

KENSINGTON MUNICIPAL ADVISORY COUNCIL

Minutes

JANUARY 8, 2008

1. Roll Call – Present: Ray Barraza, Pamela Brown, Kay Reed, Patrick Tahara, Alt. Gordon Becker.
2. Approval of Minutes of November 27, 2007 – Minutes were approved as distributed. Brown/Tahara. Unanimous.
3. Citizens' Comments –Joan Gallegos asked about the county's change in rules for the MACS. Chair Barraza noted that as the end of the year had passed without Board action, all changes proposed for 12/31/07 are void until the Board does act.
4. Consent Items – None
Chair Barraza went over the role and procedures of KMAC, including an overview of the general plan as pertains to Kensington as well as needed findings for variances.
5. **385 Colusa Ave. (LP 072067 & DP 073041)**

Narsai David presented a written statement and described the process of adding a second restaurant or other commercial uses and a new apartment to his building. He noted that landscaping is difficult because it would decrease available parking.

Chair Barraza reported on why the county wants KMAC to review the application:

1. The building is being enlarged
2. Up-grades to interior and exterior
3. A Land-Use Permit needed when a third apartment is added to a building.
4. Take-out food provision requires a Land Use Permit
5. Variances are required for a reduction in parking spaces, the driveway configuration, and required minimum landscaping.

Member Reed asked about the requirements for landscaping. Ray read the County code.

Member Brown asked if Mr. David had had a parking survey done. Mr. David basically said that there was no way of providing new parking spaces and that he was developing a currently built building. She noted that she wanted to be consistent in asking landholders to conduct a parking survey on the Circle.

Chair Barraza noted that the 1971 parking variance was in part requested based upon evening uses when much on-street parking was available in the commercial area. He noted that most probably the new uses would be day uses. Barraza also asked Mr. David about the shed on the upper parking lot covering many parking spaces required by the present LUP and the proposed development, but he received no response from Mr. David. Barraza asked about parking space size and maneuvering space since some spaces are sub-standard as is the maneuvering space. Mr. David responded that by not striping the lot, more cars parked regularly in the lot off Colusa. Barraza said he felt comfortable with the old requirement of 24 parking spots along with the two required for a new apartment. When Mr. David was asked about the pending Code Enforcement action claiming failure to maintain the currently

required 24 off-street spaces, he claimed ignorance of it. Barraza has no concerns about legitimatizing the take out business of Kensington Circus Pub.

Member Tahara noted that not only was there a new apartment that because of changing the use of the building that required a new exit from the building. He suggested that the applicant get an engineer to show that parking spaces #1 and #21 are actually useable.

Member Reed asked Mr. David where the three parking spots from the original variance were. Mr. David said that one spot went towards the handicapped spot and was unsure about the others.

Alt. Member Becker suggested that Mr. David consider landscaping along the building along Berkeley Park Blvd.

Marilyn Stollon, 12 Eldridge Ct., noted that there were three projects which would impact parking. She asked for a realistic parking plan to see what would really be available. She asked about the apartments and offices of the building to see what impact they would have on parking.

Rodney Paul, 1619 Oak View, representing the Colusa Circle Improvement Assn., is also concerned about parking and about changing the character of the Colusa Circle. He wondered if the neighborhood needed to suffer with the changes. He noted that the neighbors held other developers (Mr. Hammonds) responsible for adequate parking and wanted Mr. David held to the same standard.

Cynthia Podren, 418 Berkeley Park Blvd., noted that no one is looking at all three projects as a unified whole. She is very concerned about the variance for parking.

The meeting was closed to further comments.

Member Brown noted that her goal was to have each development take care of their old parking. She again noted that having a professional parking study and plan would give her more information to make a decision.

Chair Barraza is still concerned with the parking and the time of day use of the building. He also asked Mr. David for a parking study and parking lot design prepared by a Civil Engineer or Traffic Engineer.

Member Reed noted that neighbors should not be further impacted yet a variance was probably in order given the prior variance and keeping the neighborhood in its current state.

