

KENSINGTON MUNICIPAL ADVISORY COUNCIL
Minutes
May 26, 2009

1. Roll Call – Present: Ray Barraza, Gordon Becker, Chris Brydon, Vanessa Cordova, Kay Reed, Patrick Tahara (chair).

Chair Tahara opened the meeting by explaining the role of KMAC as well as the general plan policies and variance ordinances applicable to the Council's review.

2. Approval of the Minutes of the April 28, 2009 – Approved (Barraza/Brydon – Unanimous)
3. Citizens' Comments - None
4. **277 Lexington (VR09-1011)** Request for variance to allow 12' front yard setback (revised from 3' in earlier application) (20' required) and a 4'-7" sideyard setback (5' required) to construct addition to single family residence.
 - a) Joann Conrad – Applicant – reconfigured project to change garage expansion into the front setback from 10 ft to 2 ft. Home has never been in compliance with the front setback.
 - b) Reed asked if the garage were too small to be used. Barraza asked about the regrading of the driveway so that cars would not bottom out on the curve. Both have been assured that the garage will be usable and used.
 - c) Motion: Recommend approval of plans date stamped May 12, 2009. The plans meet the findings of the variance ordinance. It is not a grant of special privilege since other homes in the neighborhood are within the front yard setback. The front of the lot is curved and the home already built in the set back precluding any construction out of the setback. Increasing the usability of the garage is in support of the zoning ordinances.
Reed/Barraza. Unanimous.
5. **244 Columbia (DP09-3009)** Request approval of a two story addition, 801 sq. ft. in the rear of the residence and add a trellis structure in the front of the residence with a variance to the front yard setback, 20 ft. required, 3'-11" proposed.
 - a) Fred Hyer – applicant. Adding 801 Sq ft to the back of an existing house on a down slope lot. The porch in the back of the house is cited in deference to a neighbors existing patio. He also requested a trellis in the front yard setback and the ability to fix the retaining wall on the west edge of the property.
 - b) David LaForge, 240 Columbia Avenue. He is the northern neighbor. His concerns are bulk, privacy, light, solar access, and view. The proposed plan impacts all those areas. He is also concerned with the safety of the proposed new retaining wall. Mr. LaForge passed out his presentation with photos to the Council.
 - c) Steven Lavarando, 239 Trinity, a backyard neighbor. Had question about the size of the deck and the proximity to his home. He is concerned about privacy in his backyard.
 - d) Jaime Jakubczak, 239 Columbia, across the street neighbor. He is concerned about losing his view and possibly dropping property value. He is concerned with the high lot coverage. He contends that a recent roofing job changed the height of the roof so his views have already been impacted.

- e) Mitch Lucio, 239 Columbia, across the street neighbor. He will lose his view of the City and Treasure Island. He asked about the trellis and whether or not there was also a gate and fence. He is concerned with the size of the balcony with children playing on it since the backyard size is reduced.
 - f) David Goldstein, 252 Columbia, a nearby neighbor. He believes the backyard extension is inconsistent with the neighborhood and out of character with the development. He is concerned about setting a precedent in the neighborhood.
 - g) Frank Furminger, 248 Columbia, South next-door neighbor. He is concerned with the bulk and scale of the project and view impacts.
 - h) Diane Egelston, 247 Trinity, the direct southeast property neighbor. She is concerned about privacy and the looming presence of the back of the house over her property. She finds the addition too large on an already large home.
 - i) John Brorson, 247 Trinity. Story poles illustrate the impacts on their back bedrooms in terms of light and privacy.
 - j) Mr. Hyer responded to the neighbors concerns. He stated that planner is not sure that the retaining wall needs a variance. Instead, they may be placing a new wall in front of the wall to take the load. He suggests reconsidering the design based on the neighbor comments. He said they had already done a major redesign based on one neighbor's comments but chose to go ahead with the project so they could elicit more feedback. He asked for a continuance to revise the plans.
 - k) Patrick Tahara summarized the concerns: the size of the patio in the rear, the length of the house, the high FAR based on neighborhood standards, and views of neighbors. Kay Reed suggested they look at alternate approaches in decrease the size of the project, to increase privacy. She also counseled neighbors to come to the table willing to compromise and offer constructive suggestions.
 - l) A motion to continue the hearing to another date was approved unanimously. (Becker/Tahara). Unanimous. (Barraza recused himself.)
6. **63 Arlington Ct (VR09-1014)** Request variance to allow a front yard setback of 5' where 20' is required and a side setback of 1' where 5' is required to build a new detached garage.
- a) Kumar Vedantham, applicant. He clarified that it is not a new garage but that he is replacing the prior garage that had not been permitted or built to code. The building had a faulty grade, was rotting, had termites, would get flooded, and had no electricity. The new garage has the same footprint as the old garage. The neighbors want the garage to increase their privacy.
 - b) Bill Milligan, contractor, highlighted the all-too common flooding of the street that a drain to the backyard from the garage will address.
 - c) No neighbors were present.
 - d) Ray Barraza commented that there are many garages with similar setbacks on this street.
 - e) Motion: Recommend approval of plans dated 1/29/09 (by the engineer) as it meets the three requirements for a variance. Barraza/Brydon. Unanimous. (Becker left prior to this vote.)
7. **8 Highgate (VR09-1019)** Request variance to allow building into the front yard setback of property – 0' setback where 20' min. Ramp is already built to accommodate resident who is wheelchair bound.

- a) Howard Cameron, applicant. Concern is for direct access from the street to the front door. The original home as accessed through the same front door but via stairs. One of the residents of the house can no longer navigate the stairs.
 - b) Teri Alyami, 10 Highgate Road. She spoke in favor of the ramp.
 - c) Margaret Wilkerson, 8 Highgate, owner, spoke of the increased safety and convenience the ramp affords them.
 - d) Ray Barraza, commented about special privilege. The parity they seek is level access from the street or an auto to the front door. All three houses on each side of them on their street have level access from the street or the garage to the main floor.
 - e) Motion: Recommend approval of plans date stamped 4/16/09 as it meets the three requirements for a variance. Barraza/Cordova. Unanimous.
8. **111 Purdue (VR09-1021)** Request approval of a variance to allow a 2' setback where 15' is required to construct an entryway, garage and deck.
- a) Glen Christ, 111 Purdue, applicant. The request is to construct a new garage 3ft from an access easement on the property. They are the only home on Purdue without off-street parking.
 - b) No neighbor comments.
 - c) Ray Barraza asked if the proposed driveway would be usable given the steepness of the hill. The applicant assured him that it was. Barraza also commented that he felt requiring setbacks from a private access easement of this sort was inappropriate.
 - d) Motion: Recommend approval of plans date stamped 4/20/09 as it meets the three requirements for a variance. Reed/Brydon. Unanimous.
9. **248 Cambridge (VR09-1016)** Applicant request for a 4' high maximum retaining wall at the rear property and will be 4' into sideyard setback per plans on a substandard lot in the Kensington Area.
- a) Joe deVille, 248 Cambridge, owner. The rear of the yard (to the west) is terraced with redwood walls. The walls require replacement from time to time. He proposes to build a new concrete wall to match his neighbor's (on the southside) and set-back from the west property line by 10 ft to accommodate a sewer easement. Part of the wall will be 4-5 feet high to meet the neighbor's fence. Drainage will be improved as the water will be run into three dispersal beds. He plans to level out the yard to increase its usefulness.
 - b) Lawrence Nagel- 251 Stanford, down slope neighbor. He is concerned about potential drainage issues.
 - c) Motion: Recommend approval of plans date stamped 4/13/09 as it meets the three requirements for a variance. Brydon/Barraza. Unanimous. (Alt. Cordova had left prior to this vote.)
10. Enforcement Report
- a) Mark Alford is the interim enforcement officer through January 2010. In April, 9 cases were opened, 7 were closed, and 31 cases are on the docket.

11. Adjournment