questioned the use of the building as an “accessory” building. Mr. Moss said that this building is not an “accessory dwelling” building and is within the state and local guidelines.

Vice Chair Tahara stated that the use of accessory should not apply to this building. It is different than other accessory structures which had been presented to KMAC in the past. The accessory structure most commonly recognized is a garage or a shed.

Vice Chair Tahara recommended denial of the variance stating that the project is a grant of special privilege and does not meet the criteria of the overlay ordinance for neighborhood compatibility. The motion was moved and seconded. KMAC recommended denial by a vote of 5-0.

10. Procedural Matters:

- a) Election of the officers for 2007 is as follows:
Chairman: Ray Barraza, Vice Chair: Patrick Tahara
Co-Secretaries: Rich Karlsson, Pamela Brown and Kay Reed
Alternates: Gordon Becker and Christopher Brydon

The recording of the minutes will be alternating between members Karlsson, Brown and Reed and alternate member Becker also expressed interest. Schedule to be determined between the members mentioned.

- b) Chairman Barraza requested a budget for 2007 of \$410 (versus \$400 for 2006). The budget was adopted by consensus. He will request funds from KIC and KPOA.

11. Informational Reports:

- a. **89 Kensington Rd:** Chair Barraza reported that the illegal construction was removed from this residence.
- b. **40 Kingston:** Chair Barraza stated that the Board of Supervisors ruled on this project with floor plan changes as recommended by Supervisor John Gioia.

The meeting was adjourned at 11:05 p.m.

The meeting notes were prepared by Vice Chair Tahara