Mr. David asked for a continuance for his application until a further meeting to obtain the requested parking study.

A motion was made to continue to application for 385 Colusa Ave with the intent of receiving a parking study. Tahara/Brown. 4/0/1 (Alt. Becker recused himself due proximity of residence.).

6. 242 Cambridge Ave. (DP 073087)

Kris Good, applicant, introduced herself and her project and its chronology.

Gordon Yee, the applicant's architect, explained the project. He described the changes that were made to the original application that had been modified to address neighbor concerns.

The KMAC members asked the architect for clarifications.

Neighbors in support of the application:

- Joe Carlson, 240 Cambridge, immediately north of the application. He bought his property knowing that the lot next door would be developed. He feels that the application is compatible with the neighborhood.
- Judith Adamson, 409 Boynton, Berkeley, spoke in support.

Neighbors opposed to application:

- Kris Hafner, 245 Cambridge. She understands the applicant has a right to build. She feels that they have not been able to validate the height and envelope of the application. She is unclear about what the current story poles represent. She is concerned about losing her view.
- Dena Fredric, 243 Cambridge, is afraid that she will lose her view of the bay.
- Irene Harrison, 241 Cambridge, is also concerned that her view of SF would be lost.
- Tom Cunniff, 244 Cambridge Ave., is frustrated because he feels that the architect has not been clear about what the height of the ridgeline will be. He also is not clear what the story poles represent. He also wants to know at what angle the solar panels will be tilted. He is concerned about loss of solar access.
- Howell Daly, 238 Cambridge, commented on the compatibility of the new residence with the neighbors. Concerned about location of windows towards the south.
- Gail Feldman, 247 Stanford Ave, thinks design is poor because of location of garage and slope of driveway. She is concerned that rain water will be conducted down the hill towards her home. Location of the garage on the steep slope will cause loud automobile sounds and lights will shine as they go down the lot. She is concerned about privacy because of the back deck.
- Natalie Kusubov, 243 Stanford, immediately west of the property. Her concerns are: height and proximity of the new home to their backyard; loss of privacy due to the deck above their backyard; loss of solar access to her garden and back rooms.
- Andre Kusubov, 243 Stanford, talked about the 50 ft deck 20 feet from their shared property line. He feels that there will be noise from the home and deck will be heard from their home. The structure will block their morning sunshine. He recommends that the structure be moved 10 ft towards Cambridge Ave. He is also concerned about the safety of the driveway.
- Caroline Day, 239 Stanford Ave., is concerned privacy, noise, drainage, future additions, location and bulk. She noted the window that looks directly towards her backyard and back rooms.
- Ben McClinton, 231 Stanford, is the caretaker of the only oak tree in the green corridor between the houses on Stanford and Cambridge. He is concerned with the narrowing of the setback between the applicant and the houses on Stanford is not compatible with the neighborhood and because wildlife needs the space.
- Richard Tapp, 12 Marchant Court, is an architect who has provided some assistance to the neighbors. He noted that between the first and the second plan that the setback was not changed. He said that the crawl space on the northern side is 8 ft high. He said that the slope of the driveway is too extreme.

- Celia Concus, 218 Yale Ave, addressed concern of loss of value of homes. With the loss of views and privacy for neighbors, she feels that the value of homes in the neighborhood will decline as a result of this design.
- Valborg Thomas, 10 Windsor, is a frequent visitor to 243 Stanford. She is concerned about the height of the building from the west and the looming quality of the building.
- Joan Gallegos, 239 Cambridge, is not directly impacted by the application. She is concerned about the grade and length of driveway. She thinks it is the same grade as Beloit and is concerned about safety.

The architect, Mr. Gee responded: Yes, the house has been moved forward 5 ft. on the lot. The crawl space is 6ft 10. The driveway is 18% and will be enforced by planning. The neighbors' architect's rendering of the heights for the neighbors is not realistic and that views remain for many of the neighbors. The rear set back is within the average of homes in the neighborhood. He has always communicated the height of the roofline from the applicant's property. He is concerned that if the house were dug into the bank they would be subject to flooding. He posited that if digging down were required that the driveway angle would be increased.

