

DRAFT

**Kensington Municipal Advisory Council
Minutes
Meeting of April 27, 2004**

Council Members present:

Chair: Reyes Barraza

Vice Chair: Jim Carman

Secretary: Richard Karlsson

Council Member: Kay Reed

Council Member: Patrick Tahara

1. The meeting commenced at 7:00 p.m. All members were present.
2. The Council approved the minutes of March 30, 2004, with one change to section 7a.: that the reference to the "view ordinance" should have been to the "Kensington overlay zoning ordinance." The minutes were approved 5-0. Kay Reed indicated that in the future, following her attendance at a hearing before the zoning administrator, it would be helpful to the County if the KMAC minutes stated precisely the KMAC conditions for its recommendation, rather than refer to prior testimony. Secretary Karlsson noted the concern and indicated he would do so in the future.
3. There were no citizen comments at the beginning of the meeting. Citizen comments at the end of the meeting concerned potential plans from Joan Gallegos regarding David Narsi's potential plans for the vacated Porto Brazil. Additional discussion and questions concerned the Kensington Community Service District's plans regarding the Noise Ordinance.
4. **113 Kenyon Ave. (DP043022).** Small lot review in response to a Request for bedroom expansion. The owners of the property, Dr. and Mrs. K.M.S. Saxena, appeared with their architect, T.H. Chidley. Mr. Chidley made the presentation regarding the remodeling, the purpose of which was to extend the existing master bedroom and add an upstairs bathroom. Additionally, there were plans for remodeling the downstairs bathroom. After the presentation, Secretary Karlsson asked how tall the house would be from the highest point of the addition to the ground. Mr. Chidley responded, 24' 3". Ms. Reed inquired about the ratio of the square footage of the property to the structure and was advised that, with the remodel, the house would be 2296 square feet on a total lot size of 4100 square feet. She then asked Dr. Saxena whether he had spoken to the neighbors in the immediate area; he indicated that none of his immediate neighbors had expressed concern, especially after he had put up the mock framework for the proposed addition. Member Reed then asked about the

windows to the north and whether they would have an impact upon the neighbor. Dr. Saxena responded that the view downward from the windows, after the extension, would be of the neighbor's roof, and therefore would not have an impact upon privacy. Vice Chair Carman then asked about the nature of the remodel, regarding the bathrooms, the crawl space under the house, and the interior ceiling, which was flat with an 8' height. Chair Barraza inquired about the total square footage after the remodel and the height of the structure at various points. At this point in the proceeding, no neighbors had appeared and Member Reed noted that she had noticed 22 neighboring residences, but she was aware that someone had requested a hearing. Chair Barraza noted that the expansion appeared consistent with the neighborhood and Member Tahara noted that the design was also compatible with the neighborhood based upon the photographs introduced by the applicants, as well as his own observation of the neighborhood. Vice Chair Carman expressed concern, however, that the applicant's age and his own seemed similar and therefore questioned the long-term utilization of an upstairs bedroom expansion. He also noted that the house had four bedrooms (and potentially a fifth in the study) and questioned if the addition was for the Saxena's or renters. Dr. Saxena indicated that the remodel was for the use of their family; his grown children live in the area and sometimes spend the night. However, the remodel was not for the purpose of a rental. They also indicated that none of the bedrooms currently would fit a king size bed, and they intended to go up and down stairs for as long as their health allowed them to do so. Thereafter, a discussion ensued among KMAC members as to alternatives to the remodel and the general character of the neighborhood. Lynn Wolter, a neighbor on Willamette Ave., then appeared at the hearing and expressed her opposition to the proposed addition. While she indicated that the proposed addition would not impact her view to the north, she felt if other houses on east side of Kenyon were to add a second story, her view and that of others on Willamette Ave. would be obliterated. It was her experience with the County that once one second story was approved, a 'domino effect' is created whereby the County believes it has no choice but to approve other second story additions. In response to a question of whether that was an appropriate basis on which to deny the approval from Secretary Karlsson, Vice Chair Carman indicated establishing undesirable precedents was. The decision should be based upon the character of the neighborhood. It was his experience that once second stories on the east side of the street were allowed, it had a detrimental impact upon the views of the neighbors on the street immediately above, to the west. Joan Gallegos then inquired about the parking in front of the house and was advised that the house had a double car garage, as well as two parking spaces in front of the residence. Secretary Karlsson then proposed a motion for recommended approval of the variance, based upon the plans submitted and dated March 11, 2004. This motion was amended. The resulting motion was:

Under the provisions of Code Section 82-10.002, KMAC recommend approval of the application as submitted in plans dated March 11, 2004 with the added condition that the addition to the property match the existing roofline, as indicated in the plans. The motion carried 4 to 1, with Vice Chair Carman opposed.

