

KENSINGTON MUNICIPAL ADVISORY COUNCIL

MINUTES

MARCH 27, 2007

1. Present: Chair Ray Barraza, Vice Chair – Patrick Tahara, Secretary – Rich Karlsson, Kay Reed, Pam Brown members and Chris Brydon, alternate.
2. Approval of Minutes of February 27, 2007 – Approved 4 – 0 - 1 (Chair Barraza abstained as he was a party to an item on the last agenda.)
3. Citizens' Comments – Kay Reed presented a list of financial records needed after an earthquake for citizens to pick up.
4. Chair Barraza explained the KMAC procedures, Contra Costa County Development Department policies and the codes and ordinances applicable to our review and recommendations.
5. **229 Lake Drive (VR 071016)** Development Plan to add a bathroom and construct a one-story bedroom addition behind the southeast corner of the existing residence with a variance for a 10' (15' required) aggregate side yard.

Paul Plouffe, owner, spoke. The plans for this project had been recommended for approved previously on June 26, 2005 by KMAC and the County approved a permit. The applicant had some medical issues that prevented him from beginning his building project prior to the expiration of the permit.

Chair Barraza had questions about discrepancies between the two sets of drawings supplied to KMAC by the CCD. He also noted that the numbers of parking spaces required and provided are one.

Kay Reed asked if his intent was to have the kitchen ridgeline the same height as the ridge. Mr. Plouffe indicated that the intent was to have the kitchen ridge lower.

There were no neighbors present.

Motion: Vice Chair Tahara moved that the plans dated March 5, 2007 and dated by hand 7.7.06 (beneath the "Received" stamp) be approved with the following conditions, that one parking space be provided, that two lower level windows be allowed as shown on detail 3, plans A201. He made the following findings for a variance: that there was no grant of special privilege, that special circumstances were present on the subject property and that the plans met the intent of the land use district. Unanimously approved.

6. **257 Arlington Ave. (DP 063071)** Development Plan review for a new residence (existing to be demolished). Request variance for 3 stories (2-1/2 allowed) for 2-car garage.
Continued public hearing.

Chair Barraza turned the meeting over to the Vice Chair because he is involved in the case.

The applicant, Ashley Berkowitz, explained that he had added a second parking space without widening the driveway. This then created a third floor situation. He also extended the parapet wall on the second floor, north side. He has not done a roof plan yet to ascertain the number and locations of roof vents, etc. because of the extra costs of engineering at this time. He said he was willing to keep the roof protrusions below the parapet as often possible

within code requirements. Rich Karlsson asked about the height of the chimney and was told the current low height is within code. Kay Reed asked about taking out the second floor fireplace that had been recommended at the last meeting. He said he would be willing to do so. Reed asked about the interior height of the rooms. The second floor is 8 ft. and the first floor is 9 ft.

Ray Barraza (248 Amherst Ave.) asked that seven conditions of approval be recommended to the CCD. He is requesting 1) a view easement recorded prior to the ZA hearing, 2) satellite dishes not extending above the top of the parapet, 3) no attic venting through top of roof, instead to the side wall, 4) highest point of structure, vents and skylights to be below the parapet, 5) solar panels to remain below the parapet, 6) minimal rooftop vents with only one vent per bathroom, rooftop vents be held to code minimum, and 7) the ability to choose the roof color from manufacturer's standard colors. Mr. Barraza supplied the MAC with photos and a series of emails between himself and the applicant.

If the above conditions are met, he said that he would remove his opposition to the plans.

Karlsson asked that if the view easement were met, then wouldn't it supplant items 2-6 on his list. Mr. Barraza answered yes but that the extra conditions would help to clarify the construction documents.

Kevin Blattel, 244 Amherst, noted that the county doesn't necessarily pick-up all the conditions of approval from KMAC and that the applicant should check them. He also noted that rooftop protuberances are not planned for and need to be taken in consideration. He also asked that KMAC should not make variance decisions that would impede public safety by creating too narrow spaces between buildings for allow firefighter access.

Gloria Morrison, 112 Windsor, spoke about the view easement. She is wondering about the tree shown on the plans. The applicant noted that the tree is existing.

Pam Brown had a question about roof obstructions and was concerned about the unintended consequences of non-roof venting options. She also voiced support for eliminating the outdoor fireplace.

Rich Karlsson noted that the view easement would run with the land and is a unique solution that he supports but does not think KMAC has the authority to impose. He does not support taking away the outdoor fireplace.

Chair Tahara is concerned about the precedence of KMAC recommending a view easement. He was also concerned about requiring that all attic venting through the side when the code may require a roof vent.

Chris Brydon asked the applicant about his thoughts on the conditions of approval that Ray Barraza presented. The applicant stated he was willing to keep vents below the parapet as long as he can comply with the code.

Pam Brown made the following motion: to approve the project plans dated March 19, 2007 with the following conditions: 1) that the applicant takes all necessary steps including reducing the interior ceiling height in order to have all items on the roof including but not limited to vents, skylights, satellite dish and solar panels be below the parapet and that the roof color be dark and non-reflective, 2) that the outdoor fireplace on the second floor be eliminated from the plans and 3) that a variance be approved specifically for an unconditioned garage whose sole purpose is a 2nd parking space which requires a third story variance. She made the following findings for a variance: that there was no grant of special privilege, that special circumstances were present on the subject property and that the plans

met the intent of the land use district. The motion was then amended to not recommend that the outdoor fireplace be removed. The amended motion was unanimously approved.

Note: The applicant and the Barrazas have agreed to attempt to work out a view easement.

7. Procedural Matters

a) FPPC Form 700 – all forms have been received.

8. Information Reports

a) Enforcement Report – Ray has reports available for KMAC's inspection.

9. Adjournment – 8:45 PM.

Respectfully submitted:

Catherine M. Reed, Acting Secretary