

***DRAFT, not yet adopted by KMAC***

## **Kensington Municipal Advisory Council Minutes**

**Meeting of April 24, 2007**

Council Members present:

Chair: Reyes Barraza

Secretary: Richard Karlsson

Member: Kay Reed

Alternate Member: Chris Brydon

1. The meeting commenced at 7:00 p.m.
2. The minutes of March 27th were approved by a vote of 4 – 0, with the following revisions: page 2, fourth paragraph from the bottom, first sentence was revised to read: “Rich Karlsson noted the view easement would run with the land and is a unique solution that he supports, but he did not believe that KMAC could recommend such a requirement as a condition of approval.” Under item 7, Procedural Matters, the minutes were corrected to read that “all forms have been received.”
3. Citizens Comments: Member Reed stated that “Smart and Green Day” was on an upcoming date in Kensington, and that fluorescent light bulbs would be given away without charge and an assessment of one’s home (regarding the use of such bulbs) would be conducted without charge by PG&E.
4. Consent Items: none
5. **6 Kingston Road (DP 073010)** Development Plan review for a 268 sq.ft. addition to an existing residence. Request a variance for a 0’ setback (15’ required) for a new garage. (This item was taken out of order as all of those persons presenting on Colusa Circle development plans were not yet present).

Chair Barraza began the discussion by stating the criteria required to meet the Kensington combining ordinance and the state requirements for obtaining a variance. Thereafter, the architect for the owners of 6 Kingston Rd., Steve Caccamo, made the presentation. Mr. Caccamo stated that the plan was to allow for an extension for a garage and family room to the front of the house. A 0’ setback and variance was sought to allow for the expansion toward the street. The variance was sought due to the odd shape of the lot.

Member Reed noted that the requested expansion also exceeded the recommended floor area to parcel size guidelines for Kensington by 10%. The architect stated that

was true but that there was considerable amount of landscaping around the house. Ms. Reed then asked about the home office, one of the stated purposes for expanding. But it appeared that the home office was not being expanded that greatly; instead, it appeared that the largest addition was for a family room. The architect noted that was correct, that the home office was increasing by only 2' more, but the primary purpose for the expansion was the family room. Ms. Reed then inquired about the location of the fireplace and was advised that the precise location was yet to be determined. Inquiry was then made as to whether the owners could excavate under the existing residence to add the additional space and the architect indicated that option was cost-prohibitive.

Secretary Karlsson then inquired as to whether the expansion could not take place to the side of the house where the expansion would not require a variance and not result in a garage that extended to the edge of the property. The architect indicated that this would result in eliminating a landscaped garden.

Questions from the audience were then invited by the Chair and Ms. Sadhana Shastri, 10 Kingston Rd. stated that she would like the owners to be able to have a larger office and keep their yard, but they did not like the original plan and what they were presenting as the final plan was a compromise. The most recent plans that they have reviewed look different from what they had last viewed. She presented photographs of what they believed the improvements would impact her and her husband's home and how it would impact the views up the street and across the street of the neighborhood. She and her husband would prefer any expansion of the home be either to the rear or the side of the home so as to not impact their views.

Ms Nancy Grodhaus, 15 Kingston Rd. next spoke and she was opposed to having the garage extend to the end of the property line. She believed it was unsafe and was also opposed to any masonry on the roof deck above the garage. Lokenda Shastri, husband of Sanhana Shastri, was opposed to the project due to the restriction of views and the loss of light to their house as a result of the expansion. Trish Hacksmack and M. Daly, 63 Ardmore Rd., were in support of the improvement. James Bramson stated that they had already spent \$13,000 in redesign fees to accommodate the requests of their neighbors.

Chair Barraza noted that under the provisions of the Combining Ordinance, the views that are protected are the distant or panoramic views and not the short range views, such as the immediate neighborhood or street. He also stated that the loss of light from development was a consideration.

Member Reed thanked the owners for being pro-active and talking to the neighbors, but she did not believe it was good precedent to be granting variances for garages extending to the edge of the property lines: "our job is not to perpetuate bad planning." She also believed that they had presented no evidence that they were entitled to a variance under the legal conditions required. She then inquired of the architect whether the family room could be reduced such that the garage would not need to extend to the edge of the property line. The architect said that he may be able to reduce the size of the garage.