5. **3 Kenyon Ave. (VR041034).** Variance Request for 9'6" primary setback (20' required) for a residence addition. No one appeared at the hearing regarding this requested variance, despite notification having been made by KMAC. Accordingly, the hearing was continued until the following month.
6. **EBMUD** made a presentation regarding its plan to replace a failed regulator (which impacts the water pressure) which will necessitate construction in the immediate area of the parking lot on the west side Arlington Ave., between Ardmore and Coventry Rds. The EDMUD community relations spokesperson, Ms. Gretchen Grover, stated that the project will begin on May 3rd and will necessitate closure of the parking lot and they will be working on the west side of Arlington Ave, which will be narrowed to half its width during the period of construction. She had previously met with the Police Department and had reached agreement on conditions. The construction is estimated to take 2 weeks from May 10. Contra Costa County has advised EBMUD that under no circumstances may the construction extend further than June 1st and it is EBMUD's intention to be completed well in advance of this date. The negative impact of the construction will be that the tree and cactus located at the north end of the parking lot will have to be replaced as the new regulator will require a large vault and steel plate. In addition, on May 11th, when the new regulator is delivered, Arlington Ave would have to be closed for approximately 5 to 10 minutes in this area to allow a truck to get into position to site the regulator. Delivery would be after 10:00 a.m., and work will otherwise take place between 7:30 a.m. and 4:30 p.m. although morning work will attempt to permit unimpeded traffic flow in the southerly direction during morning rush hours. It was suggested that a construction sign be sited at Moeser, so traffic could exit Arlington at that point should they so desire. It was also expressed that this would be an ideal time to have the County work on the crosswalk at Coventry and Arlington, and put in a sidewalk in front of the parking lot.
7. **Procedural Matters**
 - a. **New Voice Mailbox for KMAC.** Chairman Barraza indicated that the new voice mailbox number had been established. The number is 510-273-9926 and is available 24 hours a day for Kensington residents to phone in their concerns.
 - b. **Conditions for Home Occupancy Permits.** Vice Chair Carman indicated that the County had not included any of the KMAC recommended conditions that Home Occupancy Permits be limited to the occupancy of the current owner. He requested that Secretary Karlsson check with the County Counsel as to why. Secretary Karlsson said he would do so.

8. Informational Reports

- a. Enforcement Report. Chair Barraza updated the Council on two pending matters: 89 Kensington Ave. and 163 Arlington Ave. On April 6th letters were sent to the CDD regarding these two properties, and Chair Barraza indicated that he is now awaiting action by the County. To date, he has heard nothing back.
- b. Updates on three properties:
 - i. 601 Wellesley Ave. The County Planning Department has advised Chair Barraza that this application is on hold until the end of August. Efforts are being made to try to convince the owners to make the addition more compatible with the neighborhood.
 - ii. 120 Kenyon. Chair Barraza reported on the retaining wall and whether a variance would be required. He is waiting to hear from the Enforcement Officer.
 - iii. 155 Arlington Ave. Ms. Reed indicated that this matter went before the zoning administrator, seeking approval of the original plan, which was not approved by KMAC, which suggested that the requested setback was inadequate. Ms. Reed suggested that the Zoning Administrator (“ZA”) view the property to determine the reason for KMAC’s objections. The ZA thereafter closed the hearing to further testimony, but indicated that she would come out and view the property prior to making a decision.
- c. Update on Colusa Circle Planned Unit Development. Vice Chair Carman spoke to Mike Henn regarding KMAC’s long list of conditions to be met before it would make a recommendation on the project. Mr. Henn agreed that the existing traffic and parking study was obsolete and a new parking study should be undertaken. Applicant now agrees that a new traffic and parking study should be performed and has hired a consultant to conduct same.
- d. Update on Edwin Dr. construction. Vice Chair Carman indicated this property was part of the original Blake Estate. As such, it has a deed restriction to protect the views of adjoining properties. Accordingly, a residence was architecturally designed to be in conformance with the deed restriction, but the house that is now in the process of being built does not appear to be in conformance with the plans and restrictions. Accordingly, construction has been halted and a variance request may be forthcoming.

9. The meeting was adjourned at 9:05 p.m.

Richard Karlsson
Secretary