

DRAFT, not yet adopted by KMAC

Kensington Municipal Advisory Council Minutes

Meeting of February 22, 2005

Council Members present:

Chair: Reyes Barraza

Council Member: Pam Brown

Alternate: Christopher Brydon

Alternate: Ed Detmer

1. The meeting commenced at 7:06 p.m.
2. The Council approved the minutes of January 25, 2005, without change. The Council approved the minutes of February 1, 2005 with the following changes. First, on page 3, paragraph 5, Ms. Gloria Morrison did not make the comment regarding Senator Torlakson's stance on this legislation so that reference was removed. Second, on the top of page 6, Supervisor Gioia commented that the Police Chief had no objection to the Fundraising Ordinance. However, Chief Garfield indicated he had not seen the Fundraising Ordinance and therefore didn't have a comment. The Council decided to leave Supervisor Gioia's comment because it was made at that meeting but agreed to add a footnote with Chief Garfield's comment.
3. Chair Barraza presented new speaker cards for KMAC meeting that will facilitate the Secretary's effort in properly attributing comments to the correct speakers.

Denise Cody, 1627 Oak View Ave, inquired if the meeting and agenda were posted in the Outlook. Chair Barraza indicated the meeting times were posted in the Outlook but the agenda was not. The agenda is posted in several Kensington locations, including the Arlington Ave kiosk. Another citizen inquired about posting the agenda at the Colusa Circle. The Kensington Improvement Club is considering a kiosk construction in that area. In the meantime, another citizen indicated that it may be possible to post KMAC agendas in the window at the Kensington Vet Clinic on Colusa Circle.

4. **Colusa Circle (DP 033047).** Request for a substantial amendment to approved PUD Plan 3056-82 to allow modification of Phases III and IV in the triangular block bounded by Colusa Ave., Santa Fe Ave. and Oak View Ave.

Chair Barraza indicated that it was unclear whether the 1983 PUD still was valid. Therefore, for the purpose of this meeting, KMAC decided that the Council would

treat this project (Phases III and IV) as a stand alone project and not debate the PUD and its validity.

Appearing in support of the application was Ed Hammonds, 411 Colusa Circle. He presented a model of the initial and current proposed project to illustrate the changes that had been made to the design, the alterations to traffic flow and the proposed parking. He indicated this project would remove two existing buildings and replace them with two other buildings (Building A – a 3 story retail and office unit and Building B – a 2 story unit retail unit), additional street parking and a parking lot on the property. The project would provide an additional 24 parking spots. Mr. Hammonds indicated he would consider removing Building B from his proposal to maintain the existing courtyard, if he could maintain the 3 stories for Building A.

Chair Barraza then read the comments that had been made in the two previous KMAC meetings on this topic (August 26, 2003 and January 27, 2004). The primary issues raised and requested of the Applicant at the January 27, 2004 meeting were (1) the proposed parking seemed inadequate and a traffic/parking study should be completed, (2) based on the study, the applicant may find it appropriate to eliminate the 3rd story, (3) Building B should be redesigned to be more compatible with the neighborhood, (4) handicapped parking spaces should be placed in an area best suited for those with limited mobility, and (5) rear access and egress to the current building on the Oak View and Colusa should be assured.

Mr. Hammonds responded to these issues. First, he believed the proposed parking was sufficient for his project. Second, he inquired about a traffic study and received an estimated cost of \$8,000. He thought that was too expensive for one owner. He was willing to share in the cost with the other business owners or indicated the 1983 traffic study could possibly be used. Third, as indicated earlier, he stated he would be willing to remove Building B if he could maintain the 3 stories in Building A (which addressed issues 3 and 5). Fourth, he had no comment on the location of handicapped parking.

After that introduction, KMAC members and the following citizens participated in the discussion:

Denise Cody (1627 Oak View Ave), Paul and Vida Dorroh (144 York Ave), Janet Hittle (1612 Oak View Ave), Ron Wizelma (1635 Ocean View), Eva Herzer (388 Colusa Ave), Carol Chisholm, Joan Gallegos (239 Cambridge), Cynthia Podren (418 Berkeley Park Blvd.)

The following comments/concerns were stated:

- There was significant debate over the adequacy of parking for the proposed project. Chair Barraza commented that the county standard would require 45 additional parking spots, 40 if Building B were removed, and 26 if the 3rd floor of Building A and Building B were removed. KMAC

Member Detmer commented that the county standard should not apply to Kensington. He stated that standard was intended for a large development, such as the El Cerrito Plaza, and no future applicant would be able to comply with that standard. KMAC Member Brown inquired about the parking standard that had applied in previous KMAC discussions and was informed there wasn't a set standard. Several community members expressed concerns regarding the current adequacy of parking. Some inquired if the parking at the previous Phase II area would still be available, however, it was expected that space would eventually be developed. There was overall agreement that the proposed development should make the parking situation worse but without a current traffic/parking analysis, it was difficult to determine what the appropriate standard should be.