Secretary Karlsson agreed with Member Reed that the conditions to obtain a variance had not been met. Thereafter Member Reed requested the owners whether they would prefer to have KMAC make a recommendation upon the plans submitted or whether they would like to request a continuance to work further on the plans in light of the comments made by the community and KMAC members. Mr. Bronson and Ms. Potozkin requested a continuance. *Member Reed then made a motion to grant the request for continuance and the motion was approved 4-0.*

**6. Colusa Ave. (DP 033047)** Request for substantial amendment to approved Planned Unit Development 3056-82 to allow modification of Phase III and IV in the triangular block bounded by Colusa Ave., Santa Fe Ave. and Oak View Ave. *Hearing continued from February 27, 2007 and* **401 Colusa Ave. (DP 063026 and MS 060011).** Request for substantial amendment to approved Planned Unit Development 3056-82 to allow modification of Phase II in order to establish a three story mixed use building including 2 residential and 3 residential condominium units. (As the foregoing applications were to hear details regarding the split of former approved development plan 3056-82, the items were combined on the public hearing, with separate considerations for a recommendation by the Advisory Council as to each).

Ed Hammond made the presentation as to Phase III and IV requests (hereinafter #1) and Andrew Woolman made the presentation as to Phase II request (hereinafter #2). Mr. Woolman began the presentation of regarding #2 and discussed the changes and how he believed this revised plan was an improvement over the last plan presented. He also presented a two and a half page parking and traffic analysis by Mr. Charlie Abrams, a Traffic Engineer. In summary, Mr. Abrams' report stated that, though the proposed parking plan did not satisfy the County guidelines, Mr. Abrams did not believe it exacerbated the existing conditions in the area and that the project (#2) "would be an improvement over existing parking conditions."

Mr. Woolman indicated that the revised plan had increased parking over the past plan. Chair Barraza asked if three quarters of the new spaces indicated were not parking spaces currently in existence. Mr. Woolman responded that three more spaces were created on Colusa Ave and that the parking spaces within the structure would use electronic stacking that allowed two cars per parking space. Ray inquired if one of the retail spaces were intended to be a restaurant, and Mr. Woolman indicated that was not the intent and that the owners would stipulate to this limitation. Ray B. then inquired about the residence that was added to this same property and if it was zoned residential or commercial. He was advised that it was zoned commercial.

Ed Hammond was then asked about his parking study. He advised KMAC that the cost for the parking study was \$8k to \$20k for a parking study only. He also contacted Mr. Abrams for a parking study but the study was not completed in time for the presentation before KMAC. Mr. Hammond indicated that he did not think that the study would be beneficial and would like to do without it. Chair Barraza asked if he was asking KMAC for a "leap of faith" that the parking would be sufficient

and on that basis approve. Mr. Hammond indicated only that the parking study that he had contracted for was inadequate and that a decent study would be too costly. Member Kay Reed indicated that she was more concerned about the traffic study than the parking study and the impact of Oak View becoming a one-way street. Mr. Hammond indicated that was approved in 1983, but if KMAC preferred keeping that street two way as part of its recommendation, he would support it. He would, however, lose additional parking around project #1 if that were the recommendation.

The next speaker was Janet Hittle, 1612 Oak View Ave., and she opposed the projects. She stated that the result of the projects is that Kensington would lose parking spaces as a result of building on what is now vacant property and is being used for parking as well as the builder's admissions that they do not meet current parking requirements. She was concerned about a proposal to move the bus stop, about the increased traffic and the change to a one-way street for Oak View Ave. off the circle. She also opposed any three story buildings and said that the proposed three story buildings were out of character for the neighborhood. She also believed it was inappropriate to consider existing on-street parking to meet the parking needs of these new proposed projects.

Mr. Woolman responded that they should receive credit for those surrounding their property and those currently on their property ... and those currently being allowed unauthorized use by the owners of the property. He also understood that a three story building would have a negative impact for three or four houses in the neighborhood, but that a three story structure on this property has been approved for 25 to 30 years. They had taken great efforts to reduce the size of the building, by setting back the third story, but they were not willing to not have a third story.

The next speaker was Ron Wizelman, 1635 Ocean View Ave., and he objected to counting the parking spaces on the existing vacant lot as 'new' when considering the impact of the new building. He indicated that the occupants of the new structure would use those spaces, meaning that those currently parking in the vacant lot would move to the street. He is also concerned because the parking study by Mr. Abrams did not address traffic flow and he believed that the combined new businesses would generate a lot of new traffic.

Tim Kraus, 401 Michigan Ave., representing and related to the owner of project #2 stated that in his view those parking spaces on the vacant property should count as additional parking spaces because they were illegally parked currently and the owner of the lot could prevent such parking. While he recognized that this was a 'tight situation', he noted that the project had been scaled down immensely.