The public discussion was closed.

Member Reed thanked everyone involved for their efforts at communication. She is concerned about the height of the crawl space and suggested lowering the height of the roof by putting the front door on the grade and not having the steps up to the living area.

Member Tahara noted that the crawl space would be necessary because of the slope of the lot. He mentioned because it was built on a vacant lot that the privacy and views would change for everyone in the neighborhood. He suggested that the story poles be better defined. He thinks that the driveway is steep although within the county codes. He suggested porous pavement on the driveway that would ease the risk of flooding. He agrees that the access to the rooftop solar panels is not necessary.

Chair Barraza said that the goal was to minimize impacts on neighbors while making a reasonable home for the applicant. He feels that the garage is a problem, and as currently designed it would not be used for storage of a car causing additional cars to be parked on the street. He suggested moving the garage forward similar to adjacent homes and would support a variance to put the garage within the front set back similar to other nearby residences. He feels this would add value to the new residence and increase privacy. He would like to see the proposed ridge line be midway between those of the adjoining neighbors.

Member Becker likes the modest size of the proposal. He is concerned with not knowing how much of neighbor views are obstructed and suggests better story poles.

Member Brown appreciates the efforts of the applicant and neighbors as well as the green building approach. She would also like to see more accurate story poles that would supply neighbors and KMAC with more information.

The applicant requested a continuance.

The motion was made to approve a continuance in order to make further revisions of the plan and to construct clear and complete story poles based on the current plan. Becker/Tahara. 5/0.

7. Chair Barraza began a discussion of the definition of “Envelope” in Kensington Ordinance. Currently “envelope” defines the 3 dimensions of the house including any parts below grade. Applicants have been asking that building below grade not be considered in the “envelope”.
- John Stein, 32 Beverly Court, was part of the original ordinance process. The original process took five years and 80% of the returned surveys supported the overlay ordinance. The ordinance meetings took place in Supv. Gioia’s office, under his guidance. The county general plan had to be amended. Kensington raised half the funds necessary. From his attendance in a meeting in Martinez, he knows that the supervisors are delighted with the results of the ordinance. He sees no reason to change the ordinance as it is working very well.
 - Chair Barraza, sees the advantage of the current wording is that KMAC would see all applications which gives KMAC and the community more control. Also, if significant living space is added by excavation, the community currently has a chance to assess (and perhaps mitigate) increased parking impacts. The advantage of not including sub-grade building may be to encourage more people to build interiorly (“bunkering”).
 - Andrew Reed, 728 Coventry, was also on the working group. He noted that applications should be subject to the current ordinance because it is a good thing for the county and KMAC to review projects under the current ordinance.
 - Lynn Wolter, 207 Willamette Ave., said that building interiorly would be looked upon favorably. She is concerned that any changes to the ordinance could then lead to more changes to the ordinance. She also thinks that the community has embraced the new ordinance and any changes should be carefully reviewed.

A consensus of the group is the keep the definition as it currently exists.

8. Discuss attendance of Code Enforcement Officer – Currently the enforcement officer is Tom Brooks. He has offered to attend. Chair Barraza suggests that he attend quarterly. The KMAC agreed to ask him to attend.
9. Procedural Matters
- a) Election of Officers for 2008 – There needs to be an election of officers. Chair Barraza has stated that we will step down as Chair but would serve as Vice Chair with a specified list of shared duties. Patrick Tahara was nominated as Chair, Ray Barraza as Vice, Pam Brown as Secretary. The slate was unanimously elected.
10. Information Reports
- a) Enforcement Report was reviewed.
 - b) Board of Supervisors’ Ad Hoc MAC Committee meeting was summarized by Chair Barraza.
 - c) Updates on 215 Amherst – house is for sale, 218 Colgate – redesigning and will resubmit and 42 Kingston – application incomplete.
11. Adjournment @ 10:47.