

DRAFT, not yet adopted by KMAC

Kensington Municipal Advisory Council Minutes

Meeting of September 20, 2005

Council Members present:

Chair: Reyes Barraza

Vice Chair: Pat Tahara

Secretary: Richard Karlsson

Alternate Council Member: Chris Brydon

Council Member: Pam Brown

1. The meeting commenced at 7:03 p.m. All members were present.
2. The minutes of August 30, 2005 were approved as drafted, by a vote of 5 –0.
3. There were no citizens' comments regarding non-agenda items.
4. Consent Item: Following members' comments regarding consent items and how same would be dealt with under the new bylaws, KMAC approved that the bylaws be recommended for approval to the Board of Supervisors, by a vote of 5 – 0.
5. **407 Berkeley Park Blvd. (DP 053061).** *Development Plan review to expand an existing residence by extending existing first story to the rear and adding a second story.* Chair Barraza started the hearing by stating the applicable provisions of the Kensington Combining Ordinance and also listing the findings necessary for the granting of a variance. Thereafter, a presentation was made by the applicant, Eric Cross, and his architect, Robert Wolf, in support of the proposed plans. They explained the reason that they desired to stay in the neighborhood, that the improvements were in keeping with other homes that had been allowed improvements, and that the proximity to the commercial district diminished the impact of the second story. Questions followed regarding the need for a second floor and the impact of a second story upon the neighborhood; those questioned impacts concerned the fact that most houses in the area were limited to a single story and the limited parking in the immediate area. Chair Barraza questioned the applicant at length regarding the property line to the north, setbacks related thereto and the ability of an automobile to clear the 'bump-out' under the window to the north. Questions were also asked about discussions with the neighbors and whether same approved of the plans. The questions posed were answered by the applicant and the architect, in detail, and supported by signatures of the neighbors impacted and the fact that they did not object to the proposed plans. Vice Chair Tahara then questioned the applicant

regarding the size of the proposed addition and design of same. Mr. Wolf responded by stating that the size in some respects was dictated by the desire to keep the front of the residence and the porch the same, to keep with the original design of the house. Questions thereafter followed by Member Brown regarding the size of the existing garage and whether same might be modified to hold two automobiles for off-street parking.

Members of the audience were then allowed to ask questions and Ms. Gallegos thereafter inquired about the threshold limitations under the Combining Ordinance. While the structure and the other out buildings on the property exceeded the recommended threshold, it was only by 242 square feet. It was believed that as this was a recommendation under the ordinance, and not a mandate, that this should not preclude the improvements sought.

Thereafter there was considerable comment by members of KMAC as to how the issue of parking should be addressed. These included improving the garage to accommodate two cars versus improving the access to the north side of the house so as to allow two cars to park one behind the other. Following considerable discussion a motion was made by Vice Chair Tahara:

To recommend approval of the proposed plans, dated August 3, 2005, with the following requirements: That the applicant construct and maintain two tandem parking spaces on the north side of the residence, 9' x 19' for one space and 8' x 19' for the second space. That said parking spaces would be measured from the front property line back toward the rear of the residence. That the 'bump-out' area to the north portion of the residence be a minimum of 7' above the ground to allow vehicles to park or pass under said 'bump-out.' Further KMAC recommended that variances be granted for the recommended parking to the north side of the house. It further found that the conditions for a variance be granted, based upon the conditions of the property and that same substantially complied with the intent of land use planning. The motion was approved by a vote of 5 – 0.

6. **16 Beverly Court (DP 053062).** *Development Plan review to replace the foundation on the east side of the existing residence with a new retaining wall/foundation creating additional space in the basement area. David Kwett, the owner made the presentation to KMAC. Mr. Kwett explained that the purpose of the improvement was to improve the foundation that had long been deteriorating with time. As they were improving the foundation, they also desired to expand the useable space in the basement, with the goal of having more storage space. The intent was not to expand the living space of the house. KMAC members thereafter questioned Mr. Kwett as to the purpose of the 320 sq. ft. expansion as a result of the expanded basement resulting from the improved foundation and excavation. Mr. Kwett responded that his request is for unconditioned space, with no desire to occupy same as a living area, although he admitted that it could later be conditioned, the height of the structure being 7' 5".*

A motion was made by Secretary Karlsson to recommend approval of the plans, dated August 3rd, 2005, based upon the stated intent of the owner that it was intended for unconditioned space. The motion was approved by a vote of 5 – 0.

7. **22 Norwood Ave. (VR 051081).** *Variance Request to enclose a portion of an existing porch above the garage. Request for an existing 16' setback be continued, 20' required.* David Miller and his wife Jennifer made the presentation. They first stated that the existing residence was within the front setback and their desire was merely to extend the existing residence out to the existing second floor deck, and that they were not expanding the existing envelope of the existing residence. Their desire was to have an entry area to the house, from the front door, rather than is presently the case, where there is no formal entry. They stated they had spoken to the neighbor most likely impacted and he had no issues, both to the fact of existing vegetation and the fact that the current envelope of the residence would not expand. Questions thereafter followed regarding the design of the structure, and whether the existing windows, exterior materials and door would be maintained. The answer was 'yes' to all questions asked. Chair Barraza then re-read the necessary findings for a variance. As the variance was for an existing conditions that was not to change the envelope of the existing residence, the following motion was made by Secretary Karlsson:

That the plans dated August 8, 2005 be recommended for approval based upon the existing land use that is compatible with the intent of land use ordinances. The motion was approved 5 – 0.

8. **Information Reports:** Vice Chair Tahara reported that the County Planning Commission recommended approval of the Temporary Events Ordinance with five conditions: 1) that such temporary events could not be held within 7 days of one another; 2) that the zoning administrator could determine the size of the event based upon density of the neighborhood; 3) that a permit was required for each event, rather than granting for three events at one time; 4) that commercial use be defined so that one can determine if an event is for commercial rather than non-commercial use and 5) that the cost of monitoring the event could be charged back to the homeowner. Member Tahara added that 30+ people spoke before the Planning Commission and only two or three of those speakers were in favor of the ordinance. He further commented that the ordinance would now go back to the Board of Supervisors on October 4th.
9. **Enforcement Reports:**
- a.) Two new matters were opened and one was closed.
 - b.) 15 Arlington Crt. The owners are alleged to have closed the roof over the garage and added a new deck. The owners have responded by stating that they have done nothing other than trimming the bushes in the yard.
 - c.) 260 Willamette Ave. This matter will be on a future KMAC agenda.

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

Minutes prepared by Secretary Karlsson