The next speaker was Mrs. Farve, 164 Ocean View Ave. and she lives on the corner up the street from the proposed development. She described the current parking/traffic conditions as "horrendous". She said she could not imagine why KMAC would recommend more businesses. She stated that the current parking and traffic situation is far worse than when the original development plan was approved in 1982, that the owners of businesses should not "make a profit on the backs of neighbors", and that the current parking environment is appalling. Joe

Koontz, 398 Ocean View Ave. stated that in his view a traffic study would be appropriate. He also noted that when the vacant property is no longer vacant, a traffic safety problem may result due to a blind spot. Additionally, if Oak View is changed to a one-way street, the day care center on Oak View may be impacted. He also pointed out that this has not been a good location for businesses, noting that both the Porta Brazil restaurant and the flower shop have gone out of business. He personally did not want the neighborhood to look like Elmwood.

Joan Gallegos, 239 Cambridge Ave. was the next speaker and she has traffic concerns about changing Oak View to one way street and the impact that would have on other nearby streets. For those going to El Cerrito, the visibility from the corner of Santa Fe and Oak View is currently bad. She believes that a parking study and a traffic study is needed. Mary Stollon, 12 Eldridge Ct., stated that she has used the current businesses since 1993. She does not like or see the need for three stories. She also noted that it would be difficult finding a tenant for the third story as they would not be visible from the street. As for parking, if there is not parking, she said she will not stop to shop. She also inquired where the employees of the shop would park and is concerned that the more congested the area, the more dangerous for pedestrians. Recently, it took her 15 minutes to find a place to park.

Ben Clow, 21 Eldridge Ct., has lived in same house since 1947. It is ten times busier now than when he moved to Kensington. People will do anything to avoid Colusa Circle area because of the traffic. He does not believe that people in the area will support the businesses; there is too much going into that little circle. Though he is sorry for the owners, the plan upsets him and he believes a traffic study and a parking study is necessary.

The public comment portion of the meeting was thereafter closed by the Chair and concerns of KMAC members were then taken. Member Brydon stated that in his view the parking concerns had not been adequately addressed. Member Reed stated that the residents should know that this area was zoned as commercial property; that one of the reasons people were not shopping there was because there was not enough diversity of shops; and as commercial property, and not residential property, there were different considerations for recommendation by KMAC.

That said, her concerns were that there were no assessments of the view impacts of a third story. She recognized that each had set back the third story on their respective projects, but was that sufficient? She was also concerned that there was no traffic study, and that the parking study that KMAC received was for only one of the two projects and seemed inadequate to address the concerns raised. She had concerns about Project #2 in that one of the units had three bedrooms, which raised her concerns as to whether two parking spaces were sufficient. She was also concerned about what retail may go into the respective spaces and the parking demands of the business types and whether deed restrictions were not appropriate to limit heavy traffic businesses, such as take out food.

Chair Barraza said he had great reservations about a third story, which he believed was one story too many. He believed that the Kensington Overlay ordinance would be applicable – as this was new application and subject to new rules -- and that views had to be considered and did not allow third stories for residential properties. He believed that story poles may answer the question to impact.

Mr. Hammond responded that he had substantially scaled down the improvements to his property design and that all of his businesses in the area are full. As for the height, he believed that it was in keeping with the commercial area.

The respective owners of each project were then asked, given the concerns of the citizens present and KMAC, if they would prefer to proceed for a recommendation or request a continuance.

Mr. Kraus and Mr. Woolman wanted to proceed. *Chair Barraza then moved that the proposed improvements to 401 Colusa Ave. be recommended for denial, on the basis that they did not meet the provisions of the Kensington Overlay ordinance and did not adequately address parking or traffic. The motion was approved, 4 – 0.*

Mr. Hammond then asked if he was being asked to do a traffic study for the entire area, including 401 Colusa Ave. He was advised that he only had to address the impacts of his property and changes, not of other properties in the area. Upon that condition, Mr. Hammond requested a continuance for his Triangular project (#1) on Colusa Circle. He also stated that he would have his study to KMAC at least one week in advance of the next hearing that his property is scheduled for hearing. *Kay Reed made a motion that Mr. Hammond's request for a continuance be granted, so that he could come back before KMAC with a traffic and parking study relevant to his parcel. The motion was approved, 4 – 0.*

7. Informational Reports – this matter was continued.

8. The meeting was adjourned at 10:50p.m.

Minutes prepared by Secretary Karlsson