- There was overall agreement that a 3 story building would not be compatible with the neighborhood. KMAC Members Detmer and Brydon inquired about the possibility of eliminating the third story and instead building out on the proposed deck to replace the 3rd floor square footage. If that didn't provide the necessary space, another consideration could be a 3rd story penthouse unit that was set back from the street.
- Several community members expressed concern about treating this project as a stand alone. They believed the development for the neighborhood should be considered as a whole and if this project was approved, how would parking be address with other proposed commercial development in the neighborhood (e.g., Narsai David's property).
- Some concerns were raised regarding changes to the traffic flow in the neighborhood. Oak View would be changed to a one-way street, which could increase the traffic on Santa Fe between Oak View and Colusa. Others indicated the 1983 traffic study was too old to be used for this purpose, that the neighborhood changes were too significant for it to be comparable at this time.
- Neighborhood residents asked whether a recent environmental investigation had been completed for the auto shop property on the Phase III/IV lot. Mr. Hammonds indicated that one had been completed in the last few years and it was a clean report. Community members requested copies of that report.
- Some concerns were raised about the current safety for pedestrians crossing Colusa Circle. Several enhancements have been made, including stop signs. One comment was that with Oak View becoming a one-way street, it would decrease the number of exits and entrances to the circle. However, there were other concerns the proposed development would increase traffic in that neighborhood.

- Several KMAC and community members discussed the need for the updated traffic/parking study. Council members encouraged Mr. Hammonds and other Colusa Circle business owners to contribute to the costs of this study and agreed that KMAC would require such a study for future commercial development in that area so it would be in the best interest of the business owners to share the cost now. Chair Barraza indicated he would contact Narsai David to encourage him to contribute to these costs.
- Mr. Hammonds asked at the end of the discussion that he be judged on what he has done in the neighborhood over the last 20 years and that neighbors consider the types of tenant he has brought into the neighborhood.

Based on the comments provided at this meeting, the following motion was considered by KMAC. *Regarding the phase III/IV development at Colusa Circle, the currently proposed parking needs to be evaluated and KMAC requests a traffic/parking study for the Colusa Circle neighborhood. KMAC recommends that other commercial owners in the neighborhood consider contributing to that study because a traffic/parking study will be required for any future commercial development in that neighborhood.* The motion passed 4-0.

5. **Fundraising Ordinance.** Chair Barraza indicated that the County is continuing to receive pressure to create a fundraising ordinance and inquired about the appropriate role that KMAC would like to play in that process. The Council members agreed that KMAC should participate in the county's efforts to develop a fundraising ordinance. *Note: At a later point in the meeting, Supervisor John Gioia indicated that his office is collecting sample fundraising ordinances from other cities (e.g., Orinda, Hillsborough) that his office will provide the County Legal Council and Community Development to facilitate their next draft ordinance. KMAC requested to participate in that process.*

6. Procedural Matters

- a. Review of Conflict of Interest Code for KMAC: Chair Barraza indicated in his review of information related to filling out of FPPC Form 700's, KMAC does have a conflict of interest code adopted by the Board of Supervisors. It refers to the state codes related to conflict of interest and is comparable to the information that KMAC members provide in their FPPC Form 700.
- b. Request for participation in discussion on negotiations regarding San Pablo Casino: Chair Barraza indicated he received an e-mail inviting KMAC participation in a discussion on February 24th regarding the proposed San Pablo Casino. He declined the offer on behalf of the Council and the Council members present agreed with that action. *Note: Supervisor Gioia indicated this meeting was an initial effort to collect information on potential issues and concerns related to the proposed San Pablo Casino. While Supervisor Gioia hopes that the compact will not be*

approved, he indicated they wanted to begin to get community input in the event it was approved. If approved, the tribe would negotiate with the city and county regarding the impact of this construction. Joan Gallegos, 239 Cambridge, indicated she would be attending the meeting on behalf of Kensington Community Service District and planned to express concerns regarding the potential traffic impact on Arlington Avenue. Supervisor Gioia indicated that the County would also be examining the traffic impact on various communities, including Kensington. Based on this information, KMAC members agreed it was not necessary to participate in this initial meeting.

7. Information Reports

- a. Enforcement Report: Chair Barraza indicated that one case was opened and closed (re-roofing without a building permit) and another opened (retail sales at 227 Arlington).
- b. Progress on ByLaws: Chair Barraza indicated he had discussed our need for ByLaws with Supv. Gioia, and the Supervisor had promised to forward a copy of the North Richmond MAC's ByLaws as a good example of ByLaws for a MAC. He will be presenting a proposal regarding KMAC bylaws at a future meeting.
- c. Amateur Radio Transmission Tower: Chair Barraza indicated he spoke with the owners of 136 Highland regarding the purchase of a retractable antenna. They indicated the cost would be about \$30,000. Chair Barraza asked the owners to double check that figure and indicated he would be contacting El Cerrito that had recently installed retractable antennas at several locations.
- d. Status on Variance Application at 89 Kensington Road: Chair Barraza has spoken with Community Development regarding this property. Community Development is currently reconsidering how they will handle this matter.

8. The meeting was adjourned at 9:54pm.

Minutes prepared by KMAC Member